

# DRAFT

## **NOTE:**

***ITALICS MEANS THE COUNCIL HAS DISCRETION TO CHANGE.***

**SHADING MEANS STILL NEEDS WORK FROM STAFF.**

## **Chapter 2 - Employment**

### **EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of Town of Urbanna to provide equal opportunity in employment and to administer employment policies without regard to race (including traits historically associated with race), color, religion, national origin, sex, pregnancy, childbirth, and medical conditions related to pregnancy/childbirth (including lactation), sexual orientation, gender identity, disability, marital status, military status (including active duty, veteran, or dependent), age, any other protected class.

This policy applies to every aspect of employment practice including, but not limited to the following:

- A. Recruiting, hiring and promoting in all job classifications without regard to race, (including traits historically associated with race, including hair texture, hair type, and protective hairstyles), color, religion, gender, gender identity/expression age, national origin, veteran status, political affiliation pregnancy or disability, except where such a factor can be demonstrated as a bona fide occupational qualification.
- B. All decisions for hiring or promotions are based upon each individual's qualifications for the position to be filled.

All other personnel actions such as compensation, benefits, transfers, corrective action, layoffs, terminations, training, and assignments, will be administered without regard to race (including traits historically associated with race). It is the policy of the Town to ensure equal employment opportunity for all employees and appointed representatives. This commitment includes a mandate to promote and afford equal treatment and services to all citizens, employees and Town representatives. The Town ensures equal employment opportunity based on ability and fitness, to all persons regardless of race, religion, color, creed, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical disability unless such disability effectively prevents the performance of the essential duties required of the position and which are bona fide occupational qualifications which cannot be accommodated without undue hardship.

The goals and objectives of the Equal Employment Opportunity Policy are to:

1. Ensure fair treatment and non-discrimination in Town hiring, employment, appointments and service on Town boards and commissions.

45        2. Provide compliance with State and Federal equal opportunity requirements and  
46        regulations.  
47  
48        3. Provide a basis for encouraging those who do business with the Town to practice Equal  
49        Employment Opportunity.

50  
51        The Town Administrator is the Equal Opportunity Officer (EOO). He/She will ensure  
52        compliance with the Equal Employment Opportunity Policy. The Officer will advise and assist  
53        staff and supervisory personnel in all matters regarding implementation of and compliance with  
54        the Equal Employment Opportunity Policy.

55  
56        The Town is committed to building a diverse workforce which reflects the face of the  
57        community we serve, honors and respects the beneficial and worthwhile differences and abilities  
58        of all our employees and residents, and provides employees with opportunities, tools, and  
59        support to achieve their maximum potential.

60  
61        Equitably managing a diverse workforce is at the heart of equal opportunity. Valuing beneficial  
62        and worthwhile differences among cultures and races is the basis for a policy of inclusion.

63  
64        Diversity recognizes and respects a multitude of differences, which employees bring to the  
65        workplace. Diversity may complement organizational values that stress teamwork, leadership,  
66        responsibility, and quality service. Diversity means striving to maintain an environment in which  
67        supervisors value the worthwhile differences in their employees and take steps to ensure that  
68        employees know they are valued individuals.

69  
70        The Town will observe the policies and practices outlined below:

71  
72        1. Town of Urbanna will not discriminate in employment on the basis of race (including  
73        traits historically associated with race), color, religion, national origin, sex,  
74        pregnancy, childbirth, and medical conditions related to pregnancy/childbirth  
75        (including lactation), sexual orientation, gender identity, disability, marital status,  
76        military status (including active duty, veteran, or dependent), age, any other  
77        protected.  
78  
79        2. Town of Urbanna will make employment decisions based on job-related criteria and  
80        will provide opportunities for entry and promotion into positions where appropriate.  
81  
82        3. Town of Urbanna will ensure a workplace free of all forms of harassment.  
83  
84        4. Town of Urbanna will develop a procedure for prompt, thorough and impartial  
85        investigations of discrimination or harassment complaints and will take appropriate  
86        measures to provide remedy or relief to individuals who have been victims of illegal  
87        discrimination, harassment or false accusations thereof.  
88  
89        5. The Town Administrator will evaluate the effectiveness of our diversity policy. By  
90        creating a workplace where everyone can work towards their maximum potential, the  
91        Town will be better able to retain quality, productive employees who will provide  
excellent services to our residents.

92

93 **NON-DISCRIMINATION**

94

95 The Town of Urbanna is committed to promoting and affording equal treatment and service to  
96 all citizens and to assure that all applicants are assured equal employment opportunity without  
97 regard to race (including traits historically associated with race, including hair texture, hair type,  
98 and protective hairstyles), color, religion, national origin, sex, pregnancy, childbirth, and  
99 medical conditions related to pregnancy/childbirth (including lactation), sexual orientation,  
100 gender identity, disability, marital status, military status (including active duty, veteran, or  
101 dependent), age, any other protected. The Town shall operate within the principles of equal  
102 employment opportunity and affirmative action guidelines set forth in Federal, State and local  
103 laws and regulations.

104

105 All activities relating to employment including recruitment, testing, selection, promotion,  
106 training and termination shall be conducted in a nondiscriminatory manner.

107

108 The Town of Urbanna will cooperate fully with all organizations and commissions organized to  
109 promote fair practices and equal employment opportunity.

110

111 An employee may be terminated if he or she becomes physically or mentally unable to perform  
112 the duties of the position. However, any such action shall be taken in a manner that complies  
113 with the requirements of the Americans with Disabilities Act.

114

115 **TYPES OF EMPLOYMENT**

116

117 All Status of employees, whether in probationary status or not, are employees at will.

118

119 **Classifications and Definitions**

120

121 A. **Exempt Employee** – an employee who occupies a position which is exempt (not eligible)  
122 from the overtime provisions of the Fair Labor Standards Act due to executive, administrative  
123 or professional exemptions. Full-time, part-time, and temporary employees may be exempt.

124

125 B. **Non-Exempt Employee** – an employee who occupies a position which is non-exempt; and is  
126 subject to wage and hour laws, i.e. overtime pay provisions of the Fair Labor Standards  
127 Act. Full, part-time, and temporary employees may be non-exempt.

128

129 C. **Full-time Employee** – an individual hired on either an exempt or non-exempt basis for an  
130 established position for an indefinite term who is expected to work a minimum of (35) thirty  
131 five hours a week.

132

133 D. **Part-time Employee** – an individual hired on either an exempt or non-exempt basis for an  
134 established position for an indefinite term who is expected to work an established period of  
135 time that is less than (35) hours per week.

136

137 E. **Probationary Employee** – a full-time or part-time employee who has worked for Town of  
138 Urbanna for less than (6) months.

139

140 F. **Temporary/Seasonal Employee** – an individual hired on a term basis, *e.g.*, day, week, period  
141 of months or on a project basis.

143 Employee compensation shall be stated in terms of monthly salary or hourly wage. Entitlement  
144 to employee benefits shall be as provided in Section 4 – “BENEFITS”.

145 **WORKING HOURS**

148 The normal working hours for employees are seven (7) hours, from 8:30 a.m. to 4:30 p.m., with  
149 one hour unpaid lunch. Lunch hour is generally designated to be 12:00 p.m. to 1:00 p.m.:  
150 however, the lunch period will be scheduled to allow for continuous staffing of all offices with at  
151 least one person. This does not include personnel engaged in shift work. Employees are expected  
152 to be at their work location and ready to begin work at the beginning of their work schedule.

153 The Town Administrator shall schedule all lunch breaks.

155 The standardization of working hours is necessary to provide:

- 156 a. Continuity in access by and service to the citizenry.
- 157 b. Facilitation of teamwork.
- 158 c. Facilitation of supervisory assistance.

160 Occasions may arise when service to the citizens can be improved through the adjustment of an  
161 employee's work hours. The employee shall obtain approval of the Town Administrator for the  
162 adjustment in work hours. Individual requests for adjustment of working hours for personal  
163 reasons must be evaluated in consideration of the effect on the criteria enumerated in items A-C  
164 above.

165 Advanced notice of anticipated tardiness is expected; notice of unavoidable tardiness is expected  
166 when possible. Failure to do so will be construed as an unexcused absence, and the time missed  
167 will not be paid. Tardiness must be made up during the pay period in which it occurs.  
168 Notification by another employee, friend, or relative is not considered proper except in an  
169 emergency situation where the employee is physically unable to make the notification.

171 Daily attendance records will be maintained; including date and time absent and reason for  
172 absence. Attendance shall be a consideration in determining promotions, transfers, satisfactory  
173 completion of probationary periods, and continued employment with the Town. Frequent  
174 tardiness or other attendance irregularities shall be cause for disciplinary action.

176 Hours for part-time and certain other employees may vary from the normal office hours noted  
177 above due to the nature of their duties and will be determined by the Town Administrator.

179 **NEPOTISM**

182 It is the Town's policy that immediate relatives will not be employed in regular full-time or  
183 regular part-time positions where:

- 185 1. One relative would have the authority to supervise, appoint, remove, discipline or  
186 evaluate the performance of the other.
  
- 187 2. One relative would be responsible for auditing the work of the other.
  
- 188 3. Other circumstances exist which would place the relatives in a situation of actual or  
189 reasonably foreseeable conflict between the Town's interest and their own.
  
- 190
- 191
- 192

193 Current Employees: As of the date of this policy, anyone in a position stated above in number  
194 one (1), shall abstain from a voting and/or decision-making situations involving his/her  
195 subordinate relative.

196 Where necessity requires the limitation of employment opportunity of spouses, the means chosen  
197 to meet the necessity shall be those, which have the least adverse impact on spouses or members  
198 of either sex. For example:

200 The exclusion should be limited to the job, or department where the reason for exclusion exists,  
201 and should not bar the person from the whole work force, unless the reason applies to the whole  
202 work force. When it is necessary to exclude a person because of what his or her spouse does,  
203 then the employees will be asked to determine which spouse shall keep the job. The Town may  
204 require one spouse to quit 60 days after marriage if they become in violation of this policy and a  
205 mutually agreeable solution cannot be reached between the Town and the employees.

### **PROBATIONARY PERIOD**

210 All employees placed in new full-time and part-time positions must serve a twelve month period  
211 of probation. Employees that transfer to a new position must also serve a twelve month period of  
212 probation.

213 The probationary period is designed to give the employee time to learn the position and to give  
214 the supervisor time to evaluate the employee's potential and performance. During the established  
215 probationary period, the Town reserves the right to terminate the probationary employee's  
216 service on the basis of unsatisfactory performance or on the basis of other reasons deemed  
217 sufficient by the Town.

218 At the end of the probationary period, the employee is formally evaluated and provided written  
219 documentation of progress. It is expected that informal evaluations will be conducted during the  
220 course of the probation period to assess performance and to advise employees of expectations  
221 regarding performance. Significant job deficiency(s) shall be documented in the employee's  
222 personnel file. These evaluations provide the necessary justification for retention of the person  
223 as a regular employee.

224 Under unusual circumstances, the probationary period may be extended. This is only after an  
225 evaluation of the situation, the employee's abilities, and demonstrated potential. Probation  
226 extension is done only upon recommendation of the department supervisor in consultation with  
227 the Town Administrator.

232 If the employee successfully completes the probationary period, he/she shall be informed that  
233 he/she is now a regular employee. The department supervisor will accomplish this with the  
234 approval of the Town Administrator. A letter terminating the probationary period and extending  
235 full-time regular status shall be given to the affected employee and a copy will be forwarded to the  
236 Personnel office.

237  
238 When an employee is hired, he or she becomes eligible to begin accruing leave time. New hires  
239 are eligible for Health Insurance on their first day of employment. If an individual has been  
240 transferred or promoted within the Town, he or she remains eligible for all fringe benefits  
241 included with the previous position.

242  
243 If a transferred or promoted employee fails to achieve satisfactory performance in the new  
244 position, he or she will be given priority for the first position opening similar to the one  
245 previously held if the employee's performance in the previous position was satisfactory. If an  
246 employee had not performed satisfactorily in the previous position or a suitable position is not  
247 available, termination from Town employment will occur.

248  
249 If an emergency arises during an employee's probationary period, which requires a leave of  
250 absence, such time off, if granted, will not be considered as time worked.

251  
252 ***REHIRING OR REINSTATEMENT***

253  
254 If an employee leaves Town service in good standing and is rehired into the former position  
255 within a year after separation, the employee may be reinstated at his or her previous salary rate.  
256 Vacation and sick leave eligibility will be based on previous Town service.

257  
258 If an employee is hired into a different kind of position or if the employee was gone for a year or  
259 more, the employee would be regarded as a new employee and be required to serve a new  
260 probationary period.

261 Vacation and sick leave would be accumulated as if the employee were a new employee.  
262

263 ***PROMOTION, TRANSFER, VOLUNTARY DEMOTION***

264  
265 The Town encourages internal promotion. An employee may apply for a transfer to another  
266 position at the same or lower salary rate. For promotion, transfer and voluntary demotions, the  
267 employee will need to complete a Town employment application, even though the employee are  
268 already a Town employee. If a test is given to other applicants, the employee will be given the  
269 same test.

270  
271 Employees who are promoted, transferred or demoted will serve a new 12 month probationary  
272 period, but will not lose regular status benefits already gained through service with the Town.  
273

274 ***PERFORMANCE EVALUATION:***

275  
276 Probationary Employees. Employees on introductory employment status may be evaluated at the  
277 midpoint of such status and two weeks prior to the end of the introductory employment period, at  
278 which time the employee shall be advised of his/her status (regular or terminated).

279  
280 ***Performance Appraisals***  
281

282 The work of each employee will be evaluated at least annually by the Town Administrator. The  
283 Town Administrator will meet with the employee to discuss the year's performance. A written  
284 report of the appraisal will be prepared with a copy provided to the employee being appraised  
285 and a copy for the personnel files. If the employee believes that the report is unfair or incorrect,  
286 he or she may prepare comments to be attached to the Town Administrator's appraisal report.

287  
288 ***Function of Performance Evaluations:***  
289

290 The functions of the employee performance evaluation are: to provide probationary employees  
291 with timely reports of their progress and allow for correction of deficiencies; to provide all  
292 employees with positive recognition of strengths and special abilities and an opportunity to  
293 improve deficiencies; to provide an ongoing performance record which may become part of  
294 documentation used in making personnel actions; to provide employees with an opportunity to  
295 discuss ways and means for improvement; and to cause current job descriptions to be formulated  
296 and/or maintained.

297  
298 ***PERSONNEL RECORDS***  
299

300 All personnel records are confidential. Although the Town of Urbanna is required to comply  
301 with valid court orders and other government requests directing the Town to provide information  
302 from an employee's personnel records, generally speaking, without specific written authorization  
303 from the employee, only job title, salary, and verification of employment dates will be released.

304  
305 When an employee moves, changes telephone numbers, or has other changes in personal  
306 information, the Town Administrator shall be informed of such changes so records can be kept  
307 accurate and up-to-date.

308  
309 An employee may review your personnel records by scheduling an appointment with the Town  
310 Administrator. Such review will occur under the supervision of the Town Administrator. Any  
311 concerns regarding the completeness or accuracy of the information contained in a personnel file  
312 should be taken up with the Town Administrator. If an employee does not feel the information  
313 contained in his or her file is accurate or relevant, the employee may place a statement in the  
314 file. Examination of personnel files will generally be limited to normal business hours.

315  
316 The Town maintains personnel records on each employee. These records contain legally required  
317 information and other helpful personnel data.

318  
319 Employees must keep confidential records up-to-date by notifying the Town Administrator of:

- 320 1. Change of address, email address or home phone number.
- 321 2. Change of person to be notified in case of accident or emergency.
- 322 3. Change in your legal name.
- 323 4. Change in your marital status.
- 324 5. Change of beneficiary.
- 325 6. Change in state or federal withholding deductions.

326            7. Change of banking information  
327            8. Change of contributions

329 ***CONFLICT OF INTEREST:***

331 Employees must avoid situations that might cause their interests to conflict with the Town or  
332 might compromise the Town's integrity and reputation. A conflict, or the appearance of one,  
333 occurs when an employee or an immediate family member uses the position at the Town for  
334 personal benefit through an investment, association, or business relationship that interferes with  
335 the employee's ability to exercise independent judgment on behalf of the Town. An example  
336 would be having a financial interest in, or being employed by, any company that is a customer or  
337 supplier of the Town or in any way could be subject to any proposal or permit arising from the  
338 employee's official duties.

340 Full-time employees are discouraged from accepting second jobs, whether self-employment or  
341 otherwise. All employees holding or considering second jobs must obtain permission from the  
342 Town Administrator in order to ensure that the job will not create a conflict of interest or  
343 interfere with the proper performance of the employee's duties. At no time will an employee be  
344 permitted to conduct secondary employment duties during Town work time. Failure to comply  
345 may be grounds for discipline leading up to and including termination.

347 Employees must not solicit or accept gifts, gratuities, favors, discounts or price breaks,  
348 entertainment, loan or any other thing of monetary value from any person, organization or group  
349 with which he or she has official, enforcement or regulatory relationships. (These limitations are not  
350 intended to prohibit the acceptance of product samples or other unsolicited articles of less than \$25  
351 in value or of vendors' favors or door prizes at conferences, and of employee discounts which are  
352 distributed to all employees, not to prohibit the acceptance of small seasonal gifts to front-line  
353 employees without authority to change service levels or decide who receives services. The  
354 limitations are also not intended to prohibit employees from accepting unsolicited social courtesies  
355 which promote good public relations nor to prohibit employees from obtaining loans from regular  
356 lending institutions.)

358 ***TELEWORK POLICY:***

360 It is the policy of the Town to promote general work efficiencies by permitting departments to  
361 designate employees to work at alternate work locations for all or part of their workweek. The  
362 intent of this policy is to promote telework as a means of achieving administrative efficiencies  
363 (e.g. reducing office and parking space, adhering to health related emergencies, supporting  
364 Continuity of Operations plans, and sustaining the hiring and retention of a highly qualified  
365 workforce by enhancing work/life balance.

366            **General Provisions:**

369            The Town Administrator is responsible for managing the affairs and operations of the Town  
370            departments. Under this policy, the Town Administrator has the discretion to develop  
371            telework programs that support the Town and its mission; to designate positions that are

372 eligible for full- time, intermittent, or occasional telework; and to designate and approve  
373 employees for telework.

375 **Conditions of Employment:**

377 Telework assignments do not change the conditions of employment or required compliance  
378 with policies. To the extent possible, the Town Administrator and the employee should  
379 mutually agree to telework arrangements. However, the Town Administrator may establish  
380 telework as a condition of employment based on the Town's business needs.

382 **Compensation and Benefits:**

384 An employee's compensation and benefits will not change as a result of telework  
385 arrangements.

387 **Hours of Work:**

389 The total number of hours that employees are expected to work will not change, regardless of  
390 work location. Employees agree to apply themselves to their work during work hours.  
391 Department heads must ensure that procedures are in place to document the work hours of  
392 employees who telework, in particular ensuring compliance with the Fair Labor Standards  
393 Act. Departments heads may require employees to report to a central workplace as needed for  
394 work-related meetings or other events or may meet with employees in the alternate work  
395 location as needed to discuss work progress or other work-related issues.

397 **Eligibility for Telework:**

399 Determinations of telework eligibility should be focused on the work and the ability of the  
400 employee to effectively perform work duties at the alternate work location. The Town  
401 Administrator shall use the employee's normal performance as an indicator to determine  
402 ability for remote work.

404 **Telework for unplanned or temporary circumstances:**

406 Telework for unplanned circumstances such as school closings, family illness, etc., may be  
407 approved. The Town Administrator may exercise discretion in determining whether an  
408 employee can accomplish at least some part of his/her duties from the telework site in such a  
409 situation and when leave should be used instead.

411 **Telework temporarily in a different geographic location:**

413 Employees must receive approval from the Town Administrator to temporarily shift their  
414 telework site to a different location from the one approved. The temporary change in  
415 telework location should be in writing and should outline the new location, dates of the  
416 temporary change and any other expectations. This approval is intended for temporary  
417 arrangements.

419      **Use of Leave:**

420  
421      Telework is not intended to be used in place of paid leave. The Town Administrator may  
422      determine whether or not it is appropriate to offer telework arrangements.

423  
424      **Workers' Compensation Liability:**

425  
426      The Town may be liable for job-related injuries or illnesses that occur during employees'  
427      work hours in their alternate work locations. The work area shall be a designated space  
428      organized appropriately for work. The area should be free of trip hazards such as cords  
429      and other distractions. Work shall be performed from a proper desk, or other such area.  
430      The workspace should be arranged with equipment that supports proper ergonomics.

431  
432      • **Equipment and Materials:**

433  
434      The Town may provide equipment and materials needed by employees to effectively  
435      perform their duties. In cases where full-time telework is a condition of employment, the  
436      Town should provide the necessary equipment and materials. The Town shall make sure  
437      all equipment issued for remote work is properly secured and safe to connect to the Town's  
438      networks.

440      Town-owned or issued equipment may be used only for authorized Town purposes by authorized  
441      employees. Employees are responsible for protecting Town-owned or issued equipment from  
442      theft, damage and unauthorized use. Town-owned or issued equipment used in the normal course  
443      of employment will be maintained, serviced and repaired by the Town. Departments should  
444      stipulate who is responsible for transporting and installing equipment and for returning it to the  
445      central workplace for repairs or service. When employees are authorized to use their own  
446      equipment, the Town will not assume responsibility for the cost of equipment, repair or service.

447  
448      • **Costs Associated with Telework:**

449  
450      Departments are not obligated to assume responsibility for operating costs, home maintenance or other  
451      costs incurred by employees in the use of their homes or alternate work locations for telework.  
452      Departments may use appropriated funds for telework costs if there is a business need.

453  
454      • **Documentation of Work Performed:**

455  
456      Employees should be able to provide documentation of work performed remotely if  
457      requested.. Employees working remotely will be required to complete timesheets daily.

458  
459      • **Other Considerations:**

460  
461      The employee must have high speed internet at their home in order to perform work  
462      remotely. Telework is not a replacement for dependent care, such as children and parents.  
463      A camera is expected to be used for all virtual meetings and therefore a professional  
464      appearance will be required.

467 **PAY**

468  
469 The total compensation of employees consists of the regular salary and applicable overtime pay  
470 for full-time employees, the employer's contributions to employee benefits, holiday pay, and  
471 various forms of leave with pay. Part-time and temporary employees may also receive leave in  
472 certain circumstances. Leave policies, found in Section VI, should be reviewed.

473  
474 The Town is committed to complying with the wage and deduction requirements of the Fair  
475 Labor Standards Act (FLSA). If you believe that there is an error or improper deduction in your  
476 paycheck, report this to the Human Resources Director. An employee's questions will be  
477 promptly investigated and corrected as necessary. The Town will make a thorough effort not to  
478 repeat the error.

479  
480 Annual salary is the amount paid per year, not counting overtime.

481  
482 Employees are paid bi-monthly. There are 24 pay periods in the year.

483  
484 If a payday falls on a holiday, the day of pay shall be the last working day preceding the normal  
485 payday.

486  
487 Direct deposit is recommended for all personnel. Employees receive a direct deposit statement  
488 showing earnings, deductions, vacation and sick leave balances for the covered period. Employees  
489 can obtain a live check if requested in writing to payroll.

490  
491 **COMPENSATORY TIME/OVERTIME**

492  
493 The Town's overtime policies follow those established under federal law, called the "Fair Labor  
494 Standards Act" (FLSA). Under FLSA there are two (2) categories of workers:  
495 "non-exempt" and "exempt". Job descriptions outline a position's status as either "exempt" or  
496 "non-exempt". Every employee must get prior approval from the Town Administrator before  
497 working any hours over regularly scheduled hours in any given work week.

498  
499 Exempt employees may accrue up to a maximum of a total of 140 hours of compensatory time.  
500 Upon separation from employment with the Town, there shall be no payment for any  
501 compensatory time accrued by an exempt employee.

502  
503 Positions that require an employee to be available after hours will be paid time and a half.

504  
505 **Non-exempt:** It is the policy of the Town to grant compensatory time off in lieu of overtime  
506 pay to all non-exempt employees for all hours worked in excess of 40 hours per week.  
507 Compensatory time off will be granted at the rate of one-and-one half hours for each hour  
508 worked in excess of 40 hours per week.

509  
510 Non-exempt employees may elect whether to be paid overtime, or to receive compensatory time.  
511 Non-exempt employees shall be permitted to use their compensatory time within 6 months of  
512 when the time is accrued. If the compensatory time is not used, it shall be paid as overtime to the  
513 non-exempt employee.

514

515 ***INTERIM APPOINTMENTS/PROMOTIONS***

516

517 The Town Administrator may make temporary assignments for a specified time or assignment as  
518 necessary. Such appointments are made on an "acting" basis and the employee returns to his or  
519 her regular position upon completion of the assignment. The Town Administrator sets the actual  
520 salary for "acting" appointments. Supplemental pay may apply in certain instances.

521 Employees who are promoted will be subject to the standard probationary period for the new  
522 position.

523

524 ***DEMOTIONS:***

525

526 An employee reassigned to a position in a lower classification regardless of the reason  
527 (disciplinary, in lieu of layoff, for reasons of disability or incapacity, department reorganization,  
528 etc.) will receive a cut in pay commensurate with the nature of the demotion as determined by the  
529 department supervisor in consultation with the Town Administrator.

530

531 Demotions do not change the person's date of hire.

532

533 No employee shall be demoted to a position for which said employee does not possess the  
534 minimum qualifications.

535

536 An employee being demoted shall be notified two weeks prior to demotion except in emergency  
537 situations.

538

539 Any demotion to prevent layoffs may be revised when the employee's previous position is  
540 reopened.

541 Persons demoted to new positions will be subject to the standard probationary period for the new  
542 position.

543

544 Employees in position classifications which are downgraded (or upgraded) in salary to reflect  
545 changes in market conditions will retain their existing anniversary date.

546

547 ***SUPPLEMENTAL PAY***

548

549

550 1. Supplemental pay for working out of classification is provided as monetary recognition to  
551 an employee for the assumption and performance of duties normally performed by another  
552 employee.

553

554 2. The assumption and performance of the duties of the other position may encompass the full  
555 range of responsibilities of the other position, or those additional duties may be divided  
556 among several employees. This shall not apply to temporary assignments which are made  
557 pursuant to prior mutual agreement between the employee and his or her immediate  
558 supervisor for the purpose of providing a training opportunity to the employee, for a  
559 mutually agreed upon period of time.

561 3. The performance of such duties must be for an extended period of time, wherein a need  
562 exists to fulfill the duties and responsibilities of the vacant position. An extended period of  
563 time is generally considered as an assumption of duties and responsibilities that will last in  
564 excess of five business days.

565

566 4. When the temporary assignment is completed, the employee's salary will be readjusted to  
567 its previous level. The employee's date of hire and anniversary date will remain unchanged  
568 throughout the temporary assignment.

569

570 **TIME SHEETS**

571

572 Time Sheets are to be completed by all employees. The time sheet shall include: employee  
573 name; department; pay period; hours to be compensated broken down on a daily basis into hours  
574 worked; holiday time; sick leave; compensatory time; vacation; leave without pay; etc;  
575 employee signature; and supervisor's signature. Time sheets must be submitted to the Town  
576 Administrator every two weeks. The Town Administrator shall approve each time sheet and the  
577 Town shall retain a copy of the time sheet.

578

579 The Treasurer shall compute earnings as well as deductions. A memo from the Town  
580 Administrator shall state changes in rate, position, and status. The memo shall be made a part  
581 of the personal history record of the employee. No salary change shall be implemented unless  
582 approved by the Town Administrator.

583

584 The Town shall maintain payroll records for the amount of time required by the Library of  
585 Virginia's Retention Schedule.

586 Falsification of time records for payroll purposes is reason for discipline as per the Policy on  
587 "Employee Relations and Conduct" in Section 6.

588

589 **PAY STUBS AND PAYROLL DEDUCTIONS**

590

591 Besides showing the amount of pay and leave balances (full-time personnel), each pay stub  
592 shows amounts for the calendar year in different categories, such as:

593

- 594 A) State and federal taxes
- 595 B) Social Security and Medicare
- 596 C) Optional Group Life Insurance (VRS)
- 597 D) Excess Group Life
- 598 E) Health insurance
- 599 F) Garnishments and Tax Liens
- 600 G) Credit Union or secondary bank accounts
- 601 H) 457 contributions
- 602 I) Annual leave and sick leave balances
- 603 J) Contributions to other supplemental benefits

604 **GARNISHMENTS**

605

606 **Definition:**

607

608  
609       a. A legal proceeding whereby money or property due a debtor but in the possession  
610       of another is applied to the payment of the debt owed to the plaintiff.  
611       b. A court order directing a third party who holds money or property belonging to a  
612       defendant to withhold it and appear in court to answer inquiries.

613  
614       Notice of all garnishments will be forwarded immediately to the Personnel office.

615  
616       By law, the Town is required to make the necessary deductions from the employee's wages and a  
617       check for the garnished amount must be written and forwarded to the Creditor as directed.

618  
619       The Town Administrator will notify the employee, in writing, that the garnishment has been  
620       processed. Repeated garnishments may be considered cause for disciplinary action.

621  
622       The employee will be notified that the third garnishment for separate indebtedness within a twelve-  
623       month period may be cause for termination.

624  
625       Garnishments may consist, in part, of child support ordered by a court of law, federal and state  
626       taxes due, etc.

627  
628       **DIRECT DEPOSIT**

629  
630       Direct deposit is recommended for all personnel including members of Boards and Commissions  
631       as well as Constitutional Officers and their employees. If you would like, your pay can be split  
632       between two different banks and/or accounts. To begin automatic deposit, you must have with  
633       you a deposit slip or voided check, fill out a direct deposit form and give them to the Personnel  
634       office. If you should decide to leave Town employment, your final paycheck will not be  
635       deposited automatically. Instead, a paper check will be issued and mailed to your address on  
636       record in the Personnel office. Live checks are available upon request.

637  
638       **REIMBURSEMENT FOR PERSONAL VEHICLE USAGE**

639  
640       If an employee must use his or her personal vehicle during work hours or for out-of-town travel  
641       for Town business, the employee shall be reimbursed for mileage at the current IRS rate.  
642       Mileage must be recorded on the mileage and approved by the Town Administrator. Employees  
643       should submit reimbursement forms as soon as possible after the travel has taken place.

644  
645       Due to insurance limitations, Town owned vehicles shall only be used to transport Town  
646       employees or other individuals involved in an official Town work capacity. This requirement  
647       will be waived for transport of persons in an emergency or life-threatening situation. Personal  
648       use of Town owned vehicles is prohibited.

649  
650       **Benefits**

651  
652       **BENEFITS ELIGIBILITY**

653       a. Employees classified, as regular full-time shall receive all benefits provided by

654 the Town

655 b. Part-time employees are not eligible for vacation, holiday, sick leave,  
656 bereavement or Town provided health insurance coverage.

657

## 658 **HEALTH INSURANCE**

659

660 All full-time employees are eligible to receive individual/dual/family health insurance coverage.  
661 If the Town offers more than one type of plan, you will have the option to choose the coverage  
662 that best suits your needs. Your health insurance booklet contains detailed information about  
663 your insurance coverage. Please consult this booklet for details concerning the different types of  
664 coverage. If you have any questions, the Personnel office is available to help you.

665  
666 Newly eligible employees must submit an enrollment form for The Local Choice on their first  
667 day of employment. Coverage in the health plan takes effect the first (1<sup>st</sup>) day of the first full  
668 month of employment.

669  
670 The Local Choice rules for changes based on a qualifying mid-year event (QME) extend the time  
671 period to 60 calendar days to submit a request. A QME includes marriage, death, divorce, birth,  
672 adoption or placement for adoption. The appropriate documentation to verify  
673 the QME must be submitted to Human Resources i.e. legal marriage  
674 certificate, death certificate etc. See the individual circumstances below for  
675 specific information and requirements:

676  
677 **Marriage:** Employees have 60 days from the date of the marriage to add their new spouse to  
678 health coverage. The coverage will be effective on the first of the month following the marriage  
679 or receipt of the form, whichever is later. If the employee gets married on the first day of the  
680 month, and we receive the enrollment form before that day, the change takes effect on the date of  
681 the marriage. In this example, if your coverage begins on the date of the marriage, you will be  
682 responsible for the new premium up front. In all other cases, the new premium will be payroll  
683 deducted from your check the month prior to when coverage begins.

684  
685 **Divorce:** Employees have 60 days from the date of the divorce to drop an ex-spouse from their  
686 health plan. An ex-spouse must be removed from coverage the last day of the month in which  
687 the divorce is final, since the spouse lost eligibility for coverage when the final papers were  
688 signed. Remember to get your enrollment/change form submitted as soon as possible because  
689 you will still be responsible for the full premium until the change takes effect.

690  
691 **Birth, Adoption or Placement for Adoption:** Employees have 60 days from the day their child  
692 is born, adopted or is placed for adoption, to add the child to the health plan. When the  
693 enrollment form is received by the Group Benefits Administrator within the 60-day time frame,  
694 the child will be added retroactively to the health plan on the first of the month of the birth,  
695 adoption or placement for adoption. It is very important for you to get your enrollment/change  
696 form submitted as quickly as possible. Should you decide to wait the 60 days to submit the  
697 enrollment/change form, you will be responsible for paying all premiums due retroactively to the  
698 date coverage began. This could result in an upfront cost to you (based on the rates in effect on  
699 July 1, 2025) of over \$1,700.

701 **Death:** Employees have 60 days from the date of death to remove the deceased from their health  
702 plan. The death certificate must be submitted to Human Resources.

703  
704 The Town pays 90% of the individual premium, 64% of the dual coverage premium and 57% of  
705 the family coverage for all full-time employees. The employee portion is payroll deducted.

706  
707 In cases where both spouses are employed by the Town, the Town will contribute only 90% of  
708 the full individual premium for each spouse regardless of the coverage selected.

709  
710 Any changes to your coverage without a mid-year qualifying event, will have to wait until the  
711 open enrollment period, which typically occurs in May each year.

712  
713 Enrollment/change forms are available from the Town Administrator.

## 714 715 **HEALTH INSURANCE AFTER LEAVING EMPLOYMENT (COBRA)**

716  
717 Under the Federal Consolidated Omnibus Budget and Reconciliation Act, or "COBRA",  
718 employees are eligible to continue health insurance at group rates for up to 18 months after  
719 employment. The employee is responsible for 100% of the Town's cost of both individual and  
720 dependent health insurance coverage. Notification of COBRA eligibility will be sent directly to  
721 the employee from the Town approved insurance provider. Employees should receive  
722 notifications within two weeks of termination of employment.

723  
724 If a family member becomes ineligible for coverage under your policy (for example, through  
725 divorce or a child who is age 26), the family member may also purchase coverage at group rates  
726 for up to 36 months. The Town does not contribute toward the cost of this insurance. The rules  
727 governing COBRA are sometimes complex. Please visit the Department of Labor's website at  
728 [www.dol.gov/ebsa](http://www.dol.gov/ebsa) for further information.

## 729 730 **DENTAL INSURANCE**

731  
732 The Town has two dental plans, 1) Comprehensive and 2) Preventative. Dental insurance is  
733 covered under the Town's current major medical insurance policy. When you enroll in the  
734 Town's major medical insurance plan, you have the choice between the two dental plans.

## 735 736 **VISION INSURANCE**

737  
738 Basic vision insurance is covered under the Town's current major medical insurance policy.  
739 When you enroll in the Town's major medical insurance plan, you are automatically enrolled in  
740 the vision plan at no additional premium.

## 741 742 **SUPPLEMENTAL INSURANCE**

743  
744 All full-time employees choosing not to enroll in the Town's major medical plan may choose to  
745 enroll in one or more supplemental insurance plans available at the time of employment.  
746 Samples of supplemental policies are: Dental, Vision, Long Term Disability, Short Term  
747 Disability, Weekly Income, Hospitalization and Cancer.

749 All premiums over and above the Town-paid supplement are the responsibility of the employee  
750 and will be payroll deducted.

751  
752 These supplemental policies are also available to full-time employees enrolled in the Town's  
753 major medical plan; however, the Town does not contribute the Town-paid supplement towards  
754 such coverage. The employee is responsible for 100% of all premiums. Premiums may be  
755 payroll deducted.

756  
757 The Town has a leave donation policy for employees in need of  
758 leave to cover an extended sickness or injury if the employee has  
759 exhausted all of their accrued leave. See Donation of Sick Leave in "Section 5 –  
760 Attendance & Leave" in this handbook.

761  
762 **RETIREMENT**

763  
764 The Town provides a retirement plan for full-time employees who work at least 35 hours per  
765 week, under the Virginia State Public Employees Retirement System (VRS). The Town  
766 contributes to your retirement account at a rate set by VRS.

767  
768 Employees are required to contribute 5% of your annual salary to your retirement account.  
769 Participation is mandatory.

770  
771 For new full-time employees, membership in the Virginia Retirement System begins when you're  
772 hired. If you have active service credits earned when you previously worked for another Virginia  
773 VRS covered agency, this service should automatically transfer.

774  
775 For more information about retirement benefits please visit the Personnel office or you may visit  
776 the Virginia Retirement System website at [www.varetire.org](http://www.varetire.org).

777  
778 Remember: You may need to change your retirement plan beneficiaries if there are changes such  
779 as marital status, deaths, births or adoptions. The Personnel office has forms for changing  
780 beneficiaries.

781  
782 **HEALTH INSURANCE CREDIT PROGRAM FOR LOCAL GOVERNMENT EMPLOYEES**

783  
784 All full-time employees, and future retirees, are covered by the Health Insurance Credit Program  
785 as provided in the Code of Virginia Section 51.1-1402.

786  
787 The health insurance credit provides you with a reimbursement to assist with the cost of your  
788 health insurance premiums. The credit is a dollar amount set by the General Assembly for each  
789 year of service and is added to your monthly retirement benefit. It ends upon your death and  
790 cannot exceed the amount of your individual health insurance premium.

791  
792 See [www.varetire.org](http://www.varetire.org) for more information and eligibility requirements.

793  
794 **LIFE INSURANCE (BASIC & OPTIONAL)**

795

796 All full-time employees are covered by a mandatory basic group life insurance policy through  
797 the Virginia Retirement System. The Town pays a portion of the basic group life insurance. The  
798 remaining portion is payroll deducted from your wages. The basic group life insurance benefit  
799 is equal to your annual salary rounded to the nearest 1,000 and then doubled. If accidental death  
800 should occur while employed, coverage then doubles again. Optional group life insurance is  
801 available to all full-time employees as well, through payroll deduction. You may choose up to  
802 eight (8) times your annual salary. Spouses and children may be covered as well.

803  
804 When you sign up for life insurance you must name a beneficiary. If you marry or divorce, if  
805 your beneficiary dies, or if there are other changes, you may want to change the beneficiary.  
806

#### 807 **457 RETIREMENT PROGRAM (DEFERRED COMPENSATION)**

808

809 You may also contribute to a long-range retirement savings program called Deferred  
810 Compensation (IRS code 457). This is a well-rounded supplement to the Town's retirement plan.  
811 Contributions are federal and state tax deferred, as they are with a 401(k) program.  
812 Enrollment forms, change forms and informational brochures are available in the Personnel  
813 office. The Town does not contribute to this plan. Participation is voluntary.

#### 814 **815 SHORT-TERM DISABILITY BENEFIT (HYBRID EMPLOYEES ONLY)**

816

- 817 A. **Short-term Disability Plan** – Short-term disability (STD) is a component of the PTO  
818 plan that provides, in most cases, income replacement at 60% of an employee's base pay  
819 when an employee is unable to work due to an illness, injury, or disability. All PTO  
820 enrollees are eligible to participate in short-term disability at no cost to them.
- 821 B. **Waiting Period for New Employees** – non-work-related disability has a one- year  
822 waiting period.
- 823 C. **Exceptions to the waiting period** – The waiting period of seven calendar days will be  
824 waived for unexpected, catastrophic or chronic conditions.
- 825 D. **Worker's Compensation Claim** – If the employee is unable to work due to a work-  
826 related injury, and worker's compensation benefits have been approved, the employee  
827 would be paid in accordance with the Town personnel policies; section 26.1; Worker's  
828 Compensation Insurance and no STD benefits would be due to the employee. If the  
829 employee has been denied worker's compensation for a work-related injury, the STD  
830 claim is subject to approval by the third party advice-to-pay vendor and if approved,  
831 there is a 7 calendar day waiting period before income replacement is paid. FMLA  
832 (Family Medical Leave Act) runs concurrent with any lost time workers compensation  
833 claim.
- 834 E. **Filing a Claim** – It is the employee's responsibility to immediately initiate a claim form  
835 as soon as they believe they will be out of work for more than 7 calendar days in the  
836 event of a work-related illness, injury, or disability, but in no case shall it be later than the  
837 last day of the elimination period. Employees must contact the Town Administrators  
838 Office or their supervisor to begin the claim process through our third-party vendor.  
839 When possible, the medical certification should be submitted with the claim form;

840 however, the employee has a maximum of 15 days to submit the medical certification  
841 form.

842 F. **STD Benefits** – Upon the advice to pay from our third party vendor, employees are  
843 eligible for the following income replacement for work-related illness, injury, or  
844 disability and non-work related disabilities for a maximum period of 125 working days:  
845

846 **Income replacement for work-related disabilities**

| Months of continuous service | Workdays of income replacement at 100% | Workdays of income replacement at 80% | Workdays of income replacement at 60% |
|------------------------------|--|---------------------------------------|---------------------------------------|
| Fewer than 60                | 0                                      | 0                                     | 125                                   |
| 60-119                       | 85                                     | 25                                    | 15                                    |
| 120 or more                  | 85                                     | 40                                    | 0                                     |

847 **Income replacement for non-work-related disabilities**

| Months of continuous service | Workdays of income replacement at 100% | Workdays of income replacement at 80% | Workdays of income replacement at 60% |
|------------------------------|--|---------------------------------------|---------------------------------------|
| Less than 12                 | 0                                      | 0                                     | 0                                     |
| 13-59                        | 0                                      | 0                                     | 125                                   |
| 60-119                       | 25                                     | 25                                    | 75                                    |
| 120-179                      | 25                                     | 50                                    | 50                                    |
| 180 or more                  | 25                                     | 75                                    | 25                                    |

849  
850 Employees must use any remaining PTO to supplement STD to remain at 100% of their  
851 pay. In no instance shall the supplement exceed 100% of the employee's regular base  
852 pay rate. Employees will not accrue PTO while they are receiving benefits under STD.  
853 STD benefits are paid by the Town on regular Town paydays and are based on the  
854 employee's regular rate of pay. STD benefits are subject to state and federal  
855 withholdings in the year they are received. Deductions from the employee's pay check  
856 will continue. Town contributions will also continue as long as the employee is on  
857 STD. Employees receiving benefits from STD will receive VRS service and salary  
858 credit as defined in VRS guidelines.

859  
860 \*VRS - Hybrid employees have the option to purchase a supplemental Short-term  
861 disability policy that will assist should their claim be denied or during the one year  
862 waiting period. These policies are offered through a third-party vendor and are available  
863 for payroll deductions.

864 G. **Pre-existing Limitation** – There is no pre-existing condition clause.

865 H. **Discontinuation of STD Benefits** – STD benefits will be terminated at the earliest of the  
866 events below:

- 867 • At the conclusion of the 125 working day STD maximum benefit
- 868 • When an employee is no longer sick, injured, or disabled based on medical  
869 determination
- 870 • Failure of the employee to provide medical certification of illness, injury, or  
871 disability
- 872 • Termination of employment
- 873 • The employee becomes deceased

875  
876  
877  
878  
879     • Failure of the employee to provide documentation that he continues to be unable  
880            to work due to illness, injury, or disability or any other required documentation  
881     • Falsification of records or other fraud or misuse

882     I. **Return to Work** – When an employee who has been out on STD for his own serious  
883        health condition is ready to return to work, the employee will be required to present a  
884        statement from his health care provider certifying that the employee is medically able to  
885        return to work. If an employee returns to work prior to the end of the STD - 125 working  
886        day benefit maximum for less than 45 calendar days and becomes disabled again due to  
887        the original disability (a recurrence), STD benefits will resume without a new elimination  
888        period.

889     A recurring disability or a new disability occurring after a return to work of 45 or more  
890        calendar days will be deemed a new disability. This will result in a new STD claim, with  
891        a new elimination period before benefits apply.

892     If an employee is able to return to work on a modified or reduced schedule during the 125  
893        work-day benefit period, a request for part-time STD benefits must be reviewed and  
894        approved. Once this has been approved, and during the 125 working day benefit period,  
895        wages for hours worked are paid and STD replaces the regular hours not worked at the  
896        60% pay replacement level.

897     **Request for an Independent Medical Examination** – The Town Administrator’s  
898        Office, may at any time request that the employee receiving STD report to a medical  
899        center of the Town’s choosing for an independent medical review to provide a second  
900        opinion.

901     J. **Overpayments** – If STD benefits are overpaid for any reason, the Town has the right to  
902        recover the amount overpaid.

## 903     **LONG-TERM DISABILITY (HYBRID EMPLOYEES ONLY)**

904     When an employee is not expected to be able to return to work at the expiration of STD  
905        benefits, LTD benefits will begin upon the expiration of the maximum period of 125 working  
906        days for which the employee receives STD benefits. The Town’s third party vendor will be  
907        responsible for payment to the employee directly for any LTD benefits that they are eligible  
908        for.

909     A. **Maximum Benefit Period** – The following table will display the maximum benefit  
910        period for LTD:

| Age at date of disability | Maximum benefit period                           |
|---------------------------|--|
| 59 or younger             | To Social Security normal retirement age (SSNRA) |
| 60 through 64             | 5 years  |
| 65 through 68             | To age 70  |
| 69 or older               | 1 year   |

915                   B. **Military Disability Benefits Offset** – LTD benefits will not be offset for any military  
916                   disability benefits received by the employee.

917                   C. **Worker's Compensation Benefit Offset** – Any amount received by the employee from  
918                   worker's compensation, including amounts for partial or total disability, will reduce the  
919                   LTD benefit.

920                   D. **Group Insurance Disability Offset** – Any amount received from another group  
921                   disability plan provided by the employer will reduce LTD benefits provided through the  
922                   PTO plan.

923                   E. **Taxability** – The benefit is taxable since the employer pays premiums for the disability  
924                   insurance. The third party vendor will provide appropriate income tax forms to the  
925                   employee for the period in which they are on LTD.

926                   F. **Employee Contributions** – The third party vendor will be responsible for collecting the  
927                   required minimum 1% contribution for the defined contribution while the employee is on  
928                   LTD. The third party vendor will submit those premiums to the Town for submission to  
929                   VRS during such time as the employee is on LTD. The employee is eligible to remain on  
930                   the employer's health and dental insurance and shall pay the entire premium (employee +  
931                   employer portion) to the Town on a monthly basis as indicated by the Town.

932                   G. **Retirement Benefit** – When the employee's 1% defined contribution is received, this  
933                   ensures that the employee continues to receive credible compensation for their retirement.  
934                   The employer will not contribute to the employee's retirement during such time as the employee  
935                   is on LTD.

936                   H. **Mental Disorder Limitation** – Mental disorders will not be limited under the policy

937                   I. **Rehabilitation Incentive** – While the employee is participating in an approved  
938                   rehabilitation plan, the LTD benefit will be increased by 10% of pre-disability earnings.

939                   J. **Survivors Benefit** – If the employee dies while LTD is payable and the employee had  
940                   been continuously disabled for 180 days, a lump-sum survivor benefit in the amount of  
941                   three times the monthly benefit is paid.

942  
943                   **SOCIAL SECURITY (F.I.C.A.)**

944  
945                   When you reach retirement age as defined by the Social Security Administration, if you have  
946                   stopped full-time work, you may be entitled to receive Social Security and Medicare benefits.  
947                   These benefits are built up during your working years through Social Security taxes. These taxes  
948                   are paid by you and the Town. Your taxes are deducted from your paycheck. For every dollar  
949                   you pay toward Social Security, the Town pays an equal amount on your behalf.

950  
951                   In recent years, there have been changes in how Medicare works when an employee turns age 65  
952                   and is covered by a group health insurance policy. Social Security representatives can best  
953                   explain your options. You should apply 2-3 months before you reach the stated retirement age at  
954                   your local Social Security Office.

955  
956                   In the event of your death, your eligible dependents may be entitled to apply for benefits. If you  
957                   suffer a serious disability, which prevents you from working, you may be eligible for Social  
958                   Security disability benefits. If your disability is long term, these benefits could be very important

959 to you.

960  
961 For further information about disability, Social Security and Medicare benefits, contact your  
962 local Social Security Office.

963  
964 **WORKERS COMPENSATION INSURANCE**

965  
966 **Who is covered under Corkers Compensation**

967 Under the Virginia Workers' Compensation Act (Act) an employee is defined to include every  
968 person in the service of another under any contract of hire, express or implied. An employer is the  
969 party with the right of direction and control over the employee and the work performed.

970 The Act states there are four elements of an employment relationship:

- 971 1) Selection and engagement of the employee;
- 972 2) Payment of wages;
- 973 3) Power of dismissal; and
- 974 4) Power of control of the employee's actions (direction and control)

975 Examples of power of control include supervision of daily work; deciding when and where work is  
976 performed; providing instruction on what job duties are to be performed; providing all material  
977 and tools to perform the job; and performing annual performance reviews. If it is the employer's  
978 right to direct and control the work performed, i.e. when the means and details of the service are  
979 controlled, rather than just the end result, the person will most likely be considered an employee.

980 Independent Contractors

981 An independent contractor (sole proprietor) is a party who makes a business of providing a certain  
982 service to several different customers. Independent contractors are not covered under the member's  
983 workers' compensation policy. The Act mandates employers (including independent contractors)  
984 with three or more employees have workers' compensation coverage.

985 **Inmate Labor**

986 Prisoners are specifically excluded under the Act. Inmate labor is when prisoners are not required to  
987 work but volunteer to work. The inmates work for various city/Town/state departments and in return  
988 receive a nominal amount of money (cents per hour), compensated based on a prison scale. The  
989 prisons/jails are responsible for keeping track and recording the time worked by the inmates.

990 Supervision of the inmates is by an armed guard. The Virginia Supreme Court has opined an  
991 inmate cannot enter into a true contract of hire.

992  
993 **Court Ordered Community Service**

994 Individuals who are required by court order to perform community service and do not receive any  
995 type of compensation or remuneration for their services do not meet the definition of an employee.  
996 A true contract of hire does not exist with community services workers; therefore, they would not  
997 be considered employees and not be covered. Community service workers are similar to prisoners,  
998 who are specifically excluded under the Act.

999  
1000 **Volunteers**

1001 Volunteers do not meet the definition of an employee under the Act. True volunteers do not  
1002 receive any type of compensation or remuneration of any kind for their services, and are not under  
1003 the direction and control of a supervisor/employer, as defined by the Act. Volunteers are not

1004 covered under the members' workers' compensation policy. If you call someone a volunteer and  
1005 then provide something of monetary value in exchange for the volunteer duties, you run a risk of  
1006 creating an employee-employer relationship. For example, if you have volunteers perform duties at  
1007 a municipal golf course in exchange for reduced rates to use the course, this could create a workers'  
1008 compensation exposure.

1009 Participants in Member Administered Grant Programs

1010 If a grant recipient is placed with the member and the member is providing the direction and control  
1011 (supervision/training) over the grant recipient's work, the member does have a workers'  
1012 compensation exposure for this individual, regardless of the fact that their pay is coming from grant  
1013 proceeds. As mentioned, the main element considered when determining if an employee-employer  
1014 relationship exists is power of control.

1015 **WHAT TO DO WHEN AN ACCIDENT HAPPENS:**

1018 **ALL NOTICICATIONS OF AN ACCIDENT AS QUALYFING AS A POSSIBLE  
1019 WORKERS COMPENSATION CLAIM SHOULD GO TO THE EMPLOYEE'S  
1020 SUPERVISOR FIRST AND THEN TO VRSA'S COMP/CARE ON-CALL AT  
1021 877-234-0898.**

1023 Our first responsibility is the prevention of occupational injuries and illnesses. Despite our best  
1024 efforts, injuries and illnesses do sometimes occur. Workers' Compensation provides benefits for an  
1025 employee in the event of certain occupational illnesses, injuries or death.

1027 **Reporting**

1028 Employees are required to immediately report all workplace injuries, conditions or illnesses to their  
1029 supervisor. All Incidents shall be reported no matter how insignificant or if medical treatment is  
1030 necessary. If the immediate supervisor is not available, a report must be made to the Department  
1031 Manager or the Town Administrator. Late reporting by the employee can result in delayed or denied  
1032 workers compensation benefits.

1033 The supervisor or Administrator shall immediately have the injured worker call CompCare On-Call,  
1034 the nurse triage injury hotline: 877-234-0898 and report the claim. CompCare On-Call is available 24-  
1035 7-365. Employees have the option of speaking with a registered nurse to receive treatment advice or  
1036 simply report their claim. If the employee is unable to call CompCare On-Call or unwilling to call, the  
1037 supervisor must make this call and report the claim on the employee's behalf by selecting Option 2.  
1038 Ensuring claims are reported and reported timely is the supervisor's responsibility. After being notified  
1039 of the incident, the supervisor has a maximum of ten days to report it to avoid the possibility of incurring  
1040 a fine.

1042 Delays in reporting may jeopardize the employees' rights under the workers' compensation law and  
1043 subject Town of Urbanna to penalties, which can be assessed by the Virginia Workers' Compensation  
1044 Commission. To avoid the possibility of a fine, occupational incidents shall be called into CompCare  
1045 On-Call immediately upon the notification of a work-related injury or illness within 24 hours.

1046 Claims will be forwarded to VRSA by CompCare On-Call. The supervisor will receive information  
1047 concerning the receipt of the information regarding the incident by VRSA.

1048

1049 **Panel of Physicians**

1050 The Town of Urbanna has a Panel of Physicians for treating workers' compensation injuries and  
1051 illnesses. The supervisor shall, immediately upon notification of a work-related injury or illness,  
1052 provide the employee with the Panel of Physicians. The employee shall sign and date an  
1053 acknowledgement of receiving the Panel of Physicians and the supervisor shall witness the employee's  
1054 signature. The supervisor will retain the original signed panel and provide the employee with a signed  
1055 copy. The Panel of Physicians shall be offered and provided to the employee, even if the employee does  
1056 not intend to receive medical attention.

1057 If the employee contacts CompCare On-Call and does not have the Panel of Physicians information,  
1058 the person taking the report for CompCare can provide that information.

1059 Treatment by a physician or medical facility outside of the panel will be at the employee's expense.

1060 In the event of an emergency the employee may treat at the closest emergency facility. Once the  
1061 emergency treatment is completed a panel physician must be chosen for follow up care.

1062 All departments shall post a copy of the Panel of Physicians in a conspicuous location.

1063

1064 **Medical Treatment**

1065 An employee shall not utilize health insurance for situations believed to be work related unless the  
1066 claim is denied.

1067 CompCare On-Call will send a Medical First Report form to the panel physician selected by the  
1068 employee for the physician to complete. The employee shall provide the completed form and any other  
1069 return to work/out of work medical documentation to their supervisor following treatment, so the  
1070 employer is aware of the employee's return to work capabilities or restrictions.

1071 Immediately upon receipt all medical bills, reports and other medical correspondence shall be  
1072 forwarded to VRSA. All medical facility inquiries shall be referred to VRSA.

1073 Only VRSA has the authority to authorize treatment, testing, physical therapy, surgery, change in  
1074 physician, second opinion, etc.

1075 The employee shall cooperate with the Town of Urbanna workers' compensation administrator,  
1076 Virginia Risk Sharing Association (VRSA). This includes supplying disability slips, medical  
1077 information, keeping appointments etc. Additionally, the employee shall keep their supervisor advised  
1078 of their work status and cooperate with return-to-work efforts

1079

1080 **Prescriptions**

1081 The supervisor shall complete and provide the employee with a first fill prescription form/letter. The  
1082 employee will take this authorization to a participating network pharmacy and will be provided with a  
1083 10-day supply of medication at no cost. This authorization is valid for one-time use only. VRSA must  
1084 authorize any additional medication prescribed beyond the first fill.

1085 Should an employee incur the cost for any medication, a receipt, which includes the employee's name,  
1086 prescribing physician's name, date of purchase, name of medication and cost of medication, may be  
1087 submitted to VRSA for reimbursement consideration.

1088

1089 **Wages and Leave**

1090 When an employee is unable to report to work because of a work-related disability that is authorized  
1091 by a panel physician and is the result of a compensable injury under the Virginia Workers'  
1092 Compensation Act, the employee will receive full salary (minus normal payroll deductions) for the first  
1093 seven (7) days of incapacity (weekends/holidays are included in the count and the days do not have to  
1094 be consecutive). These first seven days of workers' compensation leave will not be charged to the  
1095 employee's earned leave.

1096 If the absence is longer than seven days, VRSA will provide compensation benefits in accordance with

1097 the provisions of the Virginia Workers' Compensation Act.

1098 When an employee is out of work over twenty-one days for a covered injury/illness, which disability  
1099 is authorized by a panel physician, The Town of Urbanna will receive from VSRA compensation for  
1100 the first seven days since payment in lieu of workers' compensation was made directly to the employee  
1101 by VRSA. Because workers' compensation benefits are not taxable, the Town of Urbanna will make  
1102 an adjustment to the employee's wages to deduct the amount received from VRSA from the employee's  
1103 pay.

1104 **Accrued Leave**

- 1105 1) An employee on workers' compensation disability leave continues to earn applicable leave up to  
1106 the six-month time limitation described below.
- 1107 2) During the period of work-related disability, the employee is not eligible to access the Sick  
1108 Leave Bank or utilize accrued leave in order to receive full salary benefits.

1110 Work related disability will be designated under the Family Medical Leave Act (FMLA) and will run  
1111 concurrently with workers' compensation benefits when the disability constitutes a "serious health  
1112 condition."

1113 While receiving workers' compensation benefits, any voluntary deductions are the responsibility of the  
1114 employee.

1115 The employee shall remain in contact with their supervisor; regarding their medical condition,  
1116 anticipated return to work status and provide copies of disability slips.

1117 Earned leave may be used for disability resulting from a denied workers' compensation claim and  
1118 disability will be designated under FMLA, if the disability constitutes a "serious health condition."

1120 **Return to Work – Light / Modified Duty:**

1121 The Town of Urbanna shall make every effort to provide light/modified duty for employees with  
1122 temporary restrictions resulting from a work-related disability. All light/modified assignments will be  
1123 within the employee's medical capability and will adhere to the treating physician's recommendations.  
1124 The light/modified assignment may or may not be in the same occupation, department, pay scale, hours,  
1125 etc. as the employee was performing prior to the work-related injury or illness. Light/modified  
1126 assignments are temporary and will be reviewed periodically to determine continued availability of the  
1127 assignments.

- 1128 1) An employee who refuses to accept light duty assignments approved by the treating physician may be  
1129 ineligible for workers' compensation benefits and/or terminated from employment.
- 1130 2) Light duty assignments are subject to the following conditions:
  - 1131 a) The treating physician's approval of light duty job description.
  - 1132 b) The availability of a light duty position within the department where the employee is regularly assigned.
  - 1133 c) The availability of a light duty position in another department if no light duty positions are available  
1134 in the department where the employee is regularly assigned.
  - 1135 d) Timeframe: Light duty may be limited to a period. Extensions may be granted in consultation with  
1136 the attending physician and the Town Administrator.
- 1137 3) Light-duty procedure:
  - 1138 i) The treating physician or a vocational rehabilitation counselor will notify the claims  
1139 administrator handling the employee's workers' compensation claim when the injured  
1140 employee may return to a light duty work assignment. The date the employee can return and

1145 the applicable job restrictions will be determined by the treating physician.  
1146

1147 ii) In the event a light duty assignment cannot be made within the employee's regularly assigned  
1148 department, a light duty assignment may be within any department that has a job assignment  
1149 meeting the light duty job restrictions. The department assigned the temporarily placed  
1150 employee shall be responsible for the direct supervision of the assigned employee and shall  
1151 furnish to the immediate supervisor of the employee's regularly assigned location all documents  
1152 pertaining to that employee's time, attendance and performance in accordance with existing  
1153 personnel regulations.

1154 The employee shall accept any light duty assignment offered unless reasonable justification for the refusal is  
1155 provided. Failure to do so may bar future workers' compensation benefits and/or result in termination of  
1156 employment. Light-duty assignments shall terminate:

1157 If an employee refuses a light/modified assignment that has been approved by their treating physician and  
1158 is within their capabilities, their workers' compensation benefits will be jeopardized.

1159 **SAFETY**

1160 You are expected to give your full skill and attention to the performance of your duties using the  
1161 highest standard of care and good judgment. You are also expected to always follow safety rules and  
1162 regulations, including using appropriate protective clothing and equipment, attending any training  
1163 sessions related to your job, and following the directions of supervisory personnel.

1164 Safety rules and regulations will be issued or modified from time to time and will be effective  
1165 immediately upon communication. General safety rules and regulations will be distributed to you and  
1166 posted on employee-accessible bulletin boards. Departments will have specific job/task related rules  
1167 and procedures that you are expected to know and follow.

1168 **ACCIDENT REPORTING RESPONSIBILITIES**

1169 All job-related injuries or illnesses shall be reported to your supervisor immediately, regardless of  
1170 severity. (In the case of serious injury, your reporting obligation will be deferred until circumstances  
1171 reasonably permit a report to be made.) Failure to report an on-the-job injury or illness may preclude  
1172 or delay the payment of any benefits you may be eligible for and could subject the Town to fines and  
1173 penalties.

1174 **Employer's Responsibilities**

1175 Each employer investigates the cause of every lost-time accident and determines the means in which to prevent  
1176 recurrence. Employers are required to install any safeguards or take corrective measures indicated or found  
1177 advisable.

1178 **Employees Responsibilities**

1179 • Report all injuries, regardless of severity, to the supervisor immediately but no later than 24 hours. If  
1180 the supervisor is not available, the injury must be reported to Town Administration before medical  
1181 treatment is sought;

1182 • Report and, if possible, correct all unsafe conditions or acts;

1183 • Take all standard safety precautions to prevent injury;

1184 • Follow all safety rules.

1185 **Medical Attention**

1186 **Injuries requiring emergency medical attention:**

1187 Employee should go to the closest emergency room or urgent care facility.

1188 Employee must submit to drug testing as allowed by the nature of the injury.

1194 Employee must give or send to their immediate supervisor and/or Personnel any paperwork received from the  
1195 Emergency Room.

1196 Employee must select a physician from the approved panel of physicians as soon as the emergency care has  
1197 been completed.

1198  
1199 **Injuries not requiring emergency medical attention:**

1200 Employee must select a physician from the approved panel of physicians.

1201 Employee may be financially responsible for any medical treatment sought or received from a physician not on  
1202 the panel.

1203 Employee must submit to drug testing as directed by their supervisor and/or Personnel.

1204  
1205 **All injuries**

1206 Employee shall inform the physician/medical facility the injury is work related and the employer is Town of  
1207 Urbanna.

1208 Employee must accept and cooperate with the medical services provided by the panel physician or on his  
1209 referral. Failure to do so may bar entitlement to workers' compensation benefits.

1210 Employee must submit a doctor's status report on the injury after the first five consecutive calendar days of  
1211 absence to employee's supervisor and/or to Personnel and monthly thereafter if unable to return to work or within  
1212 the six month limitation.

1213 Employee must submit a doctor's status report upon returning to work indicating release to duty with or without  
1214 limitations. A doctor's status report will be required after all follow up visits as well, and shall indicate release  
1215 to duty with or without limitations.

1216  
1217 **Drug Testing**

1218 Town of Urbanna reserves the right to require employees to immediately submit to drug testing  
1219 whenever a work-related accident or injury is sustained, and it is deemed necessary by the the Town  
1220 Administrator based upon reasonable suspicion. Failure to submit to the mandatory drug testing may  
1221 result in disciplinary action or jeopardize workers' compensation benefits.

1222 If referred for testing, it is mandatory the employee's supervisor drive the employee to and from  
1223 the testing center. At no time will any employee referred for substance abuse testing be permitted  
1224 to drive any Town-owned vehicle until test results are confirmed.

1225  
1226 **Workers' Compensation and FMLA**

1227 The Family and Medical Leave Act (FMLA) leave time period will begin on the day of the injury and  
1228 run concurrently with the work-related disability until all FMLA leave has been exhausted.

1229 You are expected to give your full skill and attention to the performance of your duties using the  
1230 highest standard of care and good judgment. You are also expected to always follow safety rules and  
1231 regulations, including using appropriate protective clothing and equipment, attending any training  
1232 sessions related to your job, and following the directions of supervisory personnel.

1233  
1234 Safety rules and regulations will be issued or modified from time to time and will be effective  
1235 immediately upon communication. General safety rules and regulations will be distributed to you and  
1236 posted on employee-accessible bulletin boards. Departments will have specific job/task related rules  
1237 and procedures that you are expected to know and follow.

1238  
1239 **Accident Reporting and Investigation**

1240  
1241 All job-related injuries or illnesses shall be reported to your supervisor. The Supervisor must report

1242 the illness or accident to VRSA immediately, regardless of severity. (In the case of serious injury,  
1243 your reporting obligation will be deferred until circumstances reasonably permit a report to be  
1244 made.) Failure to report an on-the-job injury or illness may preclude or delay the payment of any  
1245 benefits you may be eligible for and could subject the Town to fines and penalties.

1246

1247       A. Employer's Responsibilities

1248

1249       1. Each employer is to investigate the cause of every lost-time accident and  
1250           determine the means in which to prevent recurrence. Employers are required  
1251           to install any safeguards or take corrective measures indicated or found  
1252           advisable.

1253       B. Employees Responsibilities

1254       The employee shall:

1255       1. Report all injuries, regardless of severity, to the supervisor immediately but no  
1256           later than 24 hours. If the supervisor is not available, the injury must be  
1257           reported to Town Administration before medical treatment is sought;

1258

1259       2. Report and, if possible, correct all unsafe conditions or acts;

1260

1261       3. Take all standard safety precautions to prevent injury;

1262

1263       4. Follow all safety rules.

1264       See below for the correct procedures when reporting a workplace injury:

1265       Notice of Accident

1266       Employee must immediately report all work-related accidents to their supervisor whether or not an  
1267       injury is apparent.

1268       Medical Attention

1269       1) Injuries requiring emergency medical attention:

1270           a) Employee should go to the closest emergency room or urgent care facility.

1271

1272           b) Employee must submit to drug testing as allowed by the nature of the injury.

1273

1274           c) Employee must give or send to their immediate supervisor and/or Personnel any paperwork  
1275           received from the Emergency Room.

1276

1277           d) Employee must select a physician from the approved panel of physicians as soon as the  
1278           emergency care has been completed.

1279       2) Injuries not requiring emergency medical attention:

1280

1281

1282

1283

1284 a) Employee must select a physician from the approved panel of physicians.

1285 b) Employee may be financially responsible for any medical treatment sought or received from

1286 a physician not on the panel.

1287 c) Employee must submit to drug testing as directed by their supervisor and/or Personnel.

1288

1289 3) All injuries

1290

1291 a) Employee shall inform the physician/medical facility the injury is work related and the

1292 employer is Town of Urbanna.

1293

1294 b) Employee must accept and cooperate with the medical services provided by the panel

1295 physician or on his referral. Failure to do so may bar entitlement to workers' compensation

1296 benefits.

1297

1298 c) Employee must submit a doctor's status report on the injury after the first five consecutive

1299 calendar days of absence to employee's supervisor and/or to Personnel and monthly thereafter

1300 if unable to return to work or within the six month limitation.

1301

1302 d) Employee must submit a doctor's status report upon returning to work indicating release to

1303 duty with or without limitations. A doctor's status report will be required after all follow up

1304 visits as well, and shall indicate release to duty with or without limitations.

1305

1306

1307 Salary/Wage Benefits

1308 1) Workers' compensation wage benefits are provided at the rate of two-thirds of the average

1309 weekly, pre-tax wage of the employee, subject to weekly maximum and/or minimum as approved

1310 by the Virginia Workers' Compensation Commission. This amount is not subject to payroll taxes.

1311

1312 2) Workers' compensation wage benefits are not payable during the first seven calendar days of

1313 incapacity. This period will be charged to the employee's accrued leave or recorded as Leave

1314 Without Pay. If the period of work disability continues for more than twenty-one consecutive

1315 calendar days and workers' compensation makes payment for the seven day waiting period, the

1316 leave used by the employee shall be reinstated and leave records adjusted accordingly, upon

1317 repayment to the Town for such leave.

1318

1319 3) Workers' compensation wage benefits will be terminated when the employee is released or

1320 returns to his pre-accident condition, refuses medical care or an offer of light-duty work, or the

1321 Award Order issued by the Virginia Workers' Compensation Commission is modified.

1322

1323 4) Employees on workers' compensation disability leave are financially responsible for voluntary

1324 payroll deductions, such as medical insurance premiums, credit union deductions, supplemental

1325 insurance premiums, etc.

1326

1327 a) Employees must make direct payments for medical insurance premiums and/or supplemental

1328 insurance premiums to Personnel by the first (1<sup>st</sup>) day of each month of absence.

1329

1330

1332                   b) All other deductions are the employee's responsibility.

1333                   Accrued Leave

1335

1336                   3) An employee on workers' compensation disability leave continues to earn applicable leave up to  
1337                   the six-month time limitation described below.

1338

1339                   4) During the period of work-related disability, the employee is not eligible to access the Sick  
1340                   Leave Bank or utilize accrued leave in order to receive full salary benefits.

1341                   Workers' compensation leave will run concurrent with FMLA.

1343                   Light Duty Program Light duty positions may be available for any employee qualified to receive  
1344                   workers' compensation wage loss benefits and medically determined to be able to return to work  
1345                   with restrictions that prevent the employee from performing employee's regularly assigned duties.

1346

1347                   3) An employee who refuses to accept light duty assignments approved by the treating physician  
1348                   may be ineligible for workers' compensation benefits and/or terminated from employment.

1349

1350                   4) Light duty assignments are subject to the following conditions:

1351

1352                   a) The treating physician's approval of light duty job description.

1353

1354                   b) The availability of a light duty position within the department where the employee is regularly  
1355                   assigned.

1356

1357                   c) The availability of a light duty position in another department if no light duty positions are  
1358                   available in the department where the employee is regularly assigned.

1359

1360                   d) Compensation for the light duty assignment shall be at the appropriate rate of the light duty  
1361                   position. In addition, workers' compensation wage benefits will be provided at the rate of  
1362                   two- thirds of the difference between the light duty wage and the employee's pre-accident  
1363                   average weekly wage, subject to the maximum compensation rate approved by the  
1364                   commission.

1365

1366                   e) Timeframe: Light duty may be limited to a period on a case by case basis. Extensions may  
1367                   be granted in consultation with the attending physician and the Town Administrator.

1368

1369                   f) Light-duty procedure:

1370

1371                   i) The treating physician or a vocational rehabilitation counselor will notify the claims  
1372                   administrator handling the employee's workers' compensation claim when the injured  
1373                   employee may return to a light duty work assignment. The date the employee can return  
1374                   and the applicable job restrictions will be determined by the treating physician.

1375

1376                   ii) In the event a light duty assignment cannot be made within the employee's regularly  
1377                   assigned department, a light duty assignment may be within any department that has a

1378 job assignment meeting the light duty job restrictions. The department assigned the  
1379 temporarily placed employee shall be responsible for the direct supervision of the  
1380 assigned employee and shall furnish to the immediate supervisor of the employee's  
1381 regularly assigned location all documents pertaining to that employee's time,  
1382 attendance and performance in accordance with existing personnel regulations.  
1383

1384 The employee shall accept any light duty assignment offered unless reasonable justification  
1385 for the refusal is provided. Failure to do so may bar future workers' compensation benefits  
1386 and/or result in termination of employment. Light-duty assignments shall terminate:  
1387

- 1388 (1) When the employee refuses to accept the light duty assignment.  
1389
- 1390 (2) When the treating physician releases the employee to full duty.  
1391
- 1392 (3) .  
1393
- 1394 (4) At the discretion of Town of Urbanna.  
1395

1396 **Workers' Compensation and FMLA**  
1397

1398 If the employee is eligible The Family and Medical Leave Act (FMLA) leave time period will begin  
1399 on the day of the injury and run concurrently with the work-related disability until all FMLA leave  
1400 has been exhausted.  
1401

1402 **Subrogation**  
1403

1404 Town of Urbanna is entitled under the Workers' Compensation Act to recover the workers'  
1405 compensation benefits paid to or on behalf of the employee from any settlement or judgment of  
1406 the employee's third-party claim. Employee's failure to protect Town of Urbanna's right of  
1407 subrogation may jeopardize the third-party recovery and/or future workers' compensation benefits.  
1408

1409 For further information, please consult the Virginia Worker's Compensation Commission  
1410 website at [www.vwc.state.va.us](http://www.vwc.state.va.us).  
1411

## 1412 ATTENDANCE 1413

1414 The Town depends on its employees to provide needed services every day. Attendance is  
1415 important, and is a part of the work standards for most jobs. Good attendance is an asset and  
1416 poor attendance can negatively affect performance evaluations or may lead to disciplinary action.  
1417

1418 The Town recognizes that employees may need time away from work, and we provide accrued  
1419 leave to accommodate these needs. Accrued leave may be used for vacations, emergencies,  
1420 illness and military leave. Additional leave is provided for purposes such as holidays, jury duty  
1421 and bereavement. More on this later in this section.  
1422

1423 Vacation, sick leave and PTO (Hybrids) accumulate based on your years of service with the Town  
1424 and your VRS status (VRS1, VRS2, or Hybrid (PTO)).  
1425

1425  
1426 **Poor Attendance:**  
1427

1428 Excessive absenteeism includes patterns of excessive use of leave time, sick time or PTO for  
1429 example consistently using sick leave as soon as it is earned.

1430 Excessive absenteeism can result in progressive discipline up to and including termination.  
1431 Letting the department know if you are sick or have to be out for some other reason is an  
1432 important part of attendance. An employee who misses two (2) consecutive days without  
1433 reporting may be considered as having resigned from employment with the Town. Many  
1434 chronic attendance problems short of this definition can also result in disciplinary action up to  
1435 and including termination. For example, abuse of sick leave (using sick leave to cover absences  
1436 which aren't due to illness), chronic tardiness, failing to call in when sick or late, etc.

1437  
1438 Employees who may need to be absent from work due to personal or family illnesses or have  
1439 chronic health problems which require intermittent absences may be eligible for leave under the  
1440 Family and Medical Leave Act (FMLA). See the Policy on FMLA later in this section.

1441  
1442 ***ABSENCES AND REPORTING***  
1443

1444 Everyone is needed on his or her assigned job. Absences, especially unexpected absences, can  
1445 be a problem. If you are going to be late or absent from work for any reason, you must call your  
1446 immediate supervisor. You will be expected to call before your work time or in the first half  
1447 hour after your normal reporting time. Check with your supervisor for specific expectations or  
1448 procedures in your department.

1449  
1450 ***INCLEMENT WEATHER POLICY***  
1451

1452 The Town provides services in all kinds of weather. In fact, many Town services are needed even  
1453 more in bad weather such as snow, sleet or floods. Because Town services are essential, some  
1454 departments may have special rules and reporting policies during bad weather situations. Check  
1455 with your supervisor so you'll know what department specific policies are.

1456  
1457 When Town offices are closed, employees that can work from home are expected to work on  
1458 job tasks as able. Employees that are unable to work from home due to the nature of their job  
1459 tasks will be paid for the day.

1460  
1461 Hazardous conditions may develop before your normal reporting time. If you cannot come to  
1462 work or have to leave early due to weather, call your supervisor immediately. If Town offices are  
1463 open you will have to use leave (sick, vacation, PTO). Some departments, which provide essential  
1464 services, may be provided with a Town vehicle if an event is expected. All departments need to  
1465 know who is going to be there as soon as possible.

1466  
1467 ***VACATION (ANNUAL) LEAVE***  
1468

1469 You begin earning leave during your first full month of employment with the Town.. Full time  
1470 employees earn leave based on their total continuous service with the Town and their VRS status  
1471 (VRS1, VRS2 or Hybrid), provided the employee has been in a position eligible to accrue leave  
1472 from their date of hire. This benefit does not apply to Contract Employees. Following is the

1473 accrual schedule for VRS1 and VRS2 employees based on your date of hire.

1474

1475 **Category:**

1476 6 months to 5 years of service: 7 hours per month = 1 day (after successful completion of  
1477 six months probationary period) retroactive to initial date of  
1478 hire.

1479 6 - 10 years of service: 10.5 hours per month = 1  $\frac{1}{2}$  days

1480 11-20 years of service: 14 hours per month = 2 days

1481 Part-time employees are not eligible for leave.

1482 Annual leave must be approved in advance. This helps your department plan for coverage  
1483 during your absence.

1484

1485 An employee may accumulate and carry over up to a maximum of 224 hours accrued vacation  
1486 leave from one fiscal year to the next. Vacation time earned in excess of said maximum limit  
1487 shall be used or forfeited by June 30<sup>th</sup> of each year, unless the vacation time requested has been  
1488 denied in writing by the department supervisor or Town Administrator. Any forfeited annual  
1489 leave shall be converted, hour for hour, to accumulated sick leave. The fiscal year for the Town is  
1490 July 1<sup>st</sup> through June 30<sup>th</sup>.

1491

1492 Upon resignation or retirement from Town employment an employee shall be paid at the normal  
1493 rate of pay for unused annual leave up to a maximum of 224 hours, provided regular status has  
1494 been attained following the probationary period. An employee who terminates employment  
1495 prior to completion of his or her probationary period has not accrued vacation time, and is  
1496 therefore not entitled to payment for unused vacation time. Employees will not be entitled to  
1497 more than one payout of accrued leave during his/her lifetime, regardless of rehire status.

1498

1499 **SICK LEAVE**

1500

1501 Sick leave does not apply to VRS Hybrid employees. Sick leave may be used for personal  
1502 illness or injury and for medical or dental appointments. You may also use sick leave if an  
1503 immediate family member is ill.

1504

1505 Sick leave is earned based on 7 hours per month for a total of not more than 12 days per year,  
1506 following the successful completion of the six-month probationary period, retroactive to original  
1507 date of hire. You begin to earn sick leave your first pay period if you work at least half the hours  
1508 in the pay period.. Full time employees earn leave based on their total continuous service with  
1509 the Town, provided the employee has been in a position eligible to accrue leave from their date  
1510 of hire. This benefit does not apply to Contract Employees. Following is the accrual schedule  
1511 based on your date of hire. The hourly limit on the amount of sick leave you can accumulate is  
1512 as follows:

1513

1514 Sick leave earned and not used shall accrue to the credit of each such employee. There shall be  
1515 no limit to the hours of sick leave that an employee can accumulate.

1516

1517 For purposes of pay out upon termination of employment, the following policy will apply:

1518

- Upon termination of employment, Town employees under the auspices of the Town

Council shall be compensated at a rate of \$20.00 per day for up to a maximum of \$5,000 of accumulated and unused sick leave. For employees employed by the Town prior to July 28, 1998 shall be compensated at 100% of their final rate of pay up to a maximum of 90 days.

If you have used all your sick leave, vacation leave may be used to cover absences. If sick and vacation leave both are exhausted, your may authorize some leave without pay or the Supervisor or employee may request donation of leave (see next section). Unpaid absences lasting over a month must be approved by the Town Administrator in advance and will be considered a leave of absence.

Illnesses lasting longer than 3 days will require a doctor's note upon your return to work. The note must verify your illness and state that you are permitted to return to your normal work routine.

#### **DONATION OF SICK LEAVE**

From time to time an employee may request the donation of time if they do not have enough time in their sick leave or annual leave balances to cover absences. The employee must contact Human Resources or the Town Administrator and request a donation. Human Resources will reach out to all Town employees, requesting donation of leave.

Employees can donate annual leave, sick leave or PTO. Compensatory time is not eligible for donation. Leave will be donated in one (1) hour increments and will not be based on hourly rate of pay.

## PAID TIME OFF PLAN (HYBRID EMPLOYEES ONLY)

New full-time employees hired (excluding law enforcement) on or after January 1, 2014 will receive PTO in place of annual leave and sick leave. Holidays and all other forms of paid leave are separate and remain outside the PTO structure.

TRS Hybrid plan employees that are absent due to sickness, injury or disability will use PTO or other accrued leave for the first 5 work days. At the end of the initial 5 workingday period, the employee will then transition into Short Term Disability, if approved by VaCorp, where they will continue to receive 60% of their weekly salary up to 125 working days from the initial day absent.. Long-term disability may be available after short term disability ends.

## AIR TIME OFF INTRODUCTION

The Paid Time Off (PTO) plan is a comprehensive program that recognizes the many diverse needs of employees for time off from work and also includes a disability plan providing income protection during periods of extended illness or injury. Hours accrued in the PTO plan may be used for any purpose when scheduled in advance or at times when unforeseen circumstances cause an unscheduled absence.

## DEFINITIONS

**Elimination Period** – A waiting period before an employee can utilize short-term or long-term disability benefits.

**Paid Time Off (PTO)** – A leave program that combines annual and sick leave into one leave bank.

**Short-term Disability (STD)** – A benefit, if approved by VaCorp, that pays qualified employees in most cases, 60% of their salary for up to 125 working days.

## ELIGIBILITY AND CONVERSION

A. Employees hired on or after January 1, 2014 unless they are in a hazardous duty position covered under the enhanced benefit, are automatically enrolled in the PTO plan.

## PAID TIME OFF

PTO is a single category of leave to be used in lieu of traditional annual leave and sick leave. When properly scheduled, PTO can be used for vacations, personal or family business, illness, family illness, doctor's appointment, and other reasons. PTO cannot be used until it has been accrued and must be approved in advance for planned absences. For unplanned absences, employees must follow department procedures for supervisor approval.

PTO is accrued based on years of service for each completed pay period of service at the following rates:

### *PTO Accrual Schedule*

| <b>Category:</b>                             | <b>Days earned per year:</b>    |
|--|---------------------------------|
| 1 <sup>st</sup> month to 5 years of service: | Up to 24 Days Per Calendar Year |
| 6 - 10 years of service:                     | 30 Days Per Calendar Year       |
| 11-20 years of service:                      | 36 Days Per Calendar Year       |

An employee may accumulate and carry over up to a maximum of 224 hours accrued PTO leave from one fiscal year to the next. PTO time earned in excess of said maximum limit shall be used or forfeited by June 30<sup>th</sup> of each year, unless the PTO time requested has been denied in writing by the department supervisor or Town Administrator. The fiscal year for the Town is July 1<sup>st</sup> through June 30<sup>th</sup>.

.A full-time employee who changes their status to part-time and later back to full-time status with no break in service shall be given credit for previous full-time service for the purposes of establishing the employee's PTO accrual rate

When employees have exhausted all of their PTO, they may be placed in a leave-without-pay status. During the time employees are in a leave-without-pay-status, they will not accrue PTO leave. Employees who have exhausted all of their PTO and have an approved reason for being on leave, may request donation of leave from the Town Administrator.

1614  
1615 PTO will not be counted as hours worked for the purposes of calculating overtime pay.  
1616

1617 Upon separation or retirement, employees are paid for accumulated PTO leave at their regular  
1618 hourly rate up to the maximum allowable balance of 224 hours

1619  
1620 A former full-time employee separated from the Town in good standing or due to a reduction in  
1621 force, who is reemployed full-time within 31 consecutive calendar days, shall be given credit for  
1622 previous service solely for the purpose of accruing PTO. See Personnel Policy 5.15;  
1623 Reinstatement of Former Employees.

1624  
1625 **SCHEDULING AND USE OF PAID TIME OFF HOURS**  
1626

1627 PTO leave requests may be granted if the request does not conflict with the needs or objectives  
1628 of the department. The decision of department management as to when PTO leave may be taken  
1629 is final. Operational needs of the department may be considered when preparing leave  
1630 schedules. Unscheduled PTO leave should be kept to a minimum whenever possible by planning  
1631 and scheduling absences. The Town Administrator may request verification of unscheduled  
1632 absences by requiring a physician's statement. When an unforeseen need for PTO occurs,  
1633 employees must notify the appropriate supervisor prior to the start of the shift. Failure to notify  
1634 the supervisor of an absence or excessive unscheduled leave is considered grounds for  
1635 disciplinary action.

1636  
1637 It is recommended that employees maintain sufficient PTO hours to cover the 5 working day  
1638 elimination period and to supplement any anticipated short-term disability. Employees are not  
1639 provided job protection when in leave-without-pay or STD status except when they have been  
1640 concurrently approved for FMLA. FMLA is outlined elsewhere in this Section.

1641  
1642 **MILITARY LEAVE**  
1643

1644 Following USERRA and §44-93 of the Code of Virginia, 1950 as amended, the Town allows  
1645 twenty one (21) workdays paid leave each federal fiscal year for federally funded military duty,  
1646 to include training duty. Such paid leaves of absence shall not exceed twenty one workdays per  
1647 federal fiscal year, and except that no officers or employees shall receive paid leave for more  
1648 than twenty one workdays per federally funded tour of active military duty. Advanced written  
1649 notice of a request for leave shall be given to your immediate supervisor as soon as possible to  
1650 allow for scheduling accommodation. If your military duty falls on days you would not  
1651 normally be scheduled for work, you will not be paid for military leave.

1652  
1653 **MILITARY LEAVE WITHOUT PAY**  
1654

1655 An employee who leaves the employ of the Town to join the military forces of the United States  
1656 during the time of war or other declared national emergency or who is called to service in the  
1657 Virginia Militia by order of the Governor shall be placed on military leave without pay  
1658 commencing on the first business day following the last day of active employment with the  
1659 Town. The employee on such leave is entitled to be restored to the position he or she vacated,  
1660 provided the employee makes application to the Town not later than 90 days after the date of  
1661 honorable discharge or separation under honorable conditions. Job restoration is further

1662 conditioned on the position still existing and the employee being physically and mentally capable  
1663 of performing the work of the vacated position.

1664

1665 **BEREAVEMENT LEAVE**

1666

1667 A maximum of three days paid leave in addition to accrued leave is granted each calendar year  
1668 for making funeral arrangements, traveling to, and attending funerals of immediate family  
1669 members. Funeral leave does not accumulate from year to year.

1670

1671 Immediate family members include: father, mother, son, daughter, husband, wife, brother, sister,  
1672 father-in-law, mother-in-law, grandmother, grandfather, or any relative who is residing in the  
1673 employee's household.

1674 Any extra time off may be charged as vacation leave or compensatory time, if available. Extra  
1675 days may be granted based on the needs of the employee and the department.

1676

1677 **CIVIL/JURY DUTY LEAVE**

1678

1679 If you are summoned for jury duty or subpoenaed, you are given paid leave (in addition to  
1680 accrued leave), less any fees received for court appearances. In order to be paid for civil leave,  
1681 you must give a copy of your court appearance record to your supervisor. If you normally work  
1682 in the evening and must appear in court during the day, you will not be paid as this counts as  
1683 being done on your own time. If the time required in court is less than your normal shift and you  
1684 elect not to work a part of your shift, you will be charged accrued leave (vacation) and/or  
1685 compensatory time for the balance. See Section 3 for more information on Compensatory  
1686 Time/Overtime.

1687

1688 You must use accrued leave (vacation) to be paid for time spent for cases in which you are either  
1689 the defendant or the plaintiff.

1690

1691 Town of Urbanna must continue to provide eligible employees health benefits during organ donor.  
1692 Eligible employees are entitled to be restored to the same or an equivalent position. Retaliatory  
1693 action for taking organ donor leave is prohibited.

1694

1695 **PAID HOLIDAYS**

1696

1697 The Town will follow the State Holiday Schedule. Typical observed State holidays are:

1698

1699 - New Year's Day

1700 - Martin Luther King's Birthday

1701 - George Washington's Birthday

1702 - Memorial Day

1703 - Juneteenth Day

1704 - Independence Day

1705 - Labor Day

1706 - Columbus Day

1707 - Election Day

1708 - Veteran's Day

1709 - Thanksgiving Day and the day after Thanksgiving

1710 - Christmas Eve

1711 - Christmas Day

1712  
1713 Whenever any such day falls on a Saturday, the Friday preceding such day shall be the observed  
1714 holiday. Whenever any such day falls on a Sunday, the Monday next following such day shall  
1715 be the paid holiday.

1716  
1717 Any day so appointed by the Town Council, the Governor of Virginia or the President of the  
1718 United States shall be a legal holiday as to the transaction of all business.

1719  
1720 Many Town services do not stop on a holiday. Many Town services may be required to  
1721 remain open on holidays. Check with your supervisor for your department's requirements.  
1722 Below is a summary of the holiday compensation policy.

1723  
1724 Employee works on a holiday: A non-exempt employee who works on a holiday would have  
1725 the option to be paid at a time-and-a-half rate for their holiday work or take time-and-a-half  
1726 hours off at a later date if the holiday worked exceeds their normal forty (40) hour work week.  
1727

1728 - An exempt employee who works on a holiday would have the option to take time off, hour for  
1729 hour at a later date if the holiday worked exceeds their normal forty (40) hour work week; if the  
1730 time is not taken off within the fiscal year and the balance of compensatory time exceeds the  
1731 limit allowable, the time will be forfeited. See Section 3, "Compensation" for more information  
1732 on compensatory time.

1733  
1734 Some departments may have policies supplementary to these due to the differences in shift  
1735 schedule and specific work requirements. See your Department Supervisor for your  
1736 departments' specific policy.

### 1737 1738 ***LEAVE OF ABSENCE***

1739  
1740 An employee may request a leave of absence without pay for a period of up to 90 days for  
1741 educational, or other reasons. The Town Administrator will make a decision based on the best  
1742 interests of the Town, giving consideration to the reasons given by the employee and the  
1743 regulations of federal and state laws. If you do not return to work at the end of the approved  
1744 leave, the Town will assume you have resigned.

1745  
1746 During leave without pay, the employee must pay the full cost of all individual and dependent  
1747 insurance coverage. These premiums must be paid at the Treasurer's Office by the first day of  
1748 each month for which you need coverage.

1749  
1750 Employees on leave without pay also will need to check on other deductions, such as life  
1751 insurance and credit union loans. The Town will not contribute to any health or wellness  
1752 benefits during voluntary leaves of absence.

### 1753 1754 ***FAMILY AND MEDICAL LEAVE (FMLA)***

1755

1756 The FMLA entitles eligible employees to take up to 12 workweeks of unpaid, job-protected  
1757 leave in a 12-month period for specified family and medical reasons, or for any “qualifying  
1758 exigency” arising out of the fact that a covered military member is on active duty, or has been  
1759 notified of an impending call or order to active duty, in support of a contingency operation. The  
1760 FMLA also allows eligible employees to take up to 26 workweeks of job-protected leave in a  
1761 “single 12-month period” to care for a covered service member with a serious injury or illness.  
1762 See [Fact Sheet #28A: The Family and Medical Leave Act Military Family Leave Entitlements](#).

1763  
1764 The Town will grant up to 12 workweeks of unpaid, job-protected leave in a “rolling” 12-  
1765 month period.

## 1766 1767 EMPLOYEE ELIGIBILITY

1768 To be eligible for FMLA benefits, an employee **must**:

- 1770 • work for a covered employer;
- 1771 • have worked for the employer for a total of 12 months;
- 1772 • have worked at least 1,250 hours over the previous 12 months; and
- 1773 • work at a location in the United States or in any territory or possession of the United  
1774 States where at least 50 employees are employed by the employer within 75 miles.

1775 While the 12 months of employment need not be consecutive, employment periods prior to a  
1776 break in service of **seven** years or more need not be counted unless the break is occasioned by  
1777 the employee’s fulfillment of his or her National Guard or Reserve military obligation (as  
1778 protected under the Uniformed Services Employment and Reemployment Rights Act  
1779 (USERRA)), or a written agreement, including a collective bargaining agreement, exists  
1780 concerning the employer’s intention to rehire the employee after the break in service.

## 1781 1782 LEAVE ENTITLEMENT

1783 A covered employer must grant an eligible employee up to a total of **12 workweeks of unpaid**  
1784 leave during any 12-month period for one or more of the following reasons:

- 1786 • for the birth and care of a newborn child of the employee;
- 1787 • for placement with the employee of a son or daughter for adoption or foster care;
- 1788 • to care for a spouse, son, daughter, or parent with a serious health condition;
- 1789 • to take medical leave when the employee is unable to work because of a serious health  
1790 condition; **or**
- 1791 • for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter,  
1792 or parent is on active duty or call to active duty status as a member of the National Guard  
1793 or Reserves in support of a contingency operation.

1794 A covered employer also must grant an eligible employee who is a spouse, son, daughter, parent,  
1795 or next of kin of a current member of the Armed Forces, including a member of the National  
1796 Guard or Reserves, with a serious injury or illness up to a total of **26 workweeks of unpaid**  
1797 leave during a “single 12-month period” to care for the service member. For specific information  
1798 regarding military family leave, see [“Fact Sheet #28A: The Family and Medical Leave Act](#)  
1799 [Military Family Leave Entitlements.”](#)

1802 Spouses employed by the same employer are limited in the **amount of** family leave they may  
1803 take for the birth and care of a newborn child, placement of a child for adoption or foster care, or  
1804 to care for a parent who has a serious health condition to a combined total of 12 workweeks (or  
1805 26 workweeks if leave to care for a covered service member with a serious injury or illness is  
1806 also used). Leave for birth and care, or placement for adoption or foster care, must conclude  
1807 within 12 months of the birth or placement.

1808  
1809 Under some circumstances, employees may take FMLA leave intermittently – taking leave in  
1810 separate blocks of time for a single qualifying reason – or on a reduced leave schedule –  
1811 reducing the employee’s usual weekly or daily work schedule. When leave is needed for planned  
1812 medical treatment, the employee must make a reasonable effort to schedule treatment so as not to  
1813 unduly disrupt the employer’s operation. If FMLA leave is for birth and care, or placement for  
1814 adoption or foster care, use of intermittent leave is subject to the employer’s approval.

1815  
1816 Under certain conditions, employees **or** employers may choose to “substitute” (run concurrently)  
1817 accrued **paid** leave (such as sick or vacation leave) to cover some or all of the FMLA leave. An  
1818 employee’s ability to substitute accrued paid leave is determined by the terms and conditions of  
1819 the employer’s normal leave policy.

1820 The Town policy with regards to the 12 weeks of authorized leave under this act will include  
1821 accrued compensatory time, sick leave, vacation leave and/or unpaid leave, provided the  
1822 employee has accrued leave balances available to him/her.

1823  
1824 “**Serious health condition**” means an illness, injury, impairment, or physical or mental  
1825 condition that involves either:

- 1826 • Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical-care  
1827 facility, including any period of incapacity (*i.e.*, inability to work, attend school, or  
1828 perform other regular daily activities) or subsequent treatment in connection with such  
1829 inpatient care; **or**
- 1830 • Continuing treatment by a health care provider, which includes:
  - 1831 (1) A period of incapacity lasting more than three consecutive, full calendar days, and  
1832 any subsequent treatment or period of incapacity relating to the same condition that  
1833 **also** includes:
    - 1834 • treatment two or more times by or under the supervision of a health care provider  
1835 (*i.e.*, in-person visits, the first within 7 days and both within 30 days of the first  
1836 day of incapacity); **or**
    - 1837 • one treatment by a health care provider (*i.e.*, an in-person visit within 7 days of  
1838 the first day of incapacity) with a continuing regimen of treatment (*e.g.*,  
1839 prescription medication, physical therapy); **or**
  - 1840 (2) Any period of incapacity related to pregnancy or for prenatal care. A visit to the  
1841 health care provider is not necessary for each absence; **or**
  - 1842 (3) Any period of incapacity or treatment for a chronic serious health condition which  
1843 continues over an extended period of time, requires periodic visits (at least twice a  
1844 year) to a health care provider, and may involve occasional episodes of incapacity. A  
1845 visit to a health care provider is not necessary for each absence; **or**

1849  
1850 (4) A period of incapacity that is permanent or long-term due to a condition for which  
1851 treatment may not be effective. Only supervision by a health care provider is  
1852 required, rather than active treatment; **or**  
1853  
1854 (5) Any absences to receive multiple treatments for restorative surgery or for a  
1855 condition that would likely result in a period of incapacity of more than three days if  
1856 not treated.

1857  
1858  
1859 **MAINTENANCE OF HEALTH AND LIFE INSURANCE BENEFITS**  
1860

1861 A covered employer is required to maintain group health insurance and group life insurance  
1862 coverage for an employee on FMLA leave whenever such insurance was provided before the  
1863 leave was taken and on the same terms as if the employee had continued to work. If applicable,  
1864 arrangements will need to be made for employees to pay their share of health insurance  
1865 premiums while on leave. In some instances, the employer may recover premiums it paid to  
1866 maintain health coverage for an employee who fails to return to work from FMLA leave.  
1867

1868 During the 12 week period the employee will be responsible for the employees share of group  
1869 health insurance and group life insurance. The Town will continue to pay its usual share of  
1870 individual and dependent group health insurance and life insurance coverage. The Town retains the  
1871 right to seek full reimbursement for all premiums paid on the employee's behalf.  
1872

1873 **JOB RESTORATION**  
1874

1875 Upon return from FMLA leave, an employee must be restored to the employee's original job, or  
1876 to an equivalent job with equivalent pay, benefits, and other terms and conditions of  
1877 employment. An employee's use of FMLA leave cannot result in the loss of any employment  
1878 benefit that the employee earned or was entitled to **before** using FMLA leave, nor be counted  
1879 against the employee under a "no fault" attendance policy. If a bonus or other payment, however,  
1880 is based on the achievement of a specified goal such as hours worked, products sold, or perfect  
1881 attendance, and the employee has not met the goal due to FMLA leave, payment may be denied  
1882 unless it is paid to an employee on equivalent leave status for a reason that does not qualify as  
1883 FMLA leave.  
1884

1885 An employee has no greater right to restoration or to other benefits and conditions of  
1886 employment than if the employee had been continuously employed.  
1887

1888 **NOTICE AND CERTIFICATION**  
1889

1890 Employee Notice

1891 Employees seeking to use FMLA leave are required to provide 30-day advance notice of the  
1892 need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is  
1893 foreseeable less than 30 days in advance, the employee must provide notice as soon as  
1894 practicable – generally, either the same or next business day. When the need for leave is not  
1895 foreseeable, the employee must provide notice to the employer as soon as practicable under the  
1896 facts and circumstances of the particular case. Absent unusual circumstances, employees must

1897 comply with the employer's usual and customary notice and procedural requirements for  
1898 requesting leave

1899  
1900 Employees must provide sufficient information for an employer reasonably to determine whether  
1901 the FMLA may apply to the leave request. Depending on the situation, such information may  
1902 include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is  
1903 unable to perform the functions of the job, and/or that the employee or employee's qualifying  
1904 family member is under the continuing care of a health care provider.

1905 When an employee seeks leave for a FMLA-qualifying reason for the **first** time, the employee  
1906 need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks  
1907 leave, however, due to a FMLA-qualifying reason for which the employer has previously  
1908 provided the employee FMLA-protected leave, the employee **must** specifically reference either  
1909 the qualifying reason for leave or the need for FMLA leave.

1910  
1911 **Employer Notice**

1912 Covered employers must post a notice approved by the Secretary of Labor explaining rights and  
1913 responsibilities under the FMLA. An employer that willfully violates this posting requirement  
1914 may be subject to a civil money penalty of up to \$110 for each separate offense. Additionally,  
1915 employers must either include this general notice in employee handbooks or other written  
1916 guidance to employees concerning benefits, or must distribute a copy of the notice to each new  
1917 employee upon hiring. Employers may use the [notice](#) prepared by U.S. Department of Labor to  
1918 meet this requirement.

1919  
1920 When an employee requests FMLA leave or the employer acquires knowledge that leave may be  
1921 for a FMLA purpose, the employer must notify the employee of his or her eligibility to take  
1922 leave, and inform the employee of his/her rights and responsibilities under the FMLA. When the  
1923 employer has enough information to determine that leave is being taken for a FMLA-qualifying  
1924 reason, the employer must notify the employee that the leave is designated and will be counted  
1925 as FMLA leave. Employers may use the optional forms [WH-381](#) and [WH-382](#) prepared by the  
1926 U.S. Department of Labor to meet these notification requirements.

1927  
1928 **Certification**

1929 Employers may require that an employee's request for leave due to a serious health condition  
1930 affecting the employee or a covered family member be supported by a certification from a health  
1931 care provider. An employer may require second or third medical opinions (at the employer's  
1932 expense) and periodic recertification of a serious health condition. An employer may use a health  
1933 care provider, a human resource professional, a leave administrator, or a management official –  
1934 but not the employee's direct supervisor – to authenticate or clarify a medical certification of a  
1935 serious health condition. An employer may have a uniformly-applied policy requiring employees  
1936 returning from leave for their own serious health condition to submit a certification that they are  
1937 able to resume work. If reasonable safety concerns exist, an employer may, under certain  
1938 circumstances, require such a certification for employees returning from intermittent FMLA  
1939 leave. Employers may use the optional forms [WH-380-E](#) and [WH-380-F](#) prepared by the U.S.  
1940 Department of Labor for obtaining medical certifications of serious health conditions.

1941  
1942 **REASONABLE ACCOMODATIONS FOR RELIGIOUS HOLIDAYS**

1943  
1944 The Town will make reasonable accommodations as provided by law for employees desiring to

1945 observe a religious holiday or whose work schedule may conflict with religious observances. If  
1946 you want to take a religious holiday (as vacation or leave without pay), ask the Town  
1947 Administrator at least a week in advance, and, if possible, your work schedule will be adjusted  
1948 to permit the holiday. The Town Administrator will also discuss possible alternative work  
1949 schedules that would allow your participation in religious observances.  
1950