



TOWN OF FRONT ROYAL, VIRGINIA
TOWN COUNCIL MEETING
Monday, March 11, 2013 @ 7:00 p.m.
Warren County Government Center

1. Pledge of Allegiance
 2. Moment of Silence
 3. Roll Call
 4. Approval of the Regular Council Meeting minutes of February 25, 2013.
 5. Receipt of Petitions and/or Correspondence from the Public
 6. Reports:
 - a. Report of special committees or Town officials and Town Manager.
 1. Quarterly Report from Northern Shenandoah Valley Regional Commission – Martha Shickle
 2. Quarterly Report from Finance Director Kim Gilkey-Breeden
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - d. Proposals for addition/deletion of items to the Agenda.
 - *7. **CONSENT AGENDA ITEMS – (ROLL CALL VOTE REQUIRED)**
 - A. COUNCIL APPROVAL – Local Government Challenge Grant Application from Virginia Commission for the Arts (VCA) for Blue Ridge Arts Council (BRAC)
 - B. COUNCIL APPROVAL – Liaison Committee Agenda Items
 - C. COUNCIL APPROVAL – Bid – Electrical Materials for Modifications to the Manassas Substation
- *The nature of a consent agenda is such that discussion of individual items does not occur.*
8. **PUBLIC HEARING** – Setting of Real Estate, Personal Property and Personal Property Tax Relief Tax Rates for Fiscal Year 2013-2014 (1st Reading)
 9. **PUBLIC HEARING** – An Ordinance to Amend Town Code Pertaining to Nonconformity – Parking Exception (1st Reading)
 10. **PUBLIC HEARING** – An Ordinance to Amend Town Code Pertaining to Home Occupation (1st Reading)
 11. **COUNCIL APPROVAL** – Discharge of Rainwater into the Town's Sewer System from RSW Regional Jail
 12. **COUNCIL APPROVAL** – Non-binding Letter of Intent with Kratos Infrastructure, LLC
 13. **COUNCIL APPROVAL** – Reclassification of Part-Time Code Enforcement Officer to a Full-Time Deputy Zoning Administrator Position – Planning/Zoning Department
 14. **COUNCIL APPROVAL** – Reclassification of Full-Time Assistant Operation Manager to Part-Time Operation Manager – Energy Services Department
 15. **COUNCIL APPROVAL** – Employee Handbook
 16. **CLOSED MEETING** – Consultation with Legal Counsel – RSW Regional Jail



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(A)

Meeting Date: March 11, 2013

Agenda Item: COUNCIL APPROVAL – Local Government Challenge Grant Application from Virginia Commission for the Arts (VCA) for Blue Ridge Arts Council (BRAC)

Summary: Council has received a request from Kym Crump, Executive Director of the Blue Ridge Arts Council (BRAC), seeking the Town's approval of an application for a Virginia Commission for the Arts (VCA) Local Government Challenge Grant in the amount of \$5,000.00 for the year 2013-2014. BRAC utilizes the funds for the free concert series (Friday Night Gazebo Gatherings), monthly art exhibits and art-enrichment programs. Approval of this application does not obligate the Town of Front Royal to the \$5,000.00 match. Once the application has been approved by VCA the grant monies will not be released until the Commission receives a written confirmation from the Town that the matching requirement has been fulfilled. Deadline to approve the application is April 1, 2013.

Budget/Funding: Funding for this request will be included in the FY13-14 Town Budget as approved by Town Council

Attachments: Letter from Mrs. Crump and Application

Meetings: None

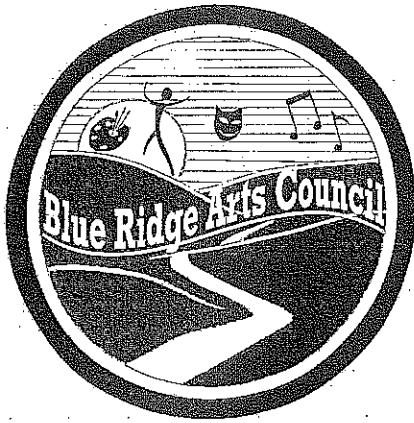
Staff Recommendation: Approval ☒ Denial ☐

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve the request from the Blue Ridge Arts Council (BRAC) to approve an application for a Virginia Commission for the Arts (VCA) Local Government Challenge Grant in the amount of \$5,000.00 for the year 2013-2014 and direct the Town Manager to sign the Grant Application as presented.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB



Blue Ridge Arts Council, Inc

305 East Main Street
Front Royal, Virginia 22630,
540.635.9909 (Main) 540.635.9908 (Fax)
www.blueridgearts.org

February 25, 2013

TO: Mr. Steven Burke, Town Manager
The Honorable Timothy W. Darr, Mayor
Members of Town Council

FROM: Blue Ridge Arts Council Board of Directors
Katie Tewell, President
Kym Crump, Executive Director

RE: FY 2013/2014 Budget Request

Blue Ridge Arts Council, Inc. respectfully requests that the Town of Front Royal consider funding our agency in the amount of \$5,000 for the year 2013/2014. This is a level funding request and the same amount awarded to the arts council since FY 2000/2001. The funding is necessary to continue the ongoing development of the arts and cultural enrichment for the citizens and visitors of Front Royal.

This request comes with an addendum that the town submits a Local Government Challenge Grant proposal to the Virginia Commission for the Arts for matching funds of \$5,000.00 (maximum amount allotted by VCA). The grant request must be submitted before April 1, 2013 (date as provided by the VCA). Front Royal has participated in the matching grant program since 1988, and was awarded the \$5,000.00 maximum match in VCA funds beginning with the funding year FY 2000/2001 through the current year. This is one of the few funding programs that VCA has no plans to reduce funding for during the next budget cycle, and also an opportunity for localities to bring back additional state funds to their constituency.

The Arts Council has utilized the funds from Town and the VCA Local Government Challenge Grant to fund many of our programs, most notably, a free summer concert series (a 25 year old program), monthly art exhibits and arts-enrichment programs. Last year, the arts council produced over 100 arts events, showcasing the talents of 305 performing and visual artists, and

servicing over 17,000 community residents and visitors. In 2012, the arts council proudly celebrated 25 years of service to our community. Blue Ridge Arts Council has been the cultural mainstay in our community throughout this time, thanks in large part to the support of our organization through your continued funding.

The Town of Front Royal has included the arts council in its annual budget since 1988. It has also submitted a grant to the VCA each year. The matching program is very valuable to the council and immediately doubles your investment in the arts council, and brings back taxpayer dollars to our own community.

We realize how difficult and trying the current economy is and the many challenges the town faces this year. We are certainly aware here and feeling the effects, as is everyone.

Again, thank you on behalf of all who attend the summer "*Gazebo Gatherings*", for your consideration of this request, and your continued support of the arts in Front Royal.

2013-2014 LOCAL GOVERNMENT CHALLENGE GRANT

1. **2013-2014 Local Government Challenge Grant**
2. **Applicant local government name, address, including zip.**
Town of Front Royal
P.O. Box 1560
Front Royal, VA 22630
3. **Telephone, fax, e-mail, URL.**
Telephone: 540-635-8007
Fax: 540-636-7475
E-Mail: tpresley@frontroyalva.com
4. **Federal Employee ID number.**
54-6001299
5. **Contact Person.**
Steven Burke, Town Manager, Town of Front Royal
540-635-8007
6. **Amount of Virginia Commission for the Arts assistance requested for fiscal year 2013-2014.**
\$5,000.00
7. **Proposed local government appropriation for fiscal year 2013-2014.**
\$5,000.00
8. **List which local independent arts organizations will receive the Commission grant money sub grant.**

<i>Organization</i>	<i>Mailing Address/Contact Person</i>	<i>Proposed VCA Grant Share</i>
1. Blue Ridge Arts Council	305 East Main Street Front Royal, VA 22630 Kym Crump, Executive Director	\$5,000.00
9. **What is the process for awarding the above grants?**

Blue Ridge Arts Council is a non-profit organization licensed by the Virginia State Corporation with a 15-member community based board and membership from all segments from the community. The Council has been incorporated since 1987 and has continuously brought innovative, high quality arts programs, activities and events to the Front Royal community.

The Front Royal Town Council makes the final decision(s) and recommendation(s) in awarding funding for various projects. This is done at regularly scheduled Town Council meetings. The criteria used to evaluate the grant are the degree of involvement and applicability to the widest population. The arts council continues to expand their programs and offers a wide array of artistic programs to the community.
10. **Attachment A**
11. **Attachment B**

Attachment A

Council Information
TOWN OF FRONT ROYAL
As of July 1st, 2012

Mayor

Timothy W. Darr
428 W. 15th Street
Home: 636-3185
darr@frontroyalva.com
*serving 2 year term beginning July 1, 2010

Jennifer E. Berry, Clerk of Council
P.O. Box 1560
Office: 635-8007

Vice Mayor

N. Shae Parker
5 East 17th Street
Home: 631-0748
parker@frontroyalva.com
*serving 4 year term beginning July 1, 2010

Town Manager, Steve M. Burke, P.E.
P.O. Box 1560
Office: 635-8007

Town Attorney, Douglas Napier
P.O. Box 1560
Office: 635-7872

Councilmen

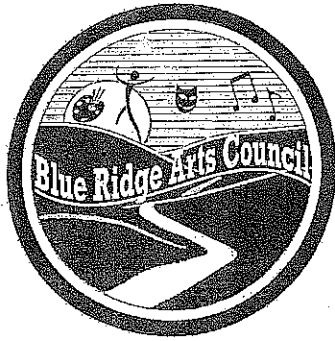
Thomas H. Sayre
835 Shenandoah Shores Road
Home: 635-9844
tsayre@comcast.net
*serving 4 year term beginning July 1, 2010

Hollis L. Tharpe
96 N. Charles Street
Home: 635-1014
icecream10@comcast.net
*serving 4 year term beginning July 1, 2010

Bret W. Hrbek
1207 Windsor Court
Public: 660-5732
hrbek@frontroyalva.com

Daryl Lee Funk
428 Kerfoot Ave
Public: 635-2123
funk@frontroyalva.com

Eugene R. Tewalt
1032 Wine Street
Home: 635-8227



Attachment B

Blue Ridge Arts Council, Inc. Did You Know?

● Mission and History

The mission of Blue Ridge Arts Council is to provide a broad base of support for the visual and performing arts, in all segments of the community, by increasing awareness, interest, knowledge and participation. Founded in 1987, Blue Ridge Arts Council is celebrating 25 years of service to the community. A 15 member community based board governs the work of the council, and employs a full time Executive Director and a part-time office manager.

● Community

The arts council primarily serves the Town of Front Royal and the County of Warren, and draws a significant audience and support from the residents of Winchester, Rappahannock, Frederick, Clarke, Fauquier and Shenandoah counties.

● Major Program Areas

● *Summer Outdoor Concert Series*

A twelve week summer outdoor music and entertainment series at the Town Gazebo, highlighting a mix of music types, utilizing artists from the region and the eastern United States. The concerts are free and open to the public, and generally attract audiences of 300 to 600. This series is sponsored through a partnership with the Town of Front Royal, the County of Warren, and the Virginia Commission for the Arts.

● *Warren County Public School Arts Enrichment Partnership*

A partnership program with the local public school system bringing professional theatrical and musical performances into the public schools, servicing 5,200 students in grades K through 12. Residencies are also offered during the year, providing the opportunity for selected students to work closely with writers, dancers, musicians, and artists.

● *Art Exhibits*

A nine exhibit per year program showcasing a variety of regional and national artists, including new and emerging artists, in our gallery at 305 East Main Street. The council also coordinates showings in the following satellite galleries: Warren County Courthouse (2nd floor) and the Warren County Community Center.

- *Community Outreach Programs*

A variety of entertainment programs offered throughout the year to increase awareness and enjoyment in the arts presented in a variety of performance formats. Programs include community concerts, youth recitals in voice, piano and guitar, and seasonal performance offerings. The council is also active in many community organizations and helps in the production of many community events.

- *Instructional Programs*

Periodic continuing learning for adult and youth population is provided through a series of seminars, workshops and classes in the visual and literary art areas. We have ongoing class offerings for youth and adults in visual and performing arts, utilizing the gallery space 4 to 6 nights per week.

- **Accomplishments**

Blue Ridge Arts Council produced over 100 arts events, showcasing the talents of 305 visual and performing artists, servicing over 17,000 community members and visitors in FY 2011/2012.

- **Funding**

Blue Ridge Arts Council operates on a budget of \$76,000 for the current fiscal year. Approximately 25% of our funding is supplied through state and local funding, including the Virginia Commission for the Arts, Town of Front Royal, County of Warren and Warren County School Board. The remaining 75% of our revenues are derived through membership, gallery sales, and special event and projects fundraising.

CERTIFICATION OF ASSURANCES AND GRANT CONDITIONS 2013-2014 FOR LOCAL GOVERNMENT GRANTEES OF THE VIRGINIA COMMISSION FOR THE ARTS (COMMISSION)

Virginia Commission for the Arts grantees are required to be non-profit Virginia organizations and exempt from federal income tax under Section 501(a), which includes the 501(c)3 designation of the Internal Revenue code, or are units of government, educational institutions, or local chapters of tax exempt national organizations.

No part of any Commission grant shall be used for any activity intended or designed to influence a member of Congress or the General Assembly to favor or oppose any legislation.

Each Commission grantee will:

- provide accurate, current and complete financial records of each grant.
- maintain accounting records which are supported by source documentation.
- maintain effective control over and accountability for all funds, property, and other assets ensuring that assets are used solely for authorized purposes.
- maintain procedures ensuring timely disbursement of funds.
- provide the Commission, or its authorized representatives, access to the grant-related financial records.

The grantee will expend any and all grant funds only for purposes described in the application form and attachments. The grantee must request permission in writing to make substantial changes in budget, schedule, program, personnel. The requested changes must be approved in advance by the Commission. **NOTE:** If any project receiving grant support from the Commission has actual income in excess of expenses, the grantee must use these funds for other arts activities and the Commission must approve the organization's use of any of these excess funds up to the amount of the grant.

Each Commission grantee will comply with these federal statutes and regulations:

- Title VI, Section 601, of the Civil Rights Act of 1964, which provides that no person, on the ground of race, color or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- Title IX, Section 1681, of the Education Amendments of 1972, which provides that, with certain exceptions, no person, on the basis of sex or age, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.
- Americans With Disabilities Act and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with physical or mental disabilities in federally assisted programs. Compliance with this Act includes the following: notifying employees and beneficiaries of the organization that it does not discriminate on the basis of handicap and operation of programs and activities which, when viewed in their entirety, are accessible to persons with disabilities. Compliance also includes maintenance of an evaluation plan developed with the assistance of persons with disabilities or organizations representing disabled persons which contains: policies and practices for making programs and activities accessible; plans for making any structural modifications to facilities necessary for accessibility; a list of the persons with disabilities and/or organizations consulted; and the name and signature of the person responsible for the organization's compliance efforts. ("ADA Coordinator")

No final report is required for the Local Government Challenge Grant. Each local government will confirm in writing to the Commission that its governing board has appropriated the matching funds. The Commission will pay the grant in full after receiving this confirmation.

In **all** published material (printed programs, news releases, web news, email alerts, advertisements, flyers, etc.) and announcements regarding the particular activity or activities supported, acknowledgment of the Commission must be made. A suggested phrase is "(organization or activity) is partially supported by funding from the Virginia Commission for the Arts and the National Endowment for the Arts."

This form must be signed by an individual duly authorized by the governing body of the locality to act on its behalf and submitted with every grant application made to the Commission. The signature of the individual indicates the locality's compliance with all of the grant conditions listed above.

The undersigned certifies to the best of his/her knowledge that:

- the information in this application and its attachments is true and correct;
- the filing of this application has been duly authorized by the governing body of the applicant organization;
- the applicant organization agrees to comply with all grant conditions cited above.

The undersigned further certifies that he or she has the legal authority to obligate the applicant locality.

Typed Name of Authorizing Official Steve M. Burke, P.E.

Title Town Manager

Signature of Authorizing Official _____

Date _____

Applicant Locality Name Town of Front Royal

Applicant/Organization Name: Town of Front Royal

FORM BCKFDR\8891
(Updated 12/20/01)

NATIONAL STANDARD FOR ARTS INFORMATION EXCHANGE
RACIAL/ETHNICITY DATA COLLECTION FORM

Individual Applicants:

Individuals should circle **any combination** of the characteristics listed below that apply:

- A: Asian
- B: Black/African American
- H: Hispanic/Latino
- N: American Indian/Alaskan Native
- P: Native Hawaiian/Pacific Islander
- W: White

Organizational/Institutional Applicants

(e.g. school, arts group):

Using the characteristics listed below, circle the predominant group of which the staff or board or membership (not audience) is composed. Organizations should choose the **one** code that best represents 50 percent or more of its staff or board or membership. If none of these conditions apply to the organization, classify the organization "99."

- A: 50% or more Asian
- B: 50% or more Black/African American
- H: 50% or more Hispanic/Latino
- N: 50% or more American Indian/Alaskan Native
- P: 50% or more Native Hawaiian/Pacific Islander
- W: 50% or more White
- 99: No single group listed above represents 50% or more of staff or board or membership

For Both Individual & Organizational Applicants:

Using the characteristics listed below, indicate if the majority of the grant activities are intended to involve or act as a clear expression or representation of the cultural traditions of one particular group, or deliver services to a designated population listed below, choose that group's code from the list. If the project or activity does not emphasize the culture or traditions of one group, please circle "99." If you seek or receive general operating support or support for administrative or artistic expenses for many projects and activities and cannot select one group, please circle "99."

- A: Asian individuals
- B: Black/African American individuals
- H: Hispanic/Latino individuals
- N: American Indian/Alaskan Native individuals
- P: Native Hawaiian/Pacific Islander individuals
- W: White individuals
- 99: No single group

NOTE: Generally, an activity can be considered "a clear expression or representation of the cultural traditions of one particular group" if it is:

(1) A project in which the intent is to communicate the culture or traditions of a particular race. For example, performances by an African dance company would be coded as "Black/African American."

and/or

(2) Projects which are usually understood to be reflective of the culture or traditions of a particular race. For example, Kabuki theatre is performed in many localities, and by many Asian and non-Asian groups. All of these performances would be coded as "Asian" because regardless of who produces the work, the type of theatre itself is widely understood to be an expression of Japanese culture.

This information will be used as part of a data collection project which documents state arts agency grant-making activities nationwide. This information will be used to determine national trends in grant-making and will not be considered during the grant-making process.



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(B)

Meeting Date: March 11, 2013

Agenda Item: COUNCIL APPROVAL – Liaison Committee Meeting Agenda Items

Summary: Council is requested to approve the following items to be included on the March 21, 2013 Liaison Committee Agenda. The County of Warren items are attached.

- Front Royal Limited Partnership Discussion
- Hatch Act Designation
- Front Royal Volunteer Fire & Rescue Department Funding

Budget/Funding: None

Attachments: None

Meetings: Work Session held March 4, 2013

Staff

Recommendation: Approval ✓ Denial

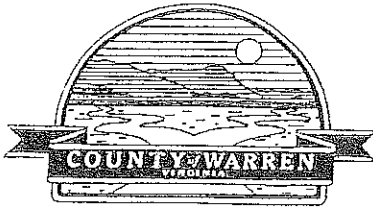
Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve the following items to be included on the March 11, 2013 Liaison Committee Agenda: Front Royal Limited Partnership Discussion; Hatch Act Designation; Front Royal Volunteer Fire & Rescue Department Funding.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB



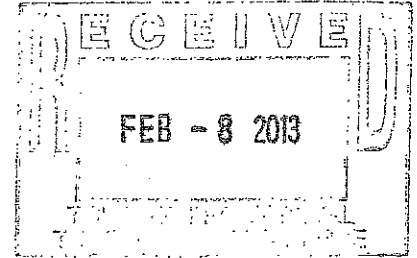
COUNTY OF WARREN

County Administrator's Office
Warren County Government Center
220 North Commerce Avenue, Suite 100
Front Royal, Virginia 22630

Phone: (540) 636-4600
FAX: (540) 636-6066
Email: admin@warrencountyva.net

Douglas P. Stanley
County Administrator

February 7, 2013



Board of
Supervisors

Chairman
Archie A. Fox
Fork
District

Vice-Chairman
Linda P. Glavis
South River
District

Tony F. Carter
Happy Creek
District

Daniel J. Murray, Jr.
North River
District

Richard H. Traczyk
Shenandoah
District

Mr. Steve Burke, Town Manager
Town of Front Royal
P.O. Box 1560
Front Royal, Virginia 22630

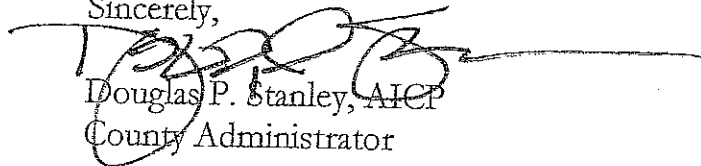
RE: *March Liaison Committee Agenda Items*

Dear Steve:

At its meeting on Tuesday, February 5th, the Warren County Board of Supervisors requested that the following items be included for discussion at the May Liaison Committee meeting:

- ▶ Update - Grading and drainage proposal for Catlett Mountain Landfill
- ▶ Update - Building Inspections software package
- ▶ Update - Leach Run Parkway RFP
- ▶ Update - Channel 16 Software Implementation
- ▶ Update - McKay property historical investigation
- ▶ Town/County/EDA search for park-n-ride locations
- ▶ Town voting precincts or establish a single Town voting precinct
- ▶ Route 340/522 Corridor Committee

Sincerely,


Douglas P. Stanley, AICP
County Administrator

DPS

cc: Warren County Board of Supervisors
Jennifer Berry, Clerk of Council



Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 7(C)

Meeting Date: March 5, 2013

Agenda Item: COUNCIL APPROVAL -- Bid -- Electrical Materials for Modifications to the Manassas Substation

Summary: Council has received a request from the Purchasing Agent, seeking approval of a bid from Stuart C. Irby for electrical materials for modifications to the Manassas Substation in the amount of \$62,668.83.

Budget/Funding: FY13 Department of Energy Services Budget Line Item 9401-47937

Attachments: Memorandums from Purchasing Agent and Director of Energy Service, letter from Southeastern Consulting Engineers, Inc. and Quotation Tabulation

Meetings: None

Staff Recommendation: Approval ✓ Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a bid from Stuart C. Irby for electrical materials for modifications to the Manassas Substation in the amount of \$62,668.83.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB



TOWN OF FRONT ROYAL

DEPARTMENT OF FINANCE
PURCHASING DIVISION

102 E. MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VIRGINIA 22630-1560

CYNTHIA A. HARTMAN, CPPB
Purchasing Agent
(540) 636-6889
(540) 636-7473 fax
email: cahartman@frontroyalva.com

MEMORANDUM

Date: February 27, 2013
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent
RE: Agenda Item

On Thursday, January 24, 2013, Southeastern Consulting Engineers opened bids for electrical materials for modifications to the Manassas Substation project. Only two (2) responses were received (see attached tabulation sheet). The quotations were reviewed for compliance to the specifications. Due to the dollar amount, I will need Town Council approval to proceed with the purchase. Please add this item to the March 11, 2013 agenda for their action.

I recommend that we accept the lowest proposal received from Stuart C. Irby, in the amount of \$62,668.83. Funding is available in the FY13 Electric Department line item 9401-47937.

RECEIVED
MAR - 4 2013

Town of Front Royal
Energy Services
P.O. Box 1560
Front Royal, Virginia 22630-1560
(540) 635-3027 Fax: (540) 635-5497



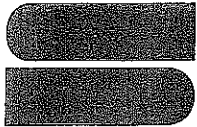
Memo

To: Cindy Hartman, Purchasing Manager
From: Joseph Waltz, Director of Energy Services
Date: February 25, 2013
Re: Purchase of material bid recommendation for Manassas Substation



Staff has reviewed the bids for the material for Manassas Substation that Southeastern conducted on behalf of the Town of Front Royal. We recommended that the lowest Bidder, Stuart C. Irby be awarded the contract for \$62,668.83. I recommend we send to council for purchase approval. This equipment will be purchased under account #47937 which is for the Manassas Upgrade.

If you have any questions, please let me know.



Southeastern Consulting Engineers, Inc.

February 12, 2013

Mr. Joe Waltz
Town of Front Royal
P. o. Box 1560
Front Royal, Virginia 22630

Ref.: Material Bid Recommendations
Manassas Substation

Dear Joe:

The Town received proposals on January 24, 2013, from two suppliers and representatives solicited for providing electrical material necessary for modifications to the Manassas Substation.

A tabulation of the bids prices (before taxes) received for the project is shown below.

Stuart C. Irby	\$62,668.83
Peak Substation Services	\$63,200.00

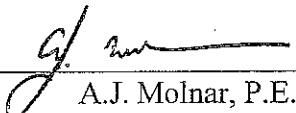
As shown the low bid was submitted by Stuart C. Irby in the amount of \$65,967.19, which includes taxes. We are enclosing a copy of the low bid for your reference.

We have evaluated each item quoted based on compliance with the specifications, cost, and delivery. We recommend that the Town accept the proposal from Stuart C. Irby and authorize us to prepare the necessary contract documents.

Very truly yours,

SOUTHEASTERN CONSULTING ENGINEERS, INC.

By


A.J. Molnar, P.E.
Vice President

AJM/lc

cc: Mrs. Cindy Hartman

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: MANASSAS SUBSTATION MODIFICATIONS

Quotation N/A

Date: JANUARY 24, 2013

Mailed _____

Replied 2

QUANTITY	Vendor Quotation			
	STUART C, IRBY	PEAK SUBSTATION SERVICES		
		AUGUSTA, WV		
	QUOTATION	QUOTATION	QUOTATION	QUOTATION
ELECTRICAL MATERIALS NECESSARY FOR THE MODIFICATIONS TO THE MANASSAS SUBSTATION				
15KV SWITCHES:				
3 - SIDE-BREAK GANG SWITCH	\$9,307.50	\$11,610.00		
4 - VERTICAL BREAK GANG SWITCH	\$16,465.00	\$20,684.00		
24 - HOOKSTICK DISCONNECT SWITCH	\$8,925.12	\$14,400.00		
BUS, CONNECTORS, AND MISCELLANEOUS MATERIALS	\$27,971.21	\$16,506.00		
Total	\$62,668.83	\$63,200.00	\$ -	
Discount				
Net Quotation				
Terms				

The above proposals verified to specifications and compliance with terms and conditions.

Witness _____


 Purchasing Agent 5



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 8

Meeting Date: March 11, 2013

Agenda Item: PUBLIC HEARING – Setting of Real Estate, Personal Property and Personal Property Tax Relief Tax Rates for Fiscal Year 2013-2014 (*1st Reading*)

Summary: Council is requested to affirm on its first reading the real estate tax rate at \$.12 per \$100 assessed value, which represents an increase of \$.01 over the current year's rate; the personal property tax rate at \$.64 per \$100 assessed value, which represents no increase over the current year's rate; and personal property tax relief (PPTRA) from 70% to 67% per qualifying vehicle for Fiscal Year 2013-2014.

Budget/Funding: None

Attachments: None

Meetings: Work Sessions held January 22, February 4 and Council Authorized to Advertise for Public Hearing on February 11, 2013.

Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council affirm on its first reading the real estate tax rate at _____ per \$100 assessed value; personal property tax rate at \$.64 per \$100 assessed value; and personal property tax relief (PPTRA) at 67% per qualifying vehicle for Fiscal Year 2013-2014.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB



Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 9

Meeting Date: March 11, 2013

Agenda Item: PUBLIC HEARING – An Ordinance to Amend Town Code Pertaining to Nonconformity – Parking Exception (*1st Reading*)

Summary: Council is requested to affirm on its first reading an ordinance that would provide for a parking exemption for existing commercial and industrial businesses. The exemption found under the proposed 175-127 would allow existing commercial and industrial properties to be reused for permitted uses without the requirement of having to comply with the current parking requirements, subject to specific qualification requirements, and specific site improvements that may be required by the Zoning Administrator to maintain existing facilities. Other minor changes, primarily to clarify existing requirements are proposed under Sections 175-124 through 175-133.

Budget/Funding: None

Attachments: Proposed Ordinance Amendment

Meetings: Work Session held February 4, 2013

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council affirm on its first reading an ordinance that would provide for a parking exemption for existing commercial and industrial businesses found in Town Code Sections 175-124 through 175-133, as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB

DRAFT AMENDMENT – VERSION 6
NONCONFORMITY – PARKING EXEMPTION

This draft amendment is intended to modify the nonconforming use section of the Zoning Ordinance. The primary change includes, but is not limited to, a parking exemption to existing commercial and industrial properties. The exemption would allow existing commercial and industrial properties to be reused without having to comply with the current parking requirements of the zoning ordinance, subject to specified qualification conditions.

START -----

TOWN OF FRONT ROYAL MUNICIPAL CODE, Chapter 175, ZONING

NONCONFORMING-USE NONCONFORMITY

~~175-124~~ — CONTINUATION (Nonconforming Use)

~~A. If at the time of enactment of this chapter, any legal activity which is being pursued or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this chapter, such manner of use or purpose may be continued as herein provided.~~

~~B. If any changes in title of possession or renewal of a lease of any such lot or structure occurs, the use existing may be continued.~~

~~C. If any nonconforming use, structure or activity is discontinued for a period exceeding two (2) years after the enactment of this chapter, it shall be deemed abandoned, and any subsequent use shall conform to the requirements of this chapter.~~

~~D. No nonconforming use and/or structure shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use and/or structure at the effective date of adoption or amendment of this chapter unless said move results in decreasing the degree of nonconformity or results in conformance with the requirements for the district.~~

**~~175-125~~ — ZONING PERMITS AND CERTIFICATES OF OCCUPANCY
(Nonconforming Use)**

~~A. All nonconforming uses shall be issued a zoning permit and a certificate of occupancy within ninety (90) days after the adoption of this chapter.~~

~~B. The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this chapter may proceed, provided that such building is completed within one (1) year or such use of land established within thirty (30) days after the effective date of this chapter.~~

~~175-126~~ — REPAIRS AND MAINTENANCE (Nonconforming Use)

~~On any building devoted, in whole or in part, to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding twenty percent (20%) of the current replacement value of the structure, provided that cubic content of the structure as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any~~

structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

~~175-127~~ — CHANGES IN DISTRICT BOUNDARIES (Nonconforming Use)

Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this Article.

~~175-128~~ — NONCONFORMING LOTS OF RECORD (Nonconforming Use)

A. Except as hereinafter provided, the minimum lot width and lot area shall be required for the establishment of any new use on the lot in the R-1 Residential District. Wherever possible, the consolidation of existing nonconforming lots is encouraged to meet the minimum lot size requirements. All new construction shall conform to the yard dimensions and all other regulations for the R-1 Residential District.

1. The Administrator may issue an administrative variance of up to twenty percent (20%) of the required lot width and/or area, where it is found that the proposed new construction is consistent with the structure size, orientation and pattern of development on the street and in the immediate neighborhood.

2. On lots with an area or lot width of less than eighty percent (80%) of the minimum required, approval for construction may be granted by special permit by the Town Council, where the Council finds the application meets the following conditions:

a. The proposed structure has a finished floor area of not less than ninety percent (90%) of the amount of finished floor area prevalent in comparative homes. Finished floor areas does not include basement areas.

b. The proposed structure is compatible with comparative homes in terms of building orientation, scale, proportion and site layout.

c. The site grading provides for adequate drainage on and off the site, without any adverse impact onto adjoining properties.

3. For the purpose of this section, comparative homes shall mean characteristics that are present in at least sixty percent (60%) of the homes located on both sides of the street in the immediate block where the proposed structure is located.

4. The Council may approve a reduction of the side yard requirement, by not more than forty percent (40%), where necessary, to achieve increased compatibility with other structures in the immediate block.

B. In any other residential district, a single dwelling may be erected on any single lot of record, notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for lot area and/or lot width, that are generally applicable in the district, provided that yard dimensions shall conform to the regulations for the district in which such lot is located. Other requirements shall be complied with. All other uses, except a single dwelling, required to meet the minimum lot area requirements for the district in which it is located.

C. ~~In any commercial or industrial district, a permitted structure may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for lot area and/or lot width, that are generally applicable in the district, provided that yard dimensions shall conform to the regulations for the district in which such lot is located. Other requirements shall be compiled with.~~

D. ~~In any nonconforming lot of record contains a conforming use and/or structure, such use and/or structure may be replaced in the area of the preexisting use and/or structure should damage or destruction occur. Expansion of said use and/or structure may occur within the limits of this chapter.~~

E. ~~Except as otherwise noted herein, variance of yard requirements can be obtained only through action of the Board of Zoning Appeals.~~

175-129 — NONCONFORMING USES OF LAND

~~Lawful uses of land which, at the effective date of this chapter or as a result of subsequent amendments thereto, become nonconforming may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:~~

A. ~~Extension. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption of this chapter.~~

B. ~~Changes of use. A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by special permit, be changed to another nonconforming use, provided that the Town Council shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use.~~

C. ~~Additional structures or buildings. No additional structures or buildings not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.~~

D. ~~Damage or destruction. If a nonconforming use of land is damaged or destroyed, such use may be replaced to the extent to which it existed prior to said damage or destruction.~~

175-130 — NONCONFORMING STRUCTURES OR BUILDINGS

~~Structures or buildings which, at the effective date of this chapter or subsequent amendments thereto, become nonconforming by reason of restrictions on lot coverage, height, yards, its location on the lot or other requirements concerning the building or structure may be continued to be used so long as such structure or building remains otherwise lawful, subject to the following provisions:~~

A. ~~Enlargement. A nonconforming structure shall not be enlarged in a manner which increases the nonconformity. Such nonconforming structure may be enlarged in a manner which does not create a new nonconformity.~~

B. ~~Damage or destruction. A nonconforming structure or building which is destroyed or partially destroyed by any means to an extent of seventy-five percent (75%) or more of the market value thereof immediately prior to such damage or destruction shall not be repaired or restored to a nonconforming status, but shall be reconstructed and used only in conformity with~~

the provisions of this chapter. If such structure is more than seventy-five percent destroyed, reconstruction to its prior state may occur if begun within twelve (12) months of said damage or destruction. A special permit from the Town Council is needed for reconstruction during this twelve-month period.

C. Moving of structure or building. No nonconforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the zoning district regulations for the district in which it is located after it is moved.

175-131 — NONCONFORMING USES OF STRUCTURES OR BUILDINGS

Lawful uses of structures or buildings which, at the effective date of this chapter or as a result of subsequent amendments thereto, become nonconforming may be continued by the present or any subsequent owner so long as such use remains otherwise lawful, subject to the following provisions:

A. Extension. A nonconforming use may be extended only if the Town Council approves a special permit after review and recommendation of the Planning Commission.

B. Change of use. Such nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by special permit, be changed to another nonconforming use, provided that the Town Council shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use.

C. Damage or destruction. Removal or destruction of the structure or building in which a nonconforming use is located shall eliminate the use which the structure or building was used for (a nonconforming use). "Destruction," for the purpose of this subsection, is defined as damage to an extent of fifty percent (50%) or more of the market value of the structure or building immediately prior to such damage or destruction. However, if reconstruction begins within twelve (12) months after destruction or partial destruction occurs, the same nonconforming use, with a special permit, or a use which is more appropriate in the zoning district according to the Town Council may be carried on.

175-132 — PERCENT OF DAMAGE (Nonconforming Use)

The cost of land or any factors other than the cost of the structure are excluded in the determination of fair market value for the purpose of calculating the percent of damage. Such percentage shall be determined by the Building Inspector of the Town of Front Royal.

175-133 — USES UNDER SPECIAL PERMIT PROVISIONS (Nonconforming Use)

Any use which is permitted by a special permit in a zoning district under the terms of this chapter (other than a change through the Town Council action from one nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such zoning district, but shall without further action be considered a conforming use.

175-124. CONTINUATION

A. Any legal use that was in operation, or any building or structure that legally existed prior to the effective adoption date of this chapter, that no longer conforms to the requirements of this chapter at the effective adoption date, may be continued so long as the use, building and/or structure remains otherwise

192 lawful. Such legally nonconforming uses, buildings and structures shall
193 conform to all applicable laws in effect at the time when the use, building and/or
194 structure was established.

195
196 B. If there is any change of ownership, possession, or lease, of any legally
197 nonconforming use, building or structure, it may continue according to the
198 requirements of this chapter.

199
200 C. When the boundaries of a district are changed, any uses, buildings, and/or
201 structures, which become nonconforming as a result of such change, shall be
202 subject to the provisions of this Chapter.

203
204 **175-125. VESTED RIGHTS**

205 Pursuant to §15.2-2307 of the Virginia Code, plans for the establishment of new
206 uses, buildings and/or structure may proceed, despite if the requirements of this
207 chapter are not complied with, if a vested right is determined by the Zoning
208 Administrator, after concurrence with the Town Attorney.

209
210 **175-126. DISCONTINUANCE**

211 If any legally nonconforming use is discontinued for a period exceeding two (2)
212 years after the enactment of this chapter, it shall be deemed abandoned, and any use
213 thereafter shall conform to the use requirements of this chapter.

214
215 **175-127. PARKING EXEMPTION FOR THE REUSE OF EXISTING PROPERTIES**

216
217 Regardless of Section 175-126, the reuse of properties with existing parking areas
218 and/or loading spaces shall be exempt from the requirement to comply with the
219 current parking area and loading space requirements of this Chapter, or Chapter 148;
220 provided that, the following conditions are met.

- 221
222 1. A zoning permit was previously issued by the Town on the property for a business
223 (commercial) or industrial use.
224 2. Town Council may require site improvements when a special use permit is
225 required.
226 3. The number of existing parking spaces shall not be reduced for display or other
227 purposes.
228 4. When the existing parking area and/or loading spaces are in disrepair, the Zoning
229 Administrator may require the following types of maintenance improvements at
230 the time of issuance of a zoning permit:
231 a. Additional landscaping.
232 b. The demarcation of existing parking spaces by striping, restriping, wheel
233 stops, or signage.
234 c. The resurfacing of the existing surface material.

235
236 **175-128. NONCONFORMING LOTS OF RECORD**

237 A. Except as hereinafter provided, the minimum lot width and lot area shall be
238 required for the establishment of any new lot, or use of a lot, in the R-1
239 Residential District. Wherever possible, the consolidation of existing
240 nonconforming lots is encouraged to meet the minimum lot size requirements.

241 All new construction shall conform to the yard dimensions and all other
242 regulations for the R-1 Residential District.

- 243
244 1. The Administrator may issue an administrative variance of up to twenty
245 percent (20%) of the required lot width and/or area, where it is found that the
246 proposed new construction is consistent with the structure size, orientation
247 and pattern of development on the street and in the immediate neighborhood.
248
 - 249 2. On lots with an area or lot width of less than eighty percent (80%) of the
250 minimum required, approval for construction may be granted by special
251 permit by the Town Council, where the Council finds the application meets
252 the following conditions:
 - 253
254 a. The proposed structure has a finished floor area of not less than ninety
255 percent (90%) of the amount of finished floor area prevalent in
256 comparative homes. Finished floor areas does not include basement
257 areas.
258
 - 259 b. The proposed structure is compatible with comparative homes in terms
260 of building orientation, scale, proportion and site layout.
261
 - 262 c. The site grading provides for adequate drainage on and off the site,
263 without any adverse impact onto adjoining properties.
264
 - 265 3. For the purpose of this section, comparative homes shall mean characteristics
266 that are present in at least sixty percent (60%) of the homes located on both
267 sides of the street in the immediate block where the proposed structure is
268 located.
269
 - 270 4. The Council may approve a reduction of the side yard requirement, by not
271 more than forty percent (40%), where necessary, to achieve increased
272 compatibility with other structures in the immediate block.
273
- 274 B. In any other residential district, a single dwelling may be erected on any single
275 lot of record, notwithstanding limitations imposed by other provisions of this
276 chapter. This provision shall apply even though such lot fails to meet the
277 requirements for lot area and/or lot width, that are generally applicable in the
278 district, provided that yard dimensions shall conform to the regulations for the
279 district in which such lot is located. All other uses, except a single dwelling, are
280 required to meet the minimum lot area requirements for the district in which it is
281 located.
282
- 283 C. In any commercial or industrial district, a permitted structure may be erected on
284 any single lot of record at the effective date of adoption or amendment of this
285 chapter, notwithstanding limitations imposed by other provisions of this chapter.
286 This provision shall apply even though such lot fails to meet the requirements for
287 lot area and/or lot width, that are generally applicable in the district, provided
288 that yard dimensions shall conform to the regulations for the district in which
289 such lot is located.

290
291 D. In any nonconforming lot of record contains a conforming use and/or structure,
292 such use and/or structure may be replaced in the area of the preexisting use
293 and/or structure should damage or destruction occur. Expansion of said use
294 and/or structure may occur within the limits of this chapter.

295
296 E. Except as otherwise noted herein, a variance of yard requirements may be
297 obtained only through action of the Board of Zoning Appeals.
298

299 **175-129 CHANGES OF USE**

300 A nonconforming use, if changed to a conforming use, shall not thereafter be
301 changed back to any nonconforming use. A nonconforming use may, by special
302 permit, be changed to another nonconforming use, provided that the Town Council
303 shall find that the proposed use is equally appropriate or more appropriate in the
304 zoning district than the existing nonconforming use.
305

306 **175-130 EXPANSIONS AND OTHER TYPES OF ALTERATIONS**

307 A. Except by approval of a special use permit by Town Council, a
308 nonconforming use, building or structure shall not be enlarged, increased or
309 extended to occupy a greater area of land area than was occupied at the
310 effective date of adoption of this chapter unless such expansion conforms to
311 the requirements of this chapter.
312

313 B. New nonconforming structures or buildings shall not be erected in connection
314 with a nonconforming use of land.
315

316 C. A nonconforming building or structure may be enlarged if the expansion does
317 not create a new nonconformity, and does not increase the degree or intensity
318 of the existing nonconformity, as determined by the Zoning Administrator.
319

320 D. A nonconforming structure or building shall not be moved, for any distance or
321 reason, unless it shall thereafter conform to the zoning district regulations for
322 the district in which it is located after it is moved.
323

324 **175-131 REPLACEMENT, REMOVAL, REPAIR, AND RECONSTRUCTION**

325 A. If a nonconforming use of land is damaged or destroyed, such use may be
326 replaced to the extent to which it existed prior to said damage or destruction.
327 Removal or destruction of a building or structure in which a nonconforming
328 use was located shall eliminate the use which the structure or building was
329 used for (a nonconforming use).
330

331 B. Nonconforming buildings and structures that are damaged by a natural event
332 or man-made accident may be repaired and/or reconstructed to their previous
333 condition and size if the work does not exceed fifty percent (50%) of the
334 replacement value.
335

336 C. Town Council may approve a special use permit for the repair and/or
337 reconstruction of a building or structure beyond 50% of the market value,
338 provided that the special use permit application is submitted within twelve

(12) months of said damage or destruction. Otherwise, when the repair and/or reconstruction work to a nonconforming building or structure exceeds 50% of the market value, it may only be repaired and/or reconstructed to the requirements of this chapter, as applicable for new construction.

- D. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official

175-132 PERCENT OF DAMAGE

The cost of land or any factors other than the cost of the structure are excluded in the determination of fair market value for the purpose of calculating the percent of damage. Such percentage shall be determined by the Building Official.

175-133 USES UNDER SPECIAL PERMIT PROVISIONS

Any use which is permitted by a special permit in a zoning district under the terms of this chapter (other than a change through the Town Council action from one nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such zoning district, but shall without further action be considered a conforming use.

-----END

Editorial Notes:

- Proposed new text is shown in highlighted font. Proposed deleted text is shown in strikethrough font.
- Drafted 9/10/12 (JFC) by referral of Town Council and Planning Commission; 9/17/12 (JFC) changes per Town Manager/Town Attorney review; 10/03/12 (JFC); 1/23/13 (JFC) after TC WS; 2/19/13 (JFC) summary and editorial note changes.



Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 10

Meeting Date: March 11, 2013

Agenda Item: PUBLIC HEARING – An Ordinance to Amend Town Code Pertaining to Home Occupation (*1st Reading*)

Summary: Council is requested to affirm on its first reading an ordinance that would amend the Town's home occupation regulations found under Town Code Section 175-108.1. The proposed changes provide for increased clarity of the code requirements, eliminate the specific area restriction of the interior storage and allow for home occupations to have signs if not located in a residential district.

Budget/Funding: None

Attachments: Proposed Ordinance Amendment

Meetings: Work Sessions January 22 and February 4, 2013

Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council affirm on its first reading an ordinance that would amend the Town's home occupation regulations found under Town Code Section 175-108.1, as presented

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB

DRAFT AMENDMENT – VERSION 5

HOME OCCUPATIONS

Town Council directed the Planning Commission to review the Town's restrictions on Home Occupations. The Planning Commission and Staff recommend the following changes be made. The changes include a provision to allow home occupations in non-residential areas to have signage. Without authorizing warehousing type activities, the changes include removing the specific area restriction on interior storage. In addition, minor wording changes are proposed to improve clarity of the code requirements.

START -----

- TOWN OF FRONT ROYAL MUNICIPAL CODE, Chapter 175, ZONING,
- Section 175-108.1 HOME OCCUPATIONS

All home occupations shall meet the following standards:

- A. The use shall be clearly incidental to the principal use of the property for residential purposes and shall not change the exterior appearance of the dwelling unit, or change the character of the neighborhood.
- B. Operators of home occupations must be residents of a permitted dwelling unit on the ~~the principal building on the zoning lot~~, and not more than one (1) nonresident of the ~~zoning lot may be employed in the occupation~~ same parcel, or parcels, where the home occupation is located. Notwithstanding subsection B, nonresident employees may also work for the home occupation, but no more than one (1) nonresident employee may work from the parcel, or parcels, at the same time.
- C. ~~Home occupations may involve the interior storage of goods and materials up to one hundred (100) square feet of floor area within the main building or an accessory building. No outdoor display, sales or storage of goods, materials or equipment shall be permitted, except that, the Zoning Administrator may authorize up to two (2) business vehicles, including any vehicle used by a nonresident employee. Indoor storage is permitted, provided that it does not violate the other restrictions of this section, including, but not limited to, changing the appearance of the dwelling unit, changing the character of the neighborhood, or increasing traffic.~~
- D. No wholesale or retail business shall be permitted unless it is conducted entirely by mail and/or telephone and does not involve the bulk shipment/delivery of merchandise to and from the premises; provided, however, that articles produced by the home occupation operators may be sold on the premises.
- E. ~~Home occupations shall be interpreted to include but not be limited to the following: home offices, computer/telecommunication activities, artist studios, instructional services/tutoring, dressmaking or small item repairs. It shall not include motor vehicle repair, beauty/barber shops (with more than one (1) chair), restaurants, animal hospitals/kennels, dance studios or similar commercial activities. Provided that the other requirements of this section are complied with, home occupations shall include, but shall not be limited to, the following uses: home offices, computer repair services, telecommunication services, artist studios, instructional services/tutoring, dressmaking, babysitting/babysitting services, or small item repair services. Uses that are restricted from being classified as home occupations shall include, but shall not be~~

53 limited to, the following uses: motor vehicle repair, beauty/barber shops (with more
54 than one (1) customer at a time), restaurants, animal hospitals/kennels, retail sales,
55 and dance studios.

56 F. In the instance of a home occupation involving a nonresident employee, at least one
57 (1) additional off-street parking place shall be provided.

58 G. No home occupation shall create greater vehicular or pedestrian traffic than is
59 otherwise normal for the district in which it is located.

60 H. No home occupation shall create noise, dust, vibrations, smells, smoke, glare,
61 electrical interference, fire hazard or any other hazard or nuisance to any greater or
62 more frequent extent than that usually experienced in the district on residentially used
63 zoning lots where no home occupation exists.

64 I. ~~No advertising signs shall be displayed on the property. Any motor vehicle parked or~~
65 ~~stored on a regular basis in a visible location on the property shall not have~~
66 ~~commercial signage affixed exceeding a total of ten (10) square feet. Only one (1)~~
67 ~~such vehicle may be parked at any one (1) time.~~ Notwithstanding other regulations
68 within this Chapter, signs are not permitted for home occupations, except that the
69 Zoning Administrator may authorize a sign for the following circumstances.

70 1. When the sign is located on an authorized business vehicle and does not exceed
71 ten (10) square feet in size.

72 2. When the sign is located within the C-1, C-2, C-3, I-1, I-2, or MCD Zoning
73 District, subject to the following conditions.

74 a. Shall not exceed four (4) square feet in size.

75 b. Shall not exceed six (6) feet in height, if freestanding.

76
77 -----END

78 **Editorial Notes:** All language shown in highlight is proposed new text. All language shown in strikethrough is
79 existing language that is proposed to be removed. Regular text shown is existing language with no changes
80 proposed. Bulleted headings are only added as editorial notes for this document.

81
82 Drafted 10/16/2012 (JFC); modified after October PC Work Session (JFC); 1/29/13 (JFC) Drafted changes based on
83 Town Council Work Session held on 1/22/13; 2/11/2013 (JFC) for Town Attorney's comments a 2/4/13 Meeting;
84 2/20/13 (JFC) editorial note changes for public hearing.
85
86



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 11

Meeting Date: March 11, 2013

Agenda Item: COUNCIL APPROVAL – Discharge of Rainwater into the Town's Sewer System from Rappahannock-Shenandoah-Warren Regional Jail

Summary: Councilman Sayre requested that Council consider approval of discharge of rainwater into the Town's Sewer System from the Rappahannock-Shenandoah-Warren (RSW) Regional Jail. Approval of discharge of rainwater will require an Ordinance Amendment. If Council desires, direction should be provided to develop the Ordinance Amendment and advertise for public hearing.

Budget/Funding: None

Attachments: None

Meetings: Work Sessions held February 19 and March 4, 2013

Staff Recommendation: Approval ✓ Denial

Proposed Motion: Council takes desired action

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance

Approved By: JB



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 12

Meeting Date: March 11, 2013

Agenda Item: COUNCIL APPROVAL - Non-Binding Letter of Intent with Kratos Infrastructure, LLC

Summary: Council is requested to consider approval of a non-binding Letter of Intent (LOI) with Kratos Infrastructure, LLC for the development of the Town of Front Royal Project and all related infrastructure under a Public-Private Partnership through the execution of a Comprehensive Agreement. Staff has submitted a letter to Kratos representative with questions and comments.

Budget/Funding: None

Attachments: Letter of Intent and March 5, 2013 Comment Letter

Meetings: Work Session held March 4, 2013

Staff Recommendation: Approval ☒ Denial ☐

Proposed Motion: Council takes desired action

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB

January 8, 2013

Mr. Thomas Conkey
Kratos Infrastructure, LLC
1401 N. Royal Ave.
Front Royal, Virginia 22630

Re: Letter of Intent – Development of the Town of Front Royal Project and all related infrastructure under a Public-Private Partnership

Dear Tom:

This Letter of Intent ("LOI") outlines the terms and conditions on which the Town of Front Royal, Virginia (the "Town") and Kratos Infrastructure, LLC ("Kratos"), as the Master Developer (jointly the "Parties"), intend to enter into a public-private partnership for the development of the Project within the Town through the execution of a Comprehensive Agreement. This LOI defines the basic understanding and intent of the Parties in negotiating the Comprehensive Agreement, which shall commence immediately following the execution of this LOI. The Comprehensive Agreement shall be the guiding document between the Parties and each element shall be binding on the Parties.

The centerpiece of this public-private partnership shall be the various Projects, which are further described herein.

This Letter of Intent is an expression of the Parties' intent to partner together and use best efforts to effectuate and execute a Comprehensive Agreement and the Comprehensive Development Agreement. The Parties hereby agree and intend that the Comprehensive Agreement shall include the following terms and conditions:

Comprehensive Agreement

The Comprehensive Agreement is anticipated to consist of various separate agreements. Such agreements could include a Comprehensive Development Agreement (that could consist of more than one Development Agreement), some number of property purchase/lease agreements (should the Town own land that is to be developed), a Master Lease Agreement, and some number of Power Purchase Agreements.

Pursuant to any Development Agreement, the Master Developer shall agree to perform, or cause to be performed, the planning, design, engineering, construction and financing for the Project and all related infrastructure. Development of the Project shall be consistent with the Town's objectives and developments as detailed below. Any necessary infrastructure and upgrades to present infrastructure

will be designed, constructed, and implemented by the developer and included in overall feasibility and financing provided through or directly by Developer.

Project Master Plan Description

The following is a summary of the developments associated with the Project. The Elements listed are intended as the basis for discussion and are not intended to either limit the potential developments or to imply that all of the listed projects will be completed.

Project Title	Elements
Tourism District Master Plan	Retail/Restaurants Lodging Residential Housing Multi-use Parking
Medical District Master Plan	Hospital Medical Office Park Wellness Center
Town Infrastructure	Renovate former Town Hall Potable Water and Waste Water Treatment
Renewable Energy Park	Possible Solar field Possible solid waste conversion to energy

Development of Plan

Upon execution of this LOI, the Master Developer will undertake due diligence, which will include among other things, an assessment of the Properties and environs; a review of municipal, county and State laws, regulations and plans applicable to the Project and a summation of approvals/permits required thereunder; confirmation of the development team; preparation of a comprehensive development plan for the Project; preparation of a project budget and financing structure, and progress meetings with designated Town officials.

Pursuant to the Comprehensive Agreement, , the Kratos shall provide to the Town a comprehensive development plan, including a concept plan, financing structure and timeline to be reviewed and approved by the Town.

Property Title

Pursuant to the Comprehensive Agreement, the Town will convey all of its right, title and interest in and to the Properties controlled by the Town to the Master Developer pursuant to a sale or lease agreement between Town and the Master Developer, as necessary and mutually agreed.

Planning & Zoning

Pursuant to the Comprehensive Development Agreement, the Master Developer will work with the Town to address the issues and recommendations made by the Town with respect to the Master Plan associated with the Project. Once the elements of the Project have been defined and agreed between the Parties, the Town will be responsible for any and all necessary approvals needed in the completion of the project.

Partnership Costs

It is anticipated that the entire project cost will be financed by the Partnership through private capital sources.

Pre-Development Resources

Any Comprehensive Development Agreement shall provide for the provision of pre-development resources, including resources sufficient to pay the pre-developments costs of the Parties during the Predevelopment Phase One detailed below.

Time is of the Essence

The Parties agree that time is of the essence and that each will work in good faith to execute project agreements in a timely fashion. Time is of the essence with respect to all provisions of this Letter of Intent that specify a time for performance.

Timing

The Town shall appoint a single point of contact who will be the primary point of contact between the Town and the Master Developer within 15 days, but not later than 30 days after the date of the fully executed Letter of Intent.

The Master Developer and the Town shall create a preliminary timeline for planning purposes only not later than 30 days after the Single Point of Contact is made known to the Master Developer. This timeline shall include, but not be limited to, the planning events needed to prepare an estimate of the project(s) and the events that are required to negotiate and execute the documents that are included in the Comprehensive Agreement.

Phase One (Predevelopment): 6-8 months from the execution of the Comprehensive Development Agreement.

- The parties shall execute all remaining elements of the Comprehensive Agreement at the end of this phase.

Phase Two (Financing/Construction): 24/36 months following completion of Phase One.

Good Faith, Cooperation

The Parties hereto covenant and represent to each other that they shall use good faith and best efforts in the performance of all obligations embodied in this Letter of Intent and all subsequent agreements.

Publicity

Each party shall provide appropriate publicity and public relations for activities carried out in furtherance of the Project. Any publicity involving the other party or the partnership shall be undertaken with due regard for the spirit and intent of the public-private partnership as well as the other party's interests, concerns and applicable sunshine laws. The Parties shall cooperate and consult from time to time in good faith with respect to all such publicity.

Qualification

This Letter of Intent is a non-binding expression of the intent of the Parties. Only a fully executed Comprehensive Agreement is sufficient to bind the Master Developer and the Town. This Letter of Intent is subject to withdrawal at any time by either party prior to the execution of the Comprehensive Agreement.

If the above terms and conditions of this Letter of Intent are acceptable to the Master Developer, please acknowledge such agreement by signing the enclosed counterpart of this letter where indicated and return the executed counterpart to me at the above address.

We look forward to working with you and your team on this historic undertaking for Front Royal, Virginia.

Yours In Service,

Name:

Title:

Agreement acknowledged and accepted this day of _____

KRATOS INFRASTRUCTURE, LLC

MASTER DEVELOPER

By: _____

Name:

Title:



TOWN OF FRONT ROYAL
OFFICE OF THE TOWN MANAGER
ADMINISTRATION BUILDING
P.O. BOX 1560
FRONT ROYAL, VIRGINIA 22630-1560

STEVEN M. BURKE, P.E.
Town Manager
(540) 635-8007
(540) 636-7475 (Fax)
sburke@frontroyalva.com

March 5, 2013

Mr. Thomas Conkey
Kratos Infrastructure, LLC
1401 North Royal Avenue
Front Royal VA 22630

RE: Development Proposal – Letter of Intent

Dear Mr. Conkey:

Based upon review of your January 8, 2013 Letter of Intent (“LOI”) draft language, the Town of Front Royal provides the following comments.

1. Please review the use of “Master Developer” in the draft letter, as the opening of the letter defines it as “Parties” referring to both the Town and Kratos, but later appears to infer it as only “Kratos”.
2. The LOI and Comprehensive Agreement refer to a public-private partnership for the projects. Please consult your legal representative to evaluate if the proposed projects can be pursued through either Virginia’s Public-Private Transportation Act or Public-Private Education Facilities and Infrastructure Act (“PPEFIA”).

In particular, there is a concern on the part of the Town as whether elements of the Project Master Plan Description contained in the LOI will conform to Art. 1 § 11, of the Virginia Constitution, which states:

A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is.

This Constitutional provision causes additional concern because of the specific wording of the PPEFIA. To qualify under the PPEFIA, the Town is concerned that the project must first be a “Qualifying Project”, which under Virginia Code § 56-575.1:

...means (i) any education facility, including, but not limited to a school building, any functionally related and subordinate facility and land to a school building (including any stadium or other facility primarily used for school events), and any depreciable property provided for use in a school facility that is operated as part of the public school system or as an institution of higher education; (ii) any building or facility that meets a public purpose and is developed or operated by or for any public entity; (iii) any improvements, together with equipment, necessary to enhance public safety and security of buildings to be principally used by a public entity; (iv) utility and telecommunications and other

communications infrastructure; (v) a recreational facility; (vi) technology infrastructure, services, and applications, including, but not limited to, telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services; (vii) any services designed to increase the productivity or efficiency of the responsible public entity through the use of technology or other means, (viii) any technology, equipment, or infrastructure designed to deploy wireless broadband services to schools, businesses, or residential areas; (ix) any improvements necessary or desirable to any unimproved locally- or state-owned real estate; or (x) any solid waste management facility as defined in § 10.1-1400 that produces electric energy derived from solid waste. [Emphasis added.]

Virginia Code § 15.2-1900, which was repealed by the Constitutional provision above mentioned, but which reflects the common law meaning, stated that: *[t]he term "public uses" mentioned in Article I, Section 11 of the Constitution of Virginia is hereby defined to embrace all uses which are necessary for public purposes."*

In addition, the PPEFIA itself seems to define what it means by a "public purpose":

§ 56-575.2. Declaration of public purpose. —

A. The General Assembly finds that:

- 1. There is a public need for timely acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, operation, implementation, or installation of education facilities, technology infrastructure and other public infrastructure and government facilities within the Commonwealth that serve a public need and purpose [emphasis added];*
- 2. Such public need may not be wholly satisfied by existing methods of procurement in which qualifying projects are acquired, designed, constructed, improved, renovated, expanded, equipped, maintained, operated, implemented, or installed;*
- 3. There are inadequate resources to develop new education facilities, technology infrastructure and other public infrastructure and government facilities for the benefit of citizens of the Commonwealth, and there is demonstrated evidence that public-private partnerships can meet these needs by improving the schedule for delivery, lowering the cost, and providing other benefits to the public;*
- 4. Financial incentives exist under state and federal tax provisions that promote public entities to enter into partnerships with private entities to develop qualifying projects;*
- 5. Authorizing private entities to develop or operate one or more qualifying projects may result in the availability of such projects to the public in a more timely or less costly fashion, thereby serving the public safety, benefit, and welfare.*

B. An action under § 56-575.4 shall serve the public purpose of this chapter if such action facilitates the timely development or operation of qualifying projects.

C. It is the intent of this chapter, among other things, to encourage investment in the Commonwealth by private entities and facilitate the bond financing provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 or other similar financing mechanisms, private capital and other funding sources that support the development or operation of qualifying projects, to the end that financing for qualifying projects be expanded and accelerated to improve and add to the convenience of the public, and such that public and private entities may have the greatest possible flexibility in contracting with each other for the provision of the public services that are the subject of this chapter.

In addition, Virginia Code § 56-575.3:1 appears to the Town to provide a legislative floor or ground prior to anything else being done by the local government under the PPEFIA:

*A. A responsible public entity **shall, prior to requesting or considering a proposal for a qualifying project, adopt and make publicly available guidelines** that are sufficient to enable the responsible public entity to comply with this chapter. Such guidelines shall be reasonable, encourage competition, and guide the selection of projects under the purview of the responsible public entity[**emphasis added**].*

B. For a responsible public entity that is an agency or institution of the Commonwealth, the guidelines shall include, but not be limited to:

1. Opportunities for competition through public notice and availability of representatives of the responsible public entity to meet with private entities considering a proposal;

2. Reasonable criteria for choosing among competing proposals;

3. Suggested timelines for selecting proposals and negotiating an interim or comprehensive agreement;

4. Authorization for accelerated selection and review and documentation timelines for proposals involving a qualifying project that the responsible public entity deems a priority;

5. Financial review and analysis procedures that shall include, at a minimum, a cost-benefit analysis, an assessment of opportunity cost, and consideration of the results of all studies and analyses related to the proposed qualifying project. These procedures shall also include requirements for the disclosure of such analysis to the appropriating body for review prior to execution of an interim or comprehensive agreement;

6. Consideration of the nonfinancial benefits of a proposed qualifying project;

7. A mechanism for the appropriating body to review a proposed interim or comprehensive agreement prior to execution, which shall be in compliance with applicable law and the provisions of subsection I of § 56-575.4 pertaining to the approval of qualifying projects;

8. *Establishment of criteria for (i) the creation of and the responsibilities of a public-private partnership oversight committee with members representing the responsible public entity and the appropriating body or (ii) compliance with the requirements of Chapter 42 (§ 30-278 et seq.) of Title 30. Such criteria shall include the scope, costs, and duration of the qualifying project, as well as whether the project involves or impacts multiple public entities. The oversight committee, if formed, shall be an advisory committee to review the terms of any proposed interim or comprehensive agreement;*

9. *Analysis of the adequacy of the information released when seeking competing proposals and providing for the enhancement of that information, if deemed necessary, to encourage competition pursuant to subsection G of § 56-575.4;*

10. *Establishment of criteria, key decision points, and approvals required to ensure that the responsible public entity considers the extent of competition before selecting proposals and negotiating an interim or comprehensive agreement; and*

11. *The posting and publishing of public notice of a private entity's request for approval of a qualifying project, including (i) specific information and documentation to be released regarding the nature, timing, and scope of the qualifying project pursuant to subsection A of § 56-575.4; (ii) a reasonable time period as determined by the responsible public entity to encourage competition and public-private partnerships in accordance with the goals of this chapter, such reasonable period not to be less than 45 days, during which time the responsible public entity shall receive competing proposals pursuant to subsection A of § 56-575.4; and (iii) a requirement for advertising the public notice in the Virginia Business Opportunities publication and posting a notice on the Commonwealth's electronic procurement website shall be included.*

C. *For a responsible public entity that is not an agency or institution of the Commonwealth the guidelines may include the provisions set forth in subsection B in the discretion of such public entity. However, the guidelines of a responsible public entity that is not an agency or institution of the Commonwealth shall include:*

1. *A requirement that it engage the services of qualified professionals, which may include an architect, professional engineer, or certified public accountant, not otherwise employed by the responsible public entity, to provide independent analysis regarding the specifics, advantages, disadvantages, and the long- and short-term costs of any request by a private entity for approval of a qualifying project unless the governing body of the responsible public entity determines that such analysis of a request by a private entity for approval of a qualifying project shall be performed by employees of the responsible public entity; and*

2. *A mechanism for the appropriating body to review a proposed interim or comprehensive agreement prior to execution.*

3. Please provide additional detail regarding the power purchase agreements associated with the Comprehensive Agreement, as the Town is guided by specific procurement requirements for power purchases.

Development Proposal

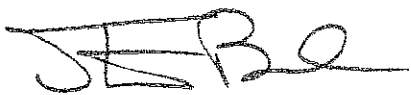
March 5, 2013

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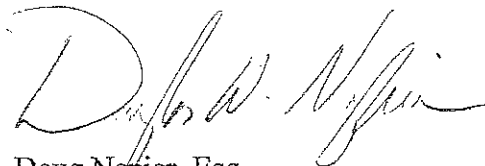
4. Please expand and describe the wording related to the "Property Title" section, as conveyance of property interest by the Town is guided by specific Ordinance requirements.
5. Please expand and describe the wording related to the "Planning & Zoning" section, as the developer typically assumes permitting responsibilities.
6. Please provide a definition for the "Partnership" described in the "Partnership Costs" section.
7. The description of this agreement provided by Councilman Hrbek at the February 25th Council Meeting referenced a Redevelopment Authority being established. Please provide confirmation if this entity is intended to be a party to the agreement.

Thank you for your prompt consideration of these comments.

Sincerely



Steve Burke, PE
Town Manager



Doug Napier, Esq.
Town Attorney



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 13

Meeting Date: March 11, 2013

Agenda Item: COUNCIL APPROVAL – Reclassification of Part-Time Code Enforcement Officer to a Full-Time Deputy Zoning Administrator Position - Planning/Zoning Department

Summary: The Town's current Code Enforcement Officer recently resigned effective March 12, 2013. Currently this position is classified as part-time even though regular work hours are 39 hours a week. Council is requested to consider the approval of reclassifying the position of part-time Code Enforcement Officer to Full-Time Deputy Zoning Administrator.

Budget/Funding: Currently Budgeted

Attachments: Position Summary

Meetings: Work Session held March 4, 2013

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council approve reclassifying the position of part-time Code Enforcement Officer to Full-Time Deputy Zoning Administrator.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB

TOWN OF FRONT ROYAL
POSITION SUMMARY

<i>Job Title:</i>	Deputy Zoning Administrator	<i>Position Type:</i>	Full-Time
<i>Salary:</i>	GS-20 (\$38,084.80-\$60,881.60 annually)	<i>Job Category:</i>	Exempt
<i>Department:</i>	Planning & Zoning		

Job Purpose:

The Deputy Zoning Administrator assists the Planning and Zoning Director with the management of all aspects of zoning, including permitting, inspections and zoning administration.

Duties:

The primary job duties of the position include the following:

- To oversee daily zoning enforcement activities;
- To oversee daily zoning inspections;
- To provide customer service, including, but not limited to, interaction with walk-in customers, as well as answering calls and email inquiries;
- To assist with the enforcement of other chapters of the Town Code, such as, but not limited to, Chapters 170, 148, 135, 145, and 107; and
- To coordinate code enforcement activities with the Police Department, Town Attorney, and other Town Departments, under the general supervision of the Director of Planning & Zoning/Zoning Administrator.
- To work on other activities, projects or assignments as required by the Director, including ordinance amendments, staffing of local boards or commissions, such as, but not limited to, the Board of Zoning Appeals, preparing tracking reports, preparing Staff reports and memos to the Director, or other related activities necessary for the operation of the Department of Planning & Zoning.

To perform the primary duties of the position, the following activities are necessary:

- To maintain records and files, reviews permit applications, researches records, and writes letters and reports.
- To assist with the coordination of community awareness and public education campaigns to increase citizen participation and compliance with Town ordinances.
- To conduct inspections to ascertain code violations of Chapter 175, and other chapters, of the Town Code.
- To conduct follow-up inspections and investigative work to ensure compliance with the Town Code.
- Prepares letters and notices for mailing, and/or serves notices of violation to property owners and/or tenants.
- Prepares data for court and testifies on ordinance and code violations.
- Performs routine patrols to encourage pro-active enforcement of zoning violations.
- To attend occasional evening meetings, as needed.

This position will act for the Zoning Administrator in his/her absence.

TOWN OF FRONT ROYAL
POSITION SUMMARY

Qualifications:

Minimum job qualifications include:

- Knowledge of local government, including familiarity with the Town Code and Virginia Code.
- Knowledge of zoning enforcement methods, practices and procedures.
- Knowledge of the Town.
- Ability to carry out oral and written instructions and to prepare clear comprehensive reports.
- Ability to deal courteously, firmly and tactfully with the public.
- Good judgment making and time management skills, with the ability to learn quickly.
- Physical ability and endurance to inspect properties of all conditions.
- Ability to operate a motor vehicle.
- Ability to establish and maintain effective working relations with the general public to enforce ordinances with firmness, tact and impartiality.

Special Requirements:

Possession of an appropriate driver's license valid in the Commonwealth of Virginia. Must meet and maintain all department and State training and education requirements for the position. CZA/CZO certification is required at the time of hire, or within a specific amount of time after being hired. Other certifications may be required in the future as determined by the Director.

Work Conditions:

This is medium work requiring the exertion of up to 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects; vocal communication is required for expressing or exchanging ideas by means of the spoken word, and conveying detailed or important instructions to others accurately, loudly, and/or promptly; hearing is required to perceive information at normal spoken word levels, and to receive detailed information through oral communications and/or to make fine distinctions in sound; visual acuity is required for depth perception, color perception, night vision, peripheral vision, preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, operation of machines, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions, extreme cold, extreme heat, vibration, hazards, atmospheric conditions. The worker may be exposed to blood borne pathogens and may be required to wear specialized personal protective equipment

The position presently is provided a vehicle for use during normal business hours.

Description Updated By: _____ Date: _____
Approved By: _____ Date: _____



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 14

Meeting Date: March 11, 2013

Agenda Item: COUNCIL APPROVAL – Reclassification of Full-Time Assistant Operation Manager to Part-Time Operation Manager – Energy Services Department

Summary: The Energy Services Department is requesting the vacant full-time Assistant Operation Manager position be reclassified as a part-time position to allow the Department to utilize this position to assist the Operations Manager in project management, namely two projects currently in progress, Riverton Substation and South Fork Bridge Replacement. Council is requested to consider the approval of reclassifying the vacant position of Assistant Operation Manager to part-time Assistant Operation Manager.

Budget/Funding: Currently Budgeted

Attachments: None

Meetings: Work Session held March 4, 2013

Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council approve reclassifying the vacant position of Assistant Operation Manager to part-time Assistant Operation Manager in the Energy Services Department.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 15

Meeting Date: March 11, 2013

Agenda Item: COUNCIL APPROVAL – Employee Handbook

Summary: Council is requested to consider approval of the Town of Front Royal Employee Handbook as presented.

Budget/Funding: None

Attachments: Employee Handbook

Meetings: Work Session held January 22, February 4, 10 and March 4, 2013
Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council approve the Town of Front Royal Employee Handbook as presented.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB



TOWN OF
FRONT ROYAL
EMPLOYEE HANDBOOK

March 11, 2013

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1 Introduction

I. General Information

- A. This document contains the primary employment policies and procedures that provide guidance to effectively manage human resources within the Town of Front Royal. While no set of written policies can address every possible situation, these policies, when used as a whole, provide overall guidance for reasonable, consistent decision-making.
- B. As each Department has specific expectations of their employees and their work that are specific to that Department, this Employee Handbook hereby incorporates each Department's Operational Manual or General Orders approved by the Town Manager as an attachment to this document enforceable through this Handbook.
- C. All employees of the Town of Front Royal, those persons who work for the Town in return for financial compensation, except elected officials and independent contractors, are governed by this common set of employment policies. The Town Manager may make exceptions to the policies in special or unusual situations when in his or her opinion an exception would be in the best interest of the Town. Exceptions are documented and maintained in the Human Resources Department.

The policies are intended to provide effective guidance and sufficient flexibility to allow independent judgment while ensuring accountability to the public and consistent, equitable decision-making. No member of the Town administration, other than the Town Manager, has the authority to modify any of the terms or provisions of these "Employment Policies and Procedures."

II. Organizational Vision, Mission and Values

Inherent in Town Council's vision, the mission of the employees of the Town of Front Royal is to deliver services to Town residents, customers, and visitors in an efficient, effective and equitable manner and to build a stronger community.

The core values that guide the organization's actions and decision-making are the following:

- A. **Respect** – appreciating the mixture of similarities and differences in beliefs and behavior of employees and citizens.
- B. **Honesty** – telling the truth, refraining from cheating and stealing, and avoiding conflicts of interest.
- C. **Customer Focus** – demonstrating a commitment to internal and external customer service.
- D. **Personal Responsibility** – taking ownership and accepting the consequences of one's actions.
- E. **Integrity** – consistently applying these core values even when doing so is difficult or unpopular.

III. Ethics

The Town expects employees to hold themselves and their coworkers to the highest ethical standards. Employees are expected to act and make decisions based on public service principles and the organizational values to achieve positive results.

The Town Employee's Guiding Principles are:

- Be efficient, courteous, and impartial in the performance of my duties, assuring fair and equal treatment of all persons, claims, and transactions coming before me in my official capacity
- Work in full cooperation with other public employees in promoting the public welfare, recognizing that my private interest must always be subordinate to the public interest
- Make decisions conscientiously in compliance with public law and policies of the Town Council, and subordinate my personal views to the requirements of law, my duty to office, and the regulations of the Department in which I perform my public duties
- Be scrupulously honest in handling public funds and in the conversion of public property, never using any funds or property under my care for private benefit of others or myself
- Never accept or engage in employment incompatible or in actual or possible conflict with my public duties
- Refuse to represent private interest before Departments of the Town government or in the courts in any matter involving the interests of the Town as a party or in which my official position is a consideration
- Disclose all sources of income which may represent a conflict of interest with my official duties and to disclose the nature and extent of any personal interest in a business entity engaging in any transaction with the Town in which I may be involved in my official capacity as a public official or employee
- Refrain from disclosing confidential information concerning the Town government
- Refrain from accepting gifts or favors or promise of future benefit which might compromise, or appear to reasonable people to compromise, my independence of judgment or action as a public employee
- Expose corruption wherever discovered

Keeping in mind that how results are achieved is as important as the results themselves, employees are expected to consider an ethical perspective and to seek advice and guidance whenever there is any doubt about whether actions or decisions are appropriate. Such advice and guidance is available from many sources including supervisors, Department Directors, the Human Resources Director, the Town Attorney or Town Manager.

The Town Code of Ethics is as follows:

In order to ensure that Town officials represent fully the public and Town citizens maintain the highest trust in their public officials and employees, the Town of Front Royal hereby adopts the Virginia State and Local Government Conflict of Interests Act for all Town Officials and employees.

Appointed officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States, the Constitution of the Commonwealth of Virginia, and the laws of the nation, state, and municipality to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal consideration, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

Officials and employees of the Town of Front Royal should be loyal to the political objectives expressed by the electorate as interpreted by the Council and the programs developed to attain those objectives. Appointed officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. Officials and employees should not breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

Canvassing of members of the Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the municipal service shall disqualify the candidate for appointment except with reference to positions filled by appointment by the Council.

No official or employee shall request or permit the use of Town-owned vehicles, equipment, materials, or property for personal convenience or profit.

No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties in the public interest or would tend to impair his/her independence of judgment or action in the performance of his/her official duties. "Personal interest" as distinguished from "financial interest," includes an interest arising from blood or marriage relationships or close business or political association.

Specific conflicts of interest are provided below for the guidance of officials and employees:

- A. No official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his/her official action in performance of his/her official duties.
- B. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the Town. Nor shall he/she use such information to advance the financial or other private interest of himself/herself or others.
- C. No official or employee shall accept any valuable gifts, whether in the form of services, loans, things, or promises, from any person, firm or corporation which to his/her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town; nor shall any such official or employee accept any gift, favor, or thing of value that may tend to influence him/her in the discharge of his/her duties, or grant in the discharge of his/her duties any improper favor, service, or things of value.
- D. No official or employee whose salary is paid in whole or in part by the Town shall appear on behalf of private interests before any agency of the Town. He/She shall not represent private interests in any action or proceeding against the interests of the Town in any litigation to which the Town is a party. Nothing in this Handbook shall deny any official or employee from appearing before any agency of the Town in his/her own behalf, provided the records of the proceedings clearly state the fact that he/she is appearing in his/her own behalf, and provided further that the nature of his/her interest is clearly set forth in the records.
- E. No official or employee shall have a personal interest in a contract with the Department or Board, committee, Commission, or similar body of which he/she is an official or employee other than his/her own contract of employment.

No official or employee shall have a personal interest in a contract with any other Department or

board, committee, commission, or similar body of the Town of Front Royal unless such contract is awarded as a result of competitive sealed bidding or competitive negotiation as defined in Virginia Code or is awarded as a result of procedure embodying competitive principles as authorized by Virginia Code.

The provisions of this section shall be applicable to:

1. An employee's personal interest in other contracts of employment with his/her own governmental agency which accrue to him/her because of a member of his/her immediate family, provided the employee does not exercise any control over the employment or the employment activities of the member of his/her immediate family and the employee is not in a position to influence those activities.
 2. Contracts for the sale by a government agency of services or goods at uniform prices available to the general public.
- F. An official or employee who has a personal or financial interest, and who participates in discussion with or gives an official opinion to the Council, shall disclose on the records of the Council or other appropriate authority the nature and extent of such interest.

No appointive official or employee in the administrative service shall use the prestige of his/her position in behalf on any political faction. No appointive official or employee in the administrative service shall orally, by letter, or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution from any Town of Front Royal employee to any political faction, nor shall he/she be a party to such solicitation by others. No employee of the Town of Front Royal while in uniform, an occupant in any Town vehicle/equipment, or performing any official duties shall attempt in any manner to influence the ballot choice of any voter in a Town of Front Royal election. No appointive official shall take any active part in political campaigns for candidates for political office in the Town of Front Royal.

No official or employee, whether elected or appointed, shall promise an appointment to any municipal position as a reward for any political activity.

As used in this Section, the term "appointive official" shall include only the following, the Town Manager, Clerk of Council, and Town Attorney.

When officials or employees have doubt as to the applicability of a provision of this Code of Ethics to a particular situation, they should apply to the Town Manager for an advisory opinion and be guided by that opinion when given.

Violation of any provision of the Code of Ethics should raise conscientious questions for the official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the Town. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

IV. Employment Relationship

The Town believes that all employees, regardless of role, position, status or salary, make a critical contribution in achieving the Town's mission. The Town is committed to providing a safe, nondiscriminatory and alcohol and drug free workplace where employees can work in supportive relationships and interact responsibly with colleagues and citizens. Managers and employees are partners in ensuring that the citizens of Front Royal receive appropriate services.

V. Employment At-Will

Virginia is an "employment at will" state and employees of the Town of Front Royal do not have a contract of employment. Neither these policies nor any other document constitutes an express or implied employment contract or any right to continued employment. These policies are not intended to and do not imply or create a vesting of property rights or a contract entitling Town employees to any specific benefits or policies from the Town. The contents of this manual and Town of Front Royal's policies and procedures may be changed at any time. The term at-will means employment with the Town of Front Royal can terminate voluntarily or be terminated by the Town at will.

VI. Overall Administrative Responsibilities

The Director of Human Resources shall normally develop policy recommendations and the procedures necessary for implementation of policy and shall serve as a source of expertise on the intent and application of the Town's Employment Policies. In cases where several policies apply to the same situation, or where conflicts appear to exist, the Town Manager is authorized to make a determination as to the intent and application of policy. The Town Manager has final authority for the approval and administration of employment policies and procedures.

VII. Department Director Responsibilities

Department Directors and other designated management officials perform the following personnel management functions:

- A. Determine organizational structures and staffing levels based on service delivery needs and resource availability.
- B. Establish and communicate work expectations, develop operating procedures, manage performance and maintain an effective working environment.
- C. Issue Departmental rules and operating procedures necessary for the efficient and effective functioning of the Department; however, such rules and operating procedures shall not conflict with any portion of these Employment Policies or other legal requirement and must be coordinated in advance with the Human Resources Department.
- D. Schedule activities within their Departments including hours of work, rest and lunch periods, time to prepare for work and cleanup time.
- E. Assign duties and responsibilities to employees within their management area.
- F. Identify training and development needs and provide for on-the-job training (OJT).
- G. Ensure that financial and procurement policies are followed appropriately, including making the best use of fiscal resources, consultants and approved contracts.
- H. Department Directors may delegate, wholly or in part, the personnel management functions listed above.

VIII. Policy Maintenance

Employment policies and procedures are issued and maintained by the Town Manager. Policies shall take

effect on the date of Town Council approval, as appropriate, and shall supersede all previously issued policies. When changes to previous policies and procedures are approved, information regarding changes will be communicated to the workforce. The Human Resources Department will fully implement all provisions of the policies in a timely and reasonable manner.

2 Employment

I. Equal Opportunity Employment Policy

The Town of Front Royal is an Equal Opportunity Employer (EOE) and is fully committed to the principles of equal employment opportunity. The Town maintains and promotes equal opportunity for all employees and applicants for employment in accordance with relevant state and federal laws. The Town will not discriminate on the basis of race, color, religion, sex, national origin, age, physical or mental disability unrelated to the ability to perform the essential functions of the position.

In accordance with the Americans with Disabilities Act and Amendments there to, the Town of Front Royal provides equal employment opportunities to qualified individuals with disabilities. Reasonable accommodations will be provided to a qualified employee or applicant with a disability when the employee or applicant requests an accommodation. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. All requests for accommodation will be fully reviewed. A request for accommodation will be denied if the accommodation is not shown to be effective, places an undue burden on the Town, or if the employee poses a direct threat to the health and safety of themselves or others.

The Town of Front Royal will make all decisions regarding recruitment, hiring, promotions, reassignments, training and other terms and conditions of employment without unlawful discrimination.

- A. The Town of Front Royal will not tolerate any form of discrimination, including sexual or racial harassment, of its employees. Allegations of discrimination will be thoroughly investigated and disciplinary or corrective action taken as warranted. Reprisals against employees who file complaints of discrimination are prohibited; however, such protection does not condone unfounded or vindictive accusations of others. The Town protects the legitimate interests of all parties concerned in a dispute involving allegations of discrimination. (*Refer to Chapter 8, Employee Responsibilities for more information*).
- B. Reporting Guidelines:

Individuals who feel they have been subjected to discrimination including sexual harassment are strongly encouraged to respond by using any or all of the following procedures:

 - 1. Information and advice about discrimination may be obtained by contacting the Human Resources Department or the Town Attorney's office. Every precaution will be taken to ensure confidentiality at this informal, information gathering stage.
 - 2. Current Town employees are strongly encouraged to report any incident of discrimination to his or her immediate supervisor, appropriate Department Director, or the Human Resources Department. Supervisors, appropriate Department Directors or other officials will immediately address any act of discrimination of which they become aware.
 - 3. Current Town employees may use the formal Grievance Procedure to report and resolve complaints of discrimination.
 - 4. Additional information regarding discrimination, including sexual harassment definitions and reporting responsibilities can be found in Chapter 8, "Employee Responsibilities."

II. Criminal Convictions

The Town of Front Royal does not discriminate unlawfully against persons who have been convicted of criminal offenses. A prior conviction does not automatically exclude an applicant from employment with the Town. The nature and the offense of a past conviction is weighed and considered in relation to the duties of the position sought.

III. Merit Principles and Selection

- A. A merit system is a system by which selections, appointments and promotions in public service are based on qualifications and competence rather than political favoritism, seniority or other non-job related factors. The Town supports the principles of a merit system for selection and performance evaluation to recognize and reward job-related factors.
- B. Initial selection to classified positions and promotion to higher-level positions shall be based upon open competition among qualified applicants. Employees are encouraged to apply for positions in which they are interested and qualified. Town employees will be given serious consideration for vacancies based upon qualifications necessary for the position sought.
- C. Temporary Employment:
Applicants for Temporary positions, as defined in Section VI, A-3, may be selected and/or appointed without regard to the competitive provisions of this policy including the recruitment procedures.

IV. Recruitment

- A. The Human Resources Department shall develop and maintain effective recruitment processes that attract candidates representative of the community and possessing the education, skills and abilities to meet the current and future needs of the Town.
- B. Requisitions:
Newly established or positions vacated shall normally be authorized for filling through a requisition process initiated by the Department with the vacant position. A request to fill the position including appropriate justification regarding the operational need for the position, salary information and other pertinent data shall be completed and forwarded to the Town Manager for approval. Upon approval the requisition is forwarded to Human Resources to begin the recruitment process.
- C. Filling of Vacancies:
Vacant positions may be filled by recruitment from inside and/or outside sources as determined appropriate in coordination with the selecting Department Director or designee. Vacancies may also be advertised with the newspapers and electronic media, other government agencies, journals, private recruiting firms, educational institutions, professional and civic organizations, and other sources. The Town supports cross training, job rotation and promotion from within and may confine competition for vacant positions to members of the Town workforce if determined to be in the best interests of the Town.

D. Advertisements:

Vacancy listings and/or postings shall be developed and used to attract applicants for most Town positions. Normally, vacancies shall be advertised for a minimum of five (5) business days and applications will be accepted only when a position is posted. However, high turnover positions may remain continuously under recruitment in order to maintain pools of qualified candidates and to quickly fill such positions as vacancies occur. Such applications may be included in future competitive processes.

E. Application Process:

The Human Resources Department shall provide the methods and means by which interested parties and current employees may apply for positions under recruitment. Typically, application for Town employment requires completion of employment application forms, which allow applicants an opportunity to accurately reflect their education, training, and previous work experience.

F. Qualifications:

Qualifications are the education, experience, competencies, skills, abilities, knowledge and other attributes determined most likely to predict successful job performance in a position or group of positions with similar requirements and levels of responsibilities. Acceptable background information and driving record, when required, are included in the attributes necessary to meet minimum qualifications.

G. Screening of Applicants:

A screening process shall determine those candidates who meet the qualifications for the position(s) to be filled. Such screenings may include, but are not limited to, a review of submitted applications, resumes, education and experience credentials, references, preliminary interviews and other relevant information. Town of Front Royal employment records will be reviewed as a part of the screening process, when an applicant is a current or former employee of the Town. Screening may be completed by Human Resources staff, operating Department staff or outside public or private agencies, as deemed appropriate by the Director of Human Resources.

H. Certification and Selection of Qualified Applicants:

From those candidates that meet the minimum qualifications, an appropriate number of applicants determined to be the best suited for the position(s) may be certified to the hiring official for final selection. Current employees and outside applicants may be certified simultaneously and hiring officials shall place emphasis on internal candidates when filling vacant positions.

I. Mental and Physical Examinations:

Some positions with the Town require mental or physical examinations or medical tests as a condition of employment. In positions where regular physical examinations are required, the Town is responsible for and fully pays the cost of the exam and any test or procedure related to the basic physical exam. Problems or conditions, which need medical treatment and any additional medical exams needed as a result of the basic physical exam, are the responsibility of the employee.

Questions regarding responsibility for such medical costs shall be directed to the Town's

Human Resources Department before additional treatment or testing is performed.

J. Background Checks:

In the interest of public welfare and safety, all positions require the applicant successfully complete background checks including, but not limited to, personal reference checks, criminal history, and child abuse registry to ensure that the applicant's past conduct is compatible with the nature and requirements of the position under consideration. An applicant for a position that requires driving a vehicle shall provide a copy of his or her official Department of Motor Vehicles (DMV) record or shall authorize the Town to obtain a copy of the DMV record. The Town Manager, in conjunction with the Human Resources Department, shall determine the positions and specific background checks that will be utilized. In all cases, appropriate state and federal laws shall be followed.

V. New Employee Orientation

- A. Except in unusual circumstances approved by the Director of Human Resources, new employees shall complete appropriate payroll and benefit paperwork on the first day of employment. Supervisors shall make arrangements for newly hired employees to attend benefits orientation in the Human Resources Department on the first day of work.
- B. New full-time and part-time employees shall also attend a general new employee orientation program normally held during the first day of employment. The Human Resources Department shall coordinate the general orientation program and shall notify new employees and supervisors of the date, time and place of such orientation.

VI. Position Categories

A. All Town positions fall into one of the following three categories:

- 1. Full-Time – those positions approved by Town Council and confirmed individually in the annual budget based on an on-going full-time service delivery need. Employees work a continuing schedule as it applies to their Department's regular work hours, normally 2080 hours annually. The positions are included in the Town's pay plan and assigned to a pay grade and range. Employees are eligible to receive all Town benefits.
- 2. Part-Time – those positions approved individually in the annual budget based on an on-going service delivery need or structure of less than 40 hours per week. Employees normally have a regular work schedule of about 80% or less of their Department's regular work hours, are designated as hourly and are paid for actual hours worked. The positions are included in the Town's pay plan and assigned to a pay grade and range. Employees working in part-time positions are eligible for partial employment benefits and paid time off as described in Chapters 4 and 5.
- 3. Temporary – those positions approved either individually or based on a pool of resources for temporary services in the annual budget based on short-term, seasonal or sporadic service delivery needs typically of six (6) calendar months or less. In addition, temporary positions may meet fill-in or relief needs that exceed the typical temporary time limits. Employees are

designated as hourly, may work as many hours as needed and are paid for the hours actually worked. The positions are not included in the Town's pay plan and are paid an hourly rate as appropriate. Employees in temporary positions are not eligible for any benefits.

- B. Positions are categorized based on the above definitions regardless of the revenue that provides funds for the position. Positions established through outside funding sources such as state funding and state or federal grants may be restricted as to benefits and duration based on the conditions of the grant or outside funding regardless of other Town policies.

VII. Employment of Special Categories of Individuals

A. Employment of Relatives:

1. To maintain the highest level of trust and support from the community, to avoid situations that might result in unfair or preferential treatment of employees and/or the public, and to avoid any appearance of conflict of interest, the Town limits the employment and work assignment of employees, regardless of category, that are related to each other or to current Town Council members.
2. Members of the same family are eligible for employment with the Town; however, such employment may not result in a Public Official or an employee directly or indirectly supervising a member of his or her immediate family.
3. Definitions:
 - a. Current Town Council members are those individuals serving a current term of office as a part of the Town's elected governing body.
 - b. Public Officials are individuals elected or appointed to a position of public office and having duties relating to the sovereign powers of government.
 - c. Employees are individuals hired through competitive processes to serve the Town of Front Royal.
 - d. For the purpose of this policy, immediate family are defined as a spouse, parent, spouse's parent, child, brother, sister, grandparent, grandchild, legal guardian and equivalent step-relations.
 - e. Indirect supervision includes, but is not limited to, being in a position to affect the terms and conditions of another's employment, including making decisions about work assignments, compensation, grievances, advancement or performance evaluation.
4. Guidelines:
 - a. No Public Official or employee of the Town of Front Royal may directly or indirectly supervise or otherwise have access, control or influence over work activities or salary decisions for immediate family members.
 - b. Employees may not be hired, promoted, demoted or transferred to a work assignment that creates a situation in conflict with this policy.
 - c. With respect to indirect supervision, employees in positions senior to their immediate family

members are responsible for recognizing situations in which employment interactions may be in violation of this policy and must recuse themselves from any involvement or decision-making pertaining to their family member.

- d. An immediate family member of a current Town Council member or the Town Manager shall not be employed by the Town in any capacity. In situations where a member of a current employee's immediate family is elected to Town Council or appointed Town Manager, the employee must resign his/her position, or shall be released from employment, no later than the date on which the Council member or Town Manager takes office.
- e. When the relationship between employees changes, such as through marriage, adoption or living arrangements, creating a situation that violates this policy, employees must notify their supervisor immediately and must be in compliance with the policy within three (3) months.
- f. In certain situations such as public safety emergency response or weather related emergencies, employees that do not normally fall within the supervisory chain of command, including family members, may work together and/or supervise one another for the duration of the emergency.

B. Employment of Non-US Citizens:

Non-US citizens possessing the ability to work in the United States legally shall be considered for selection, promotion and all other personnel actions on the same basis and under the same processes as US Citizens, except that applicants for sworn Police Officer positions must be US citizens.

C. Employment of Virginia Retirement System (VRS) Annuitants:

An individual receiving a VRS annuity may not be employed in any full-time position unless he or she agrees to suspend the VRS benefit payments for the duration of the employment.

D. Age Requirements:

Persons under the age of 16 shall not be employed in full-time or part-time positions. The employment of persons under the age of 18 shall conform to Virginia labor laws governing the employment of minors. Sworn Public Safety employees holding full-time positions must be at least 21 years of age but no more than 70 years of age.

VIII. Driving Policy

Effective service to the citizens and efficient use of Town resources requires safe, accident-free operation of the motor vehicles used to perform official duties. This policy establishes the guidelines and procedures that govern vehicle operation, including driving and accident record review, as well as the disciplinary and rehabilitative measures that may be implemented. These guidelines rely on a three-pronged philosophy of acceptable driving history, driver's training and on-going accountability for individual actions. The Town's core value of personal responsibility, taking ownership and accepting the consequences of individual actions, is the central component of the guidelines. The Risk Manager, in conjunction with the individual Department, will ensure that all state and local requirements relevant to requests for information and official driving records are followed including appropriate security of all forms, records and documentation.

- A. Driving Record reviews for new and current employees include annual review, for cause review, periodic review and when an employee applies for or seeks promotion to a position that requires driving a Town vehicle.

A minimally acceptable driving record for a new and current employee includes the following components:

1. -4 or fewer demerit points
2. No DWI/DUI convictions within the last three (3) years
3. At least two (2) years of continuously valid licensing immediately prior to hire with the Town
4. An overall pattern of safe vehicle operation and driving habits

- B. The following conditions are unacceptable and normally prevent an employee from operating a Town vehicle until his or her driving record improves to a minimally acceptable level or he or she meet other specific requirements established by the Town Manager:

1. -5 or more demerit points
2. DWI/DUI conviction within the last three (3) years
3. A license suspended due to driving violations, or accidents, unless the employee has completed three (3) full years with no subsequent moving violations, at-fault accidents or penalties. A license suspended due to administrative penalties is a concern but would not typically disqualify an employee unless there is evidence of him or her having knowingly driven with a suspended license.

C. Consequences:

1. In the situation where a current employee's Driving Record is minimally acceptable but indicates that one additional violation of any kind will place him or her in the unacceptable category, the employee will be notified and required to satisfactorily complete a DMV certified Driver Safety and Awareness Course, also known as the Driver Improvement course. The employee is responsible for any cost incurred to take the course. Failure to complete a certified course within the time period designated in the notice of requirement may result in driving restrictions and/or disciplinary action.
2. An employee charged with an on or off-duty DWI/DUI is required to inform his or her supervisor of such charge and is normally prohibited from driving a Town vehicle until a decision regarding the charge is rendered by the Courts; any deviation from this policy of not allowing such employee to drive a Town vehicle until a decision is rendered by the courts must be made by the Town Manager based upon a showing that it is in the Town's best interest and there is no better alternative reasonably available to the Town. Assignment to a non-driving position, if available, is at the discretion of Departmental management. If a non-driving position is not available, the employee may be required to take appropriate leave or be placed on administrative leave without pay pending the outcome of court proceedings. An employee charged with on or off-duty DWI/DUI is also subject to the "Drug and Alcohol Testing" provisions of the Town's Employment Policies and Procedures.

3. An employee that drives or is found to have knowingly driven a Town vehicle with a suspended or revoked driver's license is subject to appropriate disciplinary action. In addition, the employee may be subject to quarterly Driving Record review for a period of one (1) year.
4. Disciplinary action, up to and including termination from employment with the Town, may be initiated in the event that an employee has an unacceptable driving record and/or loses his or her driver's license or driving privileges. Disciplinary action may also be taken if an employee engages in misconduct or demonstrates poor performance relative to operating a Town vehicle as determined by his or her supervisor.
5. Action taken in accordance with the Town's disciplinary policies may be in addition to driving prohibitions implemented by the provisions of this Driving Policy.
6. In unusual situations, Department Directors and the Town Manager may consider an employee's performance and overall employment history prior to implementation of driving restrictions. In some cases, due to significant liability concerns, driving restrictions may be implemented regardless of court actions.

D. Commercial Drivers Licenses

Certain positions shall be required to obtain and maintain a commercial drivers license as a requirement for employment. Non-administrative positions in Environmental Services not associated with plant operations and non-administrative positions in Energy Services shall be required to possess a commercial drivers license. The Town shall reimburse employees for their first application for the commercial drivers license and for renewal expenses.

IX. Initial Employment Period

- A. The Town of Front Royal uses an initial (probationary) employment period as an integral part of the employment process for employees holding full-time and part-time positions to determine the suitability of an employee for his/her position. The initial employment period shall be used to assess new employees' work performance, interpersonal behavior and conduct and to allow sufficient time for an employee to adjust to his/her position and work environment. In establishing an initial (probationary) employment period, the Town does not change in any way the employment-at-will status that applies to its employment relationship with all employees at all times during their employment.

- B. Length of Initial Employment Period:

The initial employment period shall be six (6) months from the date of hire or date that an employee attains a full-time or part-time position except in the case of public safety employees. The initial employment period for uniformed public safety employees shall encompass basic recruit and field training, where applicable, plus twelve (12) months in a regular duty assignment. Employees serve only one initial employment period regardless of reassignment, promotion or demotion to other positions.

- C. Extension of Initial Employment Period:

Six (6) months is normally sufficient time to evaluate the suitability of the employment relationship but, in rare instances, an extension of the initial employment period may be warranted. Department

Directors may, with specific, job-related justification, extend the initial employment period for an additional period not to exceed six (6) months. Extensions of the initial employment period shall be in writing and shall be included in the official personnel file located in the Human Resources Department. The extension must be discussed with the Human Resources Department and communicated to the employee prior to the end of the original initial employment period. The employee shall be notified in writing of the specific reasons for such extension as well as the specific performance results necessary to ensure on-going employment. An example of an appropriate justification for an extension of the initial employment period is when a new employee has experienced an injury or illness and is unable to work for an extended period of time during the initial employment period. In such a situation, an extension of the initial employment period equal to the length of the absence from work, up to six (6) months, may be needed to adequately observe and evaluate the employee's performance.

D. Disciplinary Actions During Initial Employment Period:

Employees who have not completed their initial employment period may be subject to disciplinary action as outlined in Chapter 8, "Employee Responsibilities" as determined to be appropriate by the supervisor and/or Department Director. Employees disciplined and/or separated from employment during the initial employment period have no appeal or grievance right against such disciplinary action(s).

X. Safety

The Town of Front Royal is committed to providing our employees with a safe and healthful work environment. To accomplish this goal, all employees must make diligent efforts to promote safety. The Town has developed, implemented, and monitors safety rules and regulations to ensure a safe and healthful workplace. The Risk Manager and the individual Departments coordinate and communicate a Safety Program for all Town employees beginning with New Hire Orientation and continuing throughout employment. The goal of the Safety Program is to protect the safety and health of Town employees, assist in preventing accidents and injuries, increase efficiency of operations, and save money for the taxpayers of the Town of Front Royal. Each Town employee is fully responsible for implementing the provisions of the Safety Program as it pertains to operations under his or her control.

XI. Emergency Service

The Town under extreme condition may enter a State of Emergency due to inclement weather or other conditions. Each Town employee has a responsibility to perform whatever duties may be assigned to deliver services to the citizens of Front Royal. As part of this responsibility, service outside of the normal working hours or in some capacity other than the normally assigned positions may be required. When unusual situations occur and/or the Town Manager declares a State of Emergency, all Town employees may be required to accept special assignments and perform as needed to ensure appropriate service delivery.

XII. Scheduling of Work

A. Administrative Workweek:

Seven (7) consecutive calendar days constitute an administrative workweek. Generally, the Town of Front Royal's administrative workweek begins at 12:01 a.m. Wednesday and ends at

12:00 midnight the following Tuesday.

B. Typical Work Schedule:

Town employees' work schedule follows the official business hours of Monday through Friday or an eight (8) hour workday with a one-half hour lunch period, unless covered by an alternative work schedule. A regular workday is a day in which work is performed according to the assigned work schedule or approved leave must be taken.

C. Alternative Work Schedules:

1. Individual Departments may request alternate work schedules for individual work groups, as needed, to effectively deliver services to be approved by the Town Manager.
2. Uniformed Police personnel may have a duty schedule established consisting of an average of 40 hours per week over a 28-day cycle or a total of 2080 hours per year. The basic weekly tour of duty for administrative Police personnel shall be a 40-hour workweek of five 8-hour days.

D. Lunch periods:

Lunch or other meal periods, during which the employee is entirely free of the duties of his or her position for at least 30 minutes, are not considered work or paid time. Duty free lunchtime or other meal breaks of at least 30 minutes during periods of overtime work is usually not paid time. In most situations, employees are expected to take a meal break during the course of the assigned work time. Employees shall consult their supervisor regarding scheduling meal breaks or requests for alternate schedules.

E. Breaks:

Employees shall have two fifteen (15) minute rest breaks per day, which are included within the total required hours of work. These breaks may be used in conjunction with the lunch period, as long as the sum does not exceed sixty (60) minutes per workday. Such breaks may not accumulate from one shift or one day to another. Approval of breaks is at the discretion of the Department Director.

F. Travel time:

1. Travel from home to the workplace is not considered work or paid time. However, once an employee reports to work, required travel from one location to another during the duty period is considered work and shall be counted as paid time.
2. The time needed to travel to destinations outside of the normal work location or to and from out of town or state destinations in excess of the usual travel from home to the workplace, required to conduct Town business, is normally considered paid time and shall be included in hours worked for overtime purposes. Examples of Town business requiring such travel include training events, conferences or meetings in other localities or similar situations.

XIII. Separation from Employment

- A. Resignation is a separation initiated by an employee. Employees who leave their position due to

resignation shall normally provide at least two weeks written notice to their Department Director. Supervisors must document verbal resignations in writing.

1. In the event that an employee is within his or her initial employment period, the two-week notice is encouraged but not required.
 2. Once a resignation is submitted by the employee, it may not be withdrawn unless the Department Director, or designee, agrees to such a withdrawal.
- B. Retirement is a separation that may be initiated by an eligible employee, as in the case of voluntary retirement, or by management, as in the case of mandatory retirement because of age in sworn public safety positions. In either situation, VRS rules apply.
- C. Separation Without Prejudice shall be used to separate an employee who is unable to report to work due to circumstances beyond his or her control such as: an incapacitating medical condition that is not or cannot be resolved; the loss of a required license; circumstances causing conflict with Town Policies, such as the employment of relatives policy; incarceration; or similar situation. Employees shall normally be given seven (7) calendar days advance written notice of the separation without prejudice.
- D. Separations due to disciplinary action are described in Chapter 8, "Employee Responsibilities."
- E. An employee may be separated at any time during the Initial Employment Period if he or she fails to perform at an acceptable level, fails to demonstrate acceptable dependability, conduct or suitability for the position and/or needs of the Town.
- F. If an employee wishes to use annual, personal, and/or compensatory leave time prior to separation, Department procedures for requesting and granting leave time must be followed. An employee who has unused annual leave, adjusted hours and/or compensatory time in excess of two-weeks shall normally be paid for such unused paid time off in a lump sum payment at the time of separation rather than remaining on the payroll until all such paid time off is exhausted, up to 160 hours of annual leave and \$2,000.00 of sick leave.
- G. Workload, staffing shortages and other circumstances may prevent paid leave being granted to the employee, in which case the employee shall be paid for all accumulated annual leave, compensatory time and adjusted hours at the time of separation, as appropriate.
- H. Prior to or at the time of separation, the employee must return all Town owned materials and equipment to the supervisor. The employee must also make arrangements and provide a forwarding address to receive the final paycheck and statement of annual earnings (Form W-2). The Human Resources Department may contact the separating employee to discuss benefit options and schedule an exit interview.
- I. Exit Interview:
- An exit interview is a meeting between a separating employee and a Human Resources' staff member. The interview is encouraged in all voluntary separations including retirements and is normally held no later than two weeks after the employee's last day of service. During the exit interview, the employee may discuss his or her reason(s) for leaving and learn about the status of benefits, reinstatement privileges and retirement, if applicable. The exit interview is not intended as a

counseling or grievance session. The information gained from the employee on subjects such as pay, benefits, training and working conditions provides important feedback that may contribute to improved job satisfaction for Town personnel.

XIV. Reinstatement

An employee, who voluntarily leaves Town employment in good standing, may be reinstated, at the Department Director's discretion, to a vacancy in the former position, salary and benefits, if re-employed within one year from the date of separation. If reinstated, such employees shall be considered to have been in a leave without pay status during the period of separation for the purposes of leave accrual, rate of pay and, if eligible, retirement benefits.

XV. Personnel Files

- A. Personnel files contain written material about an employee's employment. Written information related to employment is considered a personnel file regardless of where the records might be physically located. Official personnel files for each Town employee are maintained only in the Human Resources Department. Employees, supervisors, and divisional managers may identify materials to be included in the personnel files, subject to management approval. Departments shall not maintain separate personnel files.
- B. Documents that are a part of the personnel file include, but are not limited to: job specification, grade or pay range assignment, employment application/resumes, employee pay and benefit information, performance evaluations, disciplinary actions, counseling documentation, supervisor's job-related notes, employment agreements, commendations and education materials.
- C. All medical information such as Family Medical Leave certifications, ADA materials including requests for accommodations, results of physicals or drug/alcohol testing are maintained in files separately from personnel files.
- D. In accordance with the Government Data Collections and Dissemination Practices Act, every employee has the right to review his or her personnel file(s). In addition, employees may challenge, correct and/or include a written statement to provide information related to any document in the personnel file(s).
 - 1. Requests for review may be made to Human Resources or the appropriate Departmental office through a variety of means such as e-mail, memo, telephone, or in person.
 - 2. The file will be made available as soon as reasonably possible, but in no case later than close of business the following workday.
 - 3. Copies of materials within the file will be provided at the employee's request and at the employee's expense.
 - 4. The file may not be removed from the relevant office.
 - 5. A staff member from Human Resources, the Department Director or the supervisor shall be present during the review.

XVI. Release of Information

- A. The Human Resources Department treats information provided to it by employees as confidential. Requests for employment information shall be forwarded to the Human Resources Department for appropriate response, in accordance with relevant laws and regulations.
- B. Human Resources may release specifically requested information to employees or former employees, other Town Departments and local, state and federal agencies in order to allow those Departments and agencies to perform their necessary duties as follows:

- 1. Information Requested by Employees:

Current and former employees of the Town of Front Royal have the right to review any information in their personnel files. An employee, or designee, may review the contents of his or her official personnel file by visiting the Human Resources Department during normal office hours. Proof of identity must be provided before the personnel file may be reviewed.

- 2. Information Requested by Town Departments:

Routine information such as dates of employment, job title and salary history shall be given to representatives of Town Departments if the Department has a valid need for the information and the information is concerning an employee of that Department. Information requested by another Town Department shall normally not be provided unless the requesting Department has a valid need for the information, such as when an employee from another Department is being interviewed for a position or when another Town Official, such as the Town Manager or Town Attorney has a specific job or duty related function to perform.

- 3. Information Requested by Individuals Outside the Town:

Requests for information concerning Town employees are often received from federal agencies, credit bureaus, individual employers and others.

The following information is given in response to such requests:

- a. Verification of name.
- b. Verification of employment.
- c. Present employees – verification that the person is employed by the Town and the job title.
- d. Former employees – verification of dates of employment and the job title, not including the reason for separation.
- e. Salaries of employees who earn in excess of \$10,000 annually are a matter of public record and must be released upon request.
- f. Additional information may be released upon presentation of a valid subpoena or court order.

3. Compensation

I. Compensation Philosophy

- A. Inherent in Town Council's vision of responsive, effective local government, the mission of the employees of the Town of Front Royal is to deliver services to Town residents, workers and visitors in an efficient, effective and equitable manner and to build a stronger community. The total compensation of employees consists of the regular salary and applicable overtime pay, the Town's contributions to employee benefits, holiday pay, and various forms of leave with pay.
- B. The goal of the Town of Front Royal's compensation program is to attract, reward and retain employees that are representative of the community and fully able to deliver services at acceptable levels.
- C. The Town will develop and maintain a Pay Plan guided by the following principles:
 - 1. Public service is an admirable occupation and the employees who have dedicated themselves to the service of the Town's residents are to be valued.
 - 2. Town employees shall be compensated in ways that reflect market competitiveness and recognize performance in alignment with organizational goals.
 - 3. Each Town employee is a unique individual, with his or her unique and particular needs and aspirations. No compensation program can accommodate every individual circumstance. Rather, the intent is to have a program that reasonably provides choices and the flexibility to assist employees in achieving their goals, while encouraging individual responsibility and reflecting the prevailing market environment.
 - 4. The Pay Plan must be fiscally responsible and affordable; it will always be constrained by resource availability.
 - 5. No Pay Plan is perfect; every variable cannot be addressed equally and to the satisfaction of all. Choices and trade-offs based on the organization's values, goals and priorities must be made.
 - 6. The Pay Plan shall be rational and based on clear guidelines that can be easily understood and communicated.
 - 7. Differences in compensation for reasons other than job classification, performance, qualifications, longevity or legal requirements are inappropriate. Specifically, there shall be no discrimination related to non-job related factors such as race, color, national origin, religion, gender, age, disability or political affiliation.
- D. The Town's compensation program will:
 - 1. Balance salary and non-salary benefits to achieve competitive total compensation.

2. Assure that like jobs are valued with comparable methodology and are treated similarly in terms of base pay.
3. Manage pay ranges with respect to the relevant market for comparable work.
4. Promote individual contributions and high levels of performance that advance organizational and Departmental missions and outcomes.
5. Consider relevant market data, internal equity, knowledge, skills and abilities, length of service in the job and demonstrated performance in setting individual pay.
6. Attract applicants with the basic skills needed to perform the job and the ability to quickly learn the specific requirements of the position.
7. Allow new employees with relevant experience (both quantitative and qualitative) and demonstrated competence to be hired at a pay rate above the range minimum.
8. Ensure that the pay of current employees with experience similar to new employees is comparable (assuming satisfactory performance).
9. Be fiscally constrained.

E. Pay Plan Adjustment:

1. When considering pay plan adjustments, no single measure will be considered in isolation. Management judgment is important.
2. Evidence that the pay ranges for specific positions or job categories need to be reevaluated will be demonstrated by significant variance from the market, excessive turnover, and/or difficulty recruiting.
3. Pay plan adjustments can only be approved by the Town Council.

F. Advancement Through the Pay Range:

1. It is an organizational goal to maintain a compensation program that includes performance based increases. Employees are encouraged to make a performance difference, either individually or through teams, in which results are more important than entitlements (i.e., seniority, hierarchy, or the expectation of additional pay for changing responsibilities).
2. Individual contributions serve as a significant factor in determining individual compensation. Higher levels of performance are normally rewarded by quicker advancement in the relevant pay range. Minimally acceptable performance is normally not rewarded although efforts will be made to keep pay comparable to market. Performance at less than an acceptable level results in no advancement in pay and requires management intervention to assist the employee in achieving satisfactory performance. Sustained and documented unsatisfactory performance is grounds for demotion or dismissal.
3. Advancement through a pay range may reflect longevity (length of service) but is normally tied

primarily to performance (effectiveness, demonstrable skills and competencies that produce outcomes/results contributing to the achievement of the organization's mission and goals).

G. Positive Work Environment:

Compensation is only one determinant of employee satisfaction and may be secondary to the work itself and the work environment.

Accordingly, the Town will strive to maintain a positive work environment characterized by:

1. A focus on employee safety
2. Adequate work space
3. Appropriate equipment
4. Effective management practices and positive management attitude
5. Consistent, effective and efficient policies and procedures
6. Workforce training and development
7. Opportunities for selection and promotion from within

II. Pay Plan

- A. The Town's Pay Plan is an administrative structure that includes a series of market-based pay grades and ranges. Each classified position in the Town is assigned to the appropriate grade in the Town Pay Plan that is in keeping with the nature of work, the degree of responsibility involved in the position and the relevant labor market. Employee base pay shall fit within a pay range and shall be at a rate no less than the minimum and no greater than the maximum. The Town regularly reviews the Pay Plan and makes changes to the structure, as necessary, in accordance with the Compensation Philosophy.

B. Plan Maintenance:

The Town Pay Plan is maintained by analyzing information collected through periodic salary and benefits surveys for comparable positions in market organizations and internal information regarding recruitment and retention.

Information about average pay, range parameters and benefits in the market is collected for those positions common to most organizations (benchmark positions) and compared to Town average pay, range parameters and benefits. Each Town position is linked to a benchmark position therefore, the survey results apply to all Town positions. This information, along with information regarding recruitment difficulty and turnover, provides the basis for decisions regarding pay range parameters, grade placement and employee pay adjustments.

C. Communication of the Plan:

Annually, the most recent Pay Plan and a listing of all Town positions with assigned pay grades are approved by the Town Council, included in the adopted Budget, and are posted on the

Human Resources Department website.

III. Position Classification/Reclassification

- A. Classification is the assignment of a position on the Town's pay plan to a pay grade based on an assessment of the duties and nature of work, the degree of responsibility and the relevant labor market.
- B. Reclassification is the reassignment of a position from one pay grade to another resulting from a formal job review requested by a Department Director and completed by the Human Resources Department. Reclassification is normally the result of a significant change in the duties and responsibilities of a position, structural changes, a change in the needs of the organization or other similar situations as determined by the Director of Human Resources. All reclassifications shall be approved by the Town Council.
- C. Job Review:

To maintain fair, competitive pay for all employees, the Town utilizes a job review process to analyze positions to determine appropriate pay grade assignment. Changes to the pay grade of existing positions may be implemented due to changes in the relevant labor marker, duties and responsibilities, structural changes, changes in the needs of the organization, when new positions are developed or other similar situations.

 - 1. The initial assignment of or recommendations for changes to the pay grade of a position is made by the Human Resources Department following a review of the position.
 - 2. Requests to establish new positions and/or review current positions to determine appropriate grade placement must be made in writing by a Department Director, or designee, and submitted to the Human Resources Department. Normally, reclassification requests for filled positions must be submitted as a part of the annual budget process. Deadlines are included in the annual Budget Calendar. Requests for review of new and/or vacant positions will be accepted at any time.
 - 3. Reclassification requests must include a description of the new position or change(s) to the current position and written justification. A desk review will be conducted by HR staff and a written recommendation on appropriate grade placement will be conveyed to the Department Director. As needed, a site visit and field review will be completed to ensure full understanding of the duties and responsibilities of the position.
 - 4. Recommendation for reclassification shall be submitted by the Town Manager to the Town Council for approval.
- D. Employees in positions that are reclassified (moved) to a higher grade will receive a salary increase equal to 2.5% of the current base pay, or the minimum of the new grade, whichever is greater. Funding for this increase will be included in the Departmental budget proposal and when approved will be included in the personnel salaries appropriations. The effective date of reclassification and the associated pay increase shall be based on the effective date of the appropriation. In the event that unusual circumstances warrant a pay increase in excess of the usual 2.5%, a request for the

additional increase must be made in accordance with the Within Grade Increase provisions stated in Section IV-H, "Within Grade Increases."

IV. Pay Actions

Employment actions such as selection, promotions and reassignments typically have a pay action associated with the action. The following sections include the usual actions and corresponding pay action. In most cases, review by Town Manager is required prior to applicant or employee notification and implementation of a pay action.

A. New Hire Pay:

Pay for newly hired employees is determined based on a variety of factors such as the grade assignment of the position, the employee's level of knowledge, skills and abilities and current market conditions. In no case will a new employee's pay be set below the minimum of the assigned pay grade or above the maximum of the assigned pay grade, service needs, and the efficient management of resources.

1. Initial Pay Rate:

Newly hired employees shall normally have their pay set at the beginning of the pay range established for the position.

2. Pay Rates Above Minimum:

There may be situations when it is necessary to set pay above the minimum of the pay grade, based on the value of the position to the Town, the knowledge, skills and experience the candidate brings to the position, and market conditions for the particular positions. Written justification shall be provided to the Town Manager along with a verification of available funding and must be approved by the Town Manager.

B. Overtime Compensation:

All Town Departments have established work schedules as required by workload, production, flow, service needs, and the efficient management of resources. In addition to these established schedules, service delivery needs may require overtime work when authorized by management, i.e. more than 40 hours of actual work in one administrative workweek. The following pay actions apply when overtime work is authorized.

1. Eligibility for Overtime Compensation:

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours actually worked (productive time) and overtime pay, at one and one-half times the regular rate of pay, for all hours worked over 40 hours in a workweek, unless governed by the FLSA Section 207k public safety exemption. The time needed to travel to destinations outside of the normal work location, beyond commuting time, to conduct required Town business is usually considered productive time.

- 2. Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees in bona fide executive, administrative or professional positions. Therefore, in compliance with the FLSA all positions in the Town are designated as EXEMPT or NON EXEMPT. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the regulations. Non-exempt employees are covered by the FLSA and are eligible for overtime compensation for hours**

worked beyond the threshold established by the FLSA.

3. Overtime Compensation for Non-Exempt Employees:

The FLSA requires that non-exempt employees receive overtime compensation at 1.5 times the hourly rate for hours worked in addition to specified hours threshold, normally 40 hours in one administrative work week, except sworn Public Safety positions, which have a threshold established in accordance with Section 207k of the FLSA (*refer to Chapter 2, Section XIII, Scheduling of Work*). While paid time off is not included as actual hours worked under the FLSA regulations, the Town provides a more generous benefit than is required by law and includes all paid time off, except sick leave, as productive time worked for overtime compensation purposes. In compliance with State law, all paid hours will contribute to the hours worked threshold for sworn police employees. A non-exempt employee shall not work any time that is not specifically authorized by his or her supervisor. Non-exempt employees are prohibited from performing any "off-the clock" work (i.e., work performed but not recorded on the timesheet).

4. Exempt employees are not subject to the provisions of the FLSA and therefore, are not typically eligible to receive overtime compensation. However, they may with the approval of their supervisor, use discretion to adjust their regular work schedule following extended periods of work in excess of 40 hours per administrative workweek.
5. Overtime compensation may be in the form of compensatory time at one and one half hours of time awarded for each hour worked over the appropriate threshold, or monetary payment, at management's discretion. The Town limits the amount of compensatory time a non-exempt employee can earn in lieu of cash overtime payment to 40 hours after which monetary payment must be made. While employee preferences may be considered, employees may be required to take accrued compensatory time off as paid leave at management's discretion. Unused compensatory time must be paid promptly upon separation from Town employment or upon promotion or reassignment to an exempt position.

C. Call Back Pay:

Call back refers to situations when an employee is off duty and is called to return to work to deliver services required to protect the immediate safety, security and/or wellbeing of the community. All employees are subject to call back to work, outside of or beyond standard working hours, in unusual and/or emergency situations where additional staffing is needed to deliver services. Regular work schedules may change in anticipation of emergency conditions and employees shall be in a call back status only after exceeding the hours worked in a standard workday. Examples of such situations include, but are not limited to, unexpected staff shortages or absence, emergency repairs, snow or other weather-related emergencies, public safety emergencies, staffing emergency shelters and/or similar emergency situations.

In call-back situations, a non-exempt employee required to report back to work or remain at work beyond his or her regular shift shall be compensated for the specific hours worked over and above standard working hours at one and a half times his or her regular rate regardless of the hours worked in the week, and thirty (30) minutes travel time at one and a half his or her regular rate if called back to work. Call back pay shall not be available for pre-planned duties such as meetings or presentations, planned activities such as leaf removal, scheduled building

checks, or in instances where an employee is required to work beyond his or her scheduled hours to perform normal duties.

D. Stand-By Pay:

1. Stand-by is time that a designated, non-exempt employee must remain available to report to work during off-duty hours, in accordance with his or her Department's operating procedures, but is normally not unduly restricted in his or her freedom to conduct personal business. An employee on stand-by is not required to remain at work or home and is free to engage in personal pursuits, with the understanding that he or she must be available by phone or pager to respond and report to work if necessary.

A non-exempt employee assigned to stand-by shall be compensated as follows for the stand-by time:

- a. One (1) hour regular pay for each 24-hour day, Monday through Friday or regular workday of the employee's assigned regular work schedule.
- b. One (1) hour regular pay for each 24-hour period on Saturday, Sunday, or observed holiday.
2. If an employee on stand-by is called out and required to report to work to handle unexpected issues, he or she shall be compensated for the specific hours worked at one and a half times his or her regular rate, regardless of hours worked in the week, and 45 minutes travel time at one and a half times his or her regular rate.
3. Each Town Department shall identify the positions subject to stand-by and shall establish written operating procedures, subject to review and approval by the Town Manager, for stand-by coverage including a rotation schedule, acceptable response time and application of stand-by pay processes.
4. Exempt employees are not eligible for stand-by pay. However, an exempt employee on stand-by who is called out to work may, with the approval of their supervisor, use discretion to adjust their regular work schedule following extended periods of such work.

E. Performance Increases:

After completion of the initial employment period, employees may be eligible for annual performance increases based on resources determined by Town Council in the annual adopted budget. (*Refer to Chapter 6, Performance Management for more information on performance evaluation*).

F. Certification Pay:

Employees may be eligible for compensation in addition to base pay under the specific provisions of a Departmental certification pay plan. Certification pay is typically earned while the employee possesses a job-related license or certificate and performs work related to the license or certificate. Certification pay is normally removed upon loss of the certification or license. Certification pay is not a part of base pay for pay adjustment purposes such as promotional or performance increases. Certification pay can also be in the form of a one-time payment for securing certification.

G. Acting Duty/Assumption of Additional Duties:

Acting appointments occur, at the discretion of a Department Director, when an employee

assumes part or all of the duties of a higher-level position that has been restructured or vacated due to resignation, termination, retirement or extended leave. Assumption of additional duties may also occur when an individual takes on specific programs or tasks outside the scope of their normal job.

1. Acting Duty or Assumption of Additional Duties assignments may be formalized, and may include a temporary pay increase, when the acting appointment or the assumption of additional duties is expected to last 30 days or more. These temporary assignments are normally limited to one year. An acting appointment or assumption of additional duties may be extended beyond one year, with the written approval of the Town Manager, based on justification provided by the Department Director.
2. Acting appointments or the assumption of additional duties shall be documented in writing and shall be made a part of the employee's official personnel file.
3. Acting Duty Pay Actions:

The Town may provide additional compensation for employees in acting appointments who assume additional higher level duties due to resignations, terminations, retirements, extended leave, or who assume additional programs or responsibilities, based on the degree of responsibility assumed. Acting Duty Pay is at the discretion of the Town Manager when recommended by the Department's Director. Additional compensation, when approved, is normally expressed in a percentage of base pay.

- a. The salary of an employee who takes on all of the duties of a higher level position will typically be increased 5% or adjusted to the minimum salary of the grade in which appointed, whichever is greater.
- b. An employee who takes on all of the duties of a higher-level position also takes on the conditions of employment of the position such as FLSA status.
- c. In exceptional situations an employee may be granted a temporary increase greater than 5% or the minimum of the range based on the recommendation of the Department Director, support of the Directors of Human Resources and of Finance, and approval of the Town Manager.

When less than full duties of a higher level position are assumed, or programs or tasks at a lower or equivalent level of responsibility, outside the normal scope of the job are assumed, the Department Director may recommend the amount of temporary, additional pay, if any, to the Town Manager for approval. Typically, additional pay in this situation will be no more than 5% of current base pay.

If an employee is receiving acting duty pay at the time an annual increase is awarded, the employee is awarded the increase based on the pay in effect prior to receiving acting duty pay.

At the end of the acting status or additional duties, the employee's pay will return to the level of pay in effect prior to the appointment to acting status or additional duties, plus any annual increases which the employee may have received.

Acting duty pay is not a part of base pay for pay adjustment purposes such as promotional or performance increases.

H. Promotions:

An employee who competes for and moves from his or her current position to a position with distinctly different duties and responsibilities that is assigned to a pay grade with a higher minimum shall be granted a 2.5% base pay increase or increase to the minimum of the new range, whichever is greater, at the time of promotion in recognition of his or her assumption of higher-level duties and responsibilities.

1. There may be situations when it is appropriate for a Department Director to consider an increase of more than 2.5%.

In those situations, a base pay increase not to exceed the maximum of the new grade may be awarded under the following circumstances:

- a. The promoted employee has a higher than normal level of experience, skill, knowledge and education based on the needs of the position.
 - b. A higher increase is needed to ensure peer group equity within the new position based on skill, experience, knowledge and education.
 - c. A higher increase is appropriate due to market conditions in which it is clear that hiring from outside the organization would require a higher salary.
2. Department Directors considering increases beyond the standard increase outlined above must provide written justification to Town Manager, including confirmation of available resources, prior to communicating and awarding the increase to the promoted employee.
 3. A promoted employee maintains the anniversary date of the date of promotion.

I. Demotions:

An employee who, due to poor performance, failure to meet job requirements or misconduct, moves from his or her current position to a position with distinctly different duties and responsibilities that is assigned to a pay grade with a lower minimum shall have his or her pay reduced by 10% or moved to the maximum of the new range whichever is lower.

J. Reassignments:

1. Reassignment Within the Same Pay Grade:

An employee who moves from one position to another position within the same pay grade shall retain his or her current rate of pay.

2. Reassignment Through No-Fault to a Lower Grade:

An employee who is moved from one position to another position with a lower pay grade through no fault of his or her own (such as reorganization, reclassification of the position, the needs of management or in response to market factors) shall have his or her pay set at a rate within the lower range that results in the least loss of pay but that does not exceed the maximum of the range.

3. Voluntary Reassignment to a Position in a Lower Grade:

An employee who requests and is granted placement or is selected through a competitive selection process to a position in a lower grade, shall have his or her pay set at the minimum of the new range, or have his or her pay reduced by 5%, whichever results in the least loss of pay.

K. Other Pay Actions:

Other pay actions such as allowances, deferred compensation match and one time monetary rewards and incentives may be provided in addition to base pay as deemed appropriate and in compliance with the compensation philosophy.

V. Pay Process

- A. It is the Town's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that employees are paid properly for all time worked and that no improper deductions are made, each employee must complete appropriate records regarding time worked and leave taken.
- B. In addition to required deductions for federal and state income tax, Social Security and those required by court orders, such as garnishments and child support payments, an employee may also authorize other Town approved pay deductions, such as contributions for dependent medical and dental coverage, United Way contributions, the purchase of U.S. Savings Bonds, or contributions to the Town's Deferred Compensation Program.
- C. To ensure that employees are paid properly, each employee shall record all time worked on their timecard.
- D. Employees are paid in two-week increments through direct deposit and receive direct deposit statements every other Thursday by electronic means. The Town makes every effort to ensure pay accuracy and each employee shall review his or her direct deposit statement when received to make sure that the pay is correct. Occasionally, inadvertent mistakes may happen. In the event that a mistake does occur, employees are encouraged to notify the Finance Department and prompt corrections will be made. An employee, who believes that a mistake has occurred, or an improper deduction has been made, must immediately report this information to his or her direct supervisor or to the Finance Department. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.
- E. Direct Deposit:

The Town requires Direct Deposit of pay to qualified financial institutions. All new employees must participate in direct deposit.
- 1. Definitions:
 - a. Direct Deposit – a system under which an employee formally authorizes the Town to deposit all or part of their net pay into the employee's personal financial account.

- b. Financial Institution – a bank, credit union, savings and loan association, or other depository that is a member of the Automated Clearing House.
- c. Net Pay – the amount of pay after all mandatory withholdings and any mandatory or voluntary deductions or disbursements are made.
- d. Prenote – a test process used to ensure that the routing numbers, account numbers and other information are validated by the receiving financial institution before actual dollars are deposited.
- e. Automated Clearing House (ACH) – a central clearing facility, which provides distribution and settlement of electronic financial transactions.

2. Direct Deposit Procedures:

- a. Upon hire, the employee shall complete a “Direct Deposit Authorization/Change Form” and submit it to the Human Resources Department. The employee shall also submit a copy of a voided check or other verification of the account number and routing number for each account with the signed form.
- b. An employee may choose to split his/her net pay between a maximum of three (3) financial institutions, with a maximum of four (4) accounts per institution. If the net pay is directed to more than one account, a dollar amount must be designated, in writing, for each account except one. The account with no dollar amount shall be designated “balance of net pay” to account for possible changes in total pay each pay period.
- c. A “Prenote” will be sent to the financial institution(s) to ensure that account and routing numbers are accurate. The employee will receive a physical paycheck for the pay period when the prenote is sent. Normally, the pay will be directly deposited by the following pay period.
- d. If for any reason the Town is alerted that an employee’s money is not posted to the appropriate account, the Town will contact the employee to try to resolve any discrepancies as soon as it is notified by the bank. If the Town is unable to resolve the problem in sufficient time for the check to be deposited with the associated payroll, it may be necessary to provide the employee a physical paycheck. This may cause a delay in the employee receiving his or her pay.
- e. An employee must notify Human Resources when he or she changes financial institutions, account numbers or makes any other changes that might affect the direct deposit transaction. An employee may make changes to the amounts deposited or to the names and/or numbers of accounts at his or her discretion by completing and submitting a revised Direct Deposit Authorization/Change form. All changes and forms must be received in Human Resources in accordance with pay processing schedules. The forms required to initiate or change direct deposit are available in Human Resources or on the Town’s website.
- f. Direct Deposit funds will typically be posted at the financial institution by the start of business on the scheduled pay date. When a Town or banking holiday falls on a scheduled pay date, the direct deposit funds will normally be available to the financial institution on the last banking day before the pay date. Any fees associated with the Direct Deposit service will be

paid by the Town. The Town is not responsible for any other fees, such as those associated with minimum balances or the use of ATM cards that may be charged by a financial institution.

- g. Employees are required to use Direct Deposit, except when a prenote is sent in response to requested changes, or under exceptional circumstances as approved by the Director of Human Resources, or designee. When account numbers or financial institutions change, a prenote will normally be sent to ensure accuracy. The employee will receive a physical paycheck for at least one pay period while the prenote is sent.
- h. Direct deposit statements will normally be provided to each employee, either through electronic means or paper on or after each pay date.

4 Benefits

An array of Town provided benefits combined with direct salary or wages establish a total compensation package that supports the Town's goals of attracting, rewarding and retaining employees that are representative of the community and fully able to deliver services at acceptable levels. In addition to the benefits outlined within this chapter, paid time-off benefits are outlined in Chapter 5, "Paid Time-Off and Absence from Work."

I. Right to Make Changes

From time to time, conditions or circumstances may require that the Town make changes, additions, or deletions in its benefits program for both active employees and retirees as the Town determines are appropriate. This policy does not grant employees or retirees vested benefits, in other words, employees and retirees are not guaranteed current or future benefits, unless required by federal or state law.

II. Medical, Vision, and Dental Coverage

A. Eligibility:

Group medical, vision, and dental coverage are currently available for all full time and part-time employees and their eligible dependents. Enrollment takes place at new hire orientation and coverage typically begins the 1st day of the month following the date of full-time hire and thereafter during open enrollment periods. Employees may make changes in their coverage during open enrollment periods and when an event occurs that allows changes such as marriage, divorce and birth or adoption of a child.

B. Cost of Coverage:

The Town currently pays a substantial share of the cost for the employee's and dependent's coverage and the employee is responsible for a share of the coverage as determined annually through the budget process. Payment for coverage must be made through payroll deductions and is automatically processed on a pre-tax basis unless the employee submits a written waiver to the Human Resources Department.

III. Group Life Insurance

A. All full time employees are eligible for the Town's basic group life insurance plan. The life insurance plan is administered by the Virginia Retirement System (VRS) and underwritten by a provider selected by VRS.

B. Coverage for death due to natural causes is two times the annual base salary, rounded up to the nearest thousand dollars. The accidental death benefit is four times the annual salary. The Town currently pays 99% of the cost for the basic group life insurance plan, but shall be reducing their share to 95% as required by the Commonwealth.

IV. Optional Group Life Insurance

- A. All full-time employees are eligible to purchase optional group term life insurance for themselves, their spouse and their children.
- B. The employee is responsible for 100% of the cost of the optional life insurance.
- C. Employees may purchase coverage in amounts of 1, 2, 3, or 4 times their annual salary. The amount of coverage available to spouses and children depends on the amount of coverage selected by the employee.

V. Retirement

- A. All full-time Town employees are enrolled in the Virginia Retirement System (VRS) based on the date of hire. If hired on the first day of the month, coverage begins that month. If hired after the first day of the month, coverage begins the following month.
- B. The Town and employee are currently to share contributions for participation in VRS.
- C. VRS is a State retirement system and all rules and regulations regarding contributions and retirement benefits are made by the State legislature. The Town, as a member employer, must comply with all regulations as set forth by the legislature.
- D. An employee may request a refund from VRS of a portion of retirement contributions upon termination from employment in accordance with VRS regulations.
- E. Effective July 1, 1999, the Town adopted full retirement benefits at age 50 with 30 year's service. Uniformed public safety employees (police) are eligible to retire with full benefits at age 50 with a minimum of 25 years of service. Employees hired after July 1, 2010 will be following the VRS "90" rule, "Plan 2". Details are available through Human Resources.
- F. Retirement benefits are based on three factors: years of service, the average of the highest consecutive 36 months of compensation if hired before July 1, 2010 or 60 months for "Plan 2" employees hired after July 1, 2010, and age at the time of retirement. Details concerning the Virginia Retirement System are covered in the Handbook for VRS Members, available in the Human Resources Department.
- G. The Town reserves the right to participate in another retirement system should it deem appropriate.
- H. Health and Dental Coverage During Retirement:
 - 1. The Town currently allows retirees, who retire directly from the Town (i.e., leave service and immediately begin to receive a retirement benefit from VRS) to continue to participate in the group health and dental plans as dictated below in Section 3.
 - 2. Employees who terminate from Town service and defer retirement are not eligible to continue to participate in the Town's group health plan. Deferred retirement occurs when the employee who terminates service does not elect or is ineligible for an immediate retirement benefit from VRS.
 - a. Retirees, their spouses, and dependent children, who retired on or prior to June 30, 1989, are

eligible to participate in the Town's group health insurance program supplement plan after age 65. Retirees and dependents may choose to continue their coverage in the Town's group health insurance program until such individual(s) attain(s) sixty-five years of age, at the insurer's customary premium rate schedule. Spouses of retirees who are not yet sixty-five years of age may choose to continue their coverage in the Town's group health insurance program until he or she reach age sixty-five. All retirees, spouses, and dependents are responsible for premium contributions as approved and directed by Council.

- b. Job Related Disability Retirement: An employee who qualifies for disability retirement under the Virginia Retirement System is subject to the requirements outlined above in Section 3, to determine eligibility for medical and dental plan participation and Town contributions.
3. Employees eligible to participate in the Town's group health and dental plans into retirement, may also continue to cover their eligible dependents if those dependents were included on the employee's coverage for the five (5) years preceding retirement.

VI. Deferred Compensation

- A. The Deferred Compensation Program is an individual income investment plan authorized by Section 457 of the Internal Revenue Code, which can be used as a supplement to retirement plans and Social Security. The Town currently allocates resources to coordinate the Deferred Compensation Program and may provide an incentive to participants, through matching funds.
- B. Eligibility:
 1. Employees holding Full-Time and Part-Time positions are eligible to participate in the Deferred Compensation Program effective with the date of hire once they have completed the initial employment period or after one year of service whichever comes first.
 2. Employees in positions authorized through grant funding are eligible to participate in the Deferred Compensation Program but may receive matching funds only when the grant includes sufficient resources to wholly fund such payments and the Town authorizes matching payments.
 3. Employees holding temporary positions may not participate in the Program.
- C. As a part of an overall benefits program, the Human Resources Department coordinates the Deferred Compensation Program. The Program is directly administered by the employee-selected provider. Participant contributions are deducted on a pre-tax basis. Program participants have numerous investment choices from which to choose. All contributions remain with the provider until the funds are withdrawn in accordance with provider's guidelines upon separation from employment, retirement or death.
- D. Program Guidelines:
 1. Individual voluntary contributions to the employee's Deferred Compensation account shall be made by the employee through payroll deductions. Contributions must be at least \$5.00 per pay period and may not exceed the maximum allowed by law.

2. Initial enrollment and changes in deductions shall be submitted to the Human Resources Department. A signed authorization form is required prior to actual deductions or changes.
3. Provider Responsibilities:
 - a. The Provider will assign an account manager to the Town of Front Royal who shall be accessible and periodically meet with employees.
 - b. The Provider will provide general information and individual account information directly to employees.
4. The Human Resources Department coordinates with the Provider account manager and provides routine information to participants about Deferred Compensation.

VI. Employee Assistance Program

The Town currently contracts a private, non-profit corporation located in Front Royal, to provide an Employee covered by the Town's Group Health Insurance with Employee Assistance Program (EAP) for its employees and their families.

VII. Workers' Compensation Insurance

- A. The Town provides Workers' Compensation benefits as mandated by law to all employees. The program provides compensation and medical payments in the event that an employee is unable to work due to a work-related illness or injury.
- B. If an employee has an accident that arises out of and in the course of employment, the employee must report the accident to his/her supervisor immediately. Failure to report the accident promptly may result in loss of compensation and payment of medical expenses.
- C. Benefits provided under the Town's Workers' Compensation program include compensation for:
 1. Temporary Total Disability
 2. Temporary Partial Disability
 3. Permanent Partial Disability
 4. Total and Permanent Disability
 5. Medical Expenses
 6. Rehabilitation Expenses
 7. Death Benefits
- D. The Virginia Workers' Compensation Act is administered by the Virginia Workers' Compensation Commission. The Town complies with all rules and regulations as set forth by the Commission regarding the handling of Workers' Compensation claims.
- E. The following claim procedure must be strictly followed, otherwise it could result in the employee paying the cost of his/her medical treatment or prejudicing the Town against the injured employee's claims.

An injured employee must do the following:

1. Immediately report all accidents or occupational illnesses to his or her supervisor.
2. Complete an accident report for each and every occupational incident.
3. Contact Nurse On-Call.

F. Employer Responsibilities:

1. In accordance with the Injury Leave policy, an employee who sustains an on-the-job injury or contracts an occupationally related disease which incapacitates him or her from performing his or her duties may be granted paid leave for the normally scheduled work days within seven (7) calendar days following an on-the-job injury or illness that prevents the employee from working. Such time off without loss of pay or charge to the employee's accrued leave shall end at the close of business on the seventh (7th) calendar day. The absence may be covered by workers' compensation if the employee is unable to work after seven (7) days as defined above. Subsequently, time lost for injuries that are not approved for Workers' Compensation must be covered by some other form of leave, such as sick, annual or personal leave.
2. The Town is financially responsible for up to 2/3 of the employee's average weekly wage not to exceed the legislated maximum and 100% of medical expenses incurred by the employee resulting from a compensable on the job accident or occupational illness.
3. The Human Resources Department oversees Workers' Compensation in compliance with the Workers' Compensation Act of Virginia.
4. When a work-related injury or illness also qualifies as a serious health condition under the Family Medical Leave Act (FMLA), absences of more than one work week will be designated as Family Medical Leave concurrent with Workers' Compensation.

VII. Return to Work Program

The Town of Front Royal is committed to providing a safe workplace and returning employees to productive work as soon as possible in the event of a work-related injury. Human Resources shall establish and maintain a return to work program that focuses on an injured employee's abilities rather than disabilities. If an employee sustains a work-related injury and he or she is not able to immediately return to regular duties, modified or transitional work will be identified as soon as possible. If possible, Human Resources and the relevant Department will work together to provide temporary modified work if available or provide the employee with transitional duties or an alternate position until he or she is physically able to return to full, regular duties if available. The employee's medical condition coupled with limitations or restrictions established by the employee's medical provider will be the priority when identifying any modified/alternative assignment. Employees are expected to participate in the development and implementation of their respective return to work plans.

This program will not apply to off-the-job injuries. Employees injured off of the job shall be required to be able to perform their job duties with reasonable accommodation or shall use their sick leave until such time that they can resume full performance of their job duties.

XI. Other Benefits

A. Voluntary Supplemental Benefits:

At the Town's discretion, other supplemental benefits such as additional life, short-term disability coverage, long-term care, etc., may be available to employees. Supplemental benefits are offered through a third party and are not a part of the Town's standard benefits program. However, the Town offers the convenience of pre-tax and after-tax payroll deductions, as appropriate, for these supplemental programs.

B. Additional Allowances:

1. At the Town's discretion, employees may be provided uniforms and/or special clothing to be worn while performing official duties. Department Directors shall designate the type, color and style of uniforms which shall be worn by the employees within their respective Departments and shall issue rules and procedures governing the initial issuance, maintenance, replacement and accountability for such uniforms.
2. At the Town's discretion, employees may be provided equipment and tools or monetary allowances for required equipment and tools based on the nature of the job and available resources.
3. The Chief of Police may authorize the payment of a clothing allowance for specific employees and/or positions that are required to wear civilian clothing during the performance of regular duties. The amount and payment process of the clothing allowance shall be identified in Departmental rules and procedures and shall be appropriated through the annual budget process.

C. Take Home Vehicles:

1. In general, there is no absolute need for any Town employee to take a Town-owned vehicle home every evening. The decision to allow a Town employee to take a public vehicle home shall be based on a determination that allowing or requiring the vehicle to be taken home will be demonstrably beneficial to the delivery of services to the citizens through enhanced productivity or cost savings. The Town Manager shall have the final authority to determine if an employee may take a Town-owned vehicle home on a regular basis.
2. The objective of the take home vehicle policy is to ensure that public property, specifically vehicles, is used properly in the public interest and not to the personal advantage of Town employees.
3. Town employees are not authorized to take home Town-owned vehicles except under the following circumstances:
 - a. The employee is on twenty-four (24) hour call for emergency response where rapid or immediate response time is required.
 - b. The employee is on stand-by and drives a vehicle specially equipped to fulfill a Departmental mission.
 - c. A determination has been made by the Department Director, and approved by the Town Manager, that allowing or requiring a vehicle to be taken home will be demonstrably beneficial to the delivery of services to the citizens of Front Royal through enhanced productivity or cost savings.
 - d. On a case by case basis, with Department Director approval, to facilitate attendance at work

functions at locations and/or times where it would be more convenient, or more productive, to attend while proceeding to or from home without having to obtain a Town-owned vehicle from a central location (e.g., evening meetings, travel out of town, job site inspections). Such approval shall end when the specific reason for taking the vehicle home has passed.

- e. With the approval of the Town Manager, employees previously allowed to take vehicles home prior to the implementation of this policy.
4. The use of a take home vehicle is subject to the following conditions:
- a. There shall be no personal use of Town-owned vehicles unless such use is incidental and minimal, such as travel to or from lunch or medical appointments or for personal errands on the way to or from work, or during lunch break, if the errand requires only a minor deviation of one mile or less from the normal route traveled.
 - b. Individuals allowed to take home a Town-owned vehicle shall reside within the Town of Front Royal or Warren County unless there is a clear demonstration of the value of allowing the vehicle to be taken out of the Town or County, and such use is approved by the Town Manager.
 - c. There shall be an annual review of take home vehicles justified for emergency response to include the number of times the vehicle was actually used for emergency response after being taken home.
 - d. An employee utilizing a take home vehicle shall be taxed according to prescribed IRS rules and regulations for any compensatory benefits received from the use of a Town-owned vehicle.
 - e. Under no circumstances shall a spouse, dependent or any other person not employed by the Town be permitted to operate a take home vehicle.
 - f. Unless waived by the Town Manager, every take home vehicle shall have decals markings and other identification as prescribed for Town-owned vehicles.

D. Safety, Uniforms, & Protective Equipment

1. The health and safety of the Town's employees and the public is of the utmost concern to the Town. It is, therefore, the policy of the Town to strive constantly for the highest possible level of safety in all activities and operations, and to carry out the Town's commitment of compliance with all health and safety law as applicable by enlisting the help of all employees to ensure that the public and work areas are free of hazardous conditions.
2. The Town will make every effort to provide to provide working conditions that are healthy and safe and employees are expected to be equally conscientious about work-place safety, including proper work methods, reporting potential hazards, and abating known hazards. Unsafe work conditions in any work area that might result in an accident should be reported immediately to a supervisor.
3. Employees of the Town are required to report on the job injuries, no matter how slight, as soon as possible after the injury. Failure to do so is in violation of Town policies and may affect the employee's ability to collect worker's compensation as provided by the Worker's Compensation statutes.
4. The Town shall provide protective equipment, including personal protective equipment to employees where the employee's duties require such equipment. The employee is required to use such provided equipment and to not modify equipment.
5. Personal protection equipment may include eye, face, head, extremities, protective clothing, steel-toe shoes, respiratory devices, and protective shield.
6. Uniforms shall be provided to employees as determined appropriate by Departments.

5 Paid Time Off and Other Absences

I. General Information

- A. Regular attendance at work is a critical component of meeting the service delivery, productivity and efficiency goals of the Town. Employees are expected to maintain regular, predictable attendance and to report to work on time except for time off approved under the following provisions.
- B. Paid time off is an employee benefit that is an important part of the Town's total compensation package that provides time away from work for rest, relaxation and personal purposes and provides a mechanism for partial pay protection during times of illness or incapacity. Employees assigned to full-time positions earn an array of paid time off based on the purpose of the absence. Employees assigned to part-time positions earn generic leave as described in Section V below.
- C. Paid time off may be used in 1/2 hour increments. Accrued paid time off is a personal benefit to an individual employee and shall not be loaned, or sold to another employee, except through participation in the Leave Donation Program. Employees shall be granted authorized leave only for its intended purpose.

II. Full-Time Paid Time Off Benefits

A. Annual Leave:

Annual leave is paid time off from work for vacation, recreation or other personal purposes.

1. Leave Accrual:

Eligible employees accrue annual leave each pay period when they are employed and in a paid status. Full-time employees accrue annual leave at the following rates:

- a. 0-3 years – Three (3.0) hours per pay period
- b. 4-10 years – Four (4.0) hours per pay period
- c. 11-19 years – Five (5.0) hours per pay period
- d. 20 years and above – Six (6.0) hours per pay period

2. Maximum Accrual:

Total creditable service for full-time annual leave accrual purposes shall be computed from the date of appointment or conversion to a full-time position.

- a. Annual leave may accumulate throughout the year but the amount that may be carried forward from one calendar year into another calendar year is limited to 160 hours.

3. Effect of Reassignment:

Promotion, demotion, transfers or reassignment does not affect the amount of accumulated annual leave.

4. Separation:

Upon separation from employment, a full-time employee (or the employee's estate in case of the employee's death) will receive payment for a maximum of 160 hours of accumulated, but unused annual leave.

- a. The payout for unused annual leave shall normally be paid in a lump sum rather than by maintaining the employee in an active status until the accrued leave runs out.

The Town Manager reserves the right to deny or reduce pay for accumulated but unused annual leave in his/her sole discretion when there is a termination for violation of Town policy or the separation from service is without proper notice.

5. Scheduling:

Annual leave is normally scheduled in advance with the approval of the supervisor. Employees must comply with established Departmental procedures regarding scheduling of annual leave such as completing appropriate leave request forms. Requests for annual leave must be approved in advance by the employee's supervisor or Department Director. Employees may not be able to take annual leave at the time requested depending on the needs of the Town and the efficient delivery of services to its citizens.

6. Approval:

Approval of annual leave is at the discretion of the supervisor and, may be denied in situations such as when necessary to keep an operation or shift adequately staffed or when an employee has been absent from work for significant periods of time for other reasons. Employees may be called back to work from approved annual leave for valid service delivery reasons such as an emergency. *(Refer to Chapter 2, Section XI, Emergency Service).*

7. New Hires:

On occasion, as a recruitment tool, a prospective employee may be granted service credit for annual leave accrual.

B. Sick Leave:

Sick leave is paid time off that is normally used to cover an employee's absence for the reasons listed below.

- Employee's incapacity to work due to illness or injury.
- Employee's medical and dental appointments.
- Illness or injury of an employee's dependent family member that requires the employee's presence. For the purposes of sick leave usage, a dependent family member is defined as the employee's parent, spouse, child/stepchild or person for whom the employee has been appointed legal guardian.

1. Leave Accrual:

Eligible employees accrue sick leave each pay period when they are employed and in a paid status on the day before and the day after the monthly accrual date. Full-time employees accrue three (3) hours per pay period.

2. Maximum Accrual:

Total creditable service for full-time sick leave accrual purposes shall be computed from the date of appointment or conversion to a full-time position.

3. Effect of Reassignment:

Promotion, demotion, transfers or reassignment does not affect the amount of accumulated sick leave.

4. Separation:

Employees hired prior to December 31, 1988 will be paid for 50% of their sick leave balance. Full-time employees hired after December 31, 1988 will be paid for 50% of their sick leave balance with a maximum payout of \$2,000.00 when the employee leaves employment with the Town of Front Royal. The Town Manager reserves the right to deny or reduce pay for accumulated but unused sick leave in his/her sole discretion when there is a termination for violation of Town policy or the separation from service is without proper notice.

5. Scheduling:

Sick leave may be scheduled in advance, but is typically requested on a daily basis. Employees must comply with established Departmental procedures regarding requesting sick leave such as notifying a supervisor prior to the start of the workday or other processes. The employee shall notify their supervisor or Department Director of illness no later than the beginning of their normally scheduled workday. The responsibility to notify the supervisor or Department Director about absences or about tardiness always rests with the employee. The Town will determine in its sole discretion if reasonable notice was provided. Paid leave may or may not be approved.

6. Approval:

Approval of sick leave is at the discretion of the supervisor and, may be denied in situations when the supervisor has valid reasons to believe that the employee is abusing sick leave.

7. Medical Certification:

Prior to allowing an employee to return to work from any illness or injury, the Town, in its sole discretion, may require a current return to work certificate or note signed by a medical doctor or nurse practitioner licensed in the Commonwealth of Virginia stating that the employee can perform all the essential functions of his/her job without posing a direct risk of injury to the employee or others. Failure to provide such a certificate or medical note may prevent reinstatement. The Town reserves the right to seek a second opinion as necessary.

The Town may, at its discretion, require current medical certification signed by a medical doctor or nurse practitioner licensed in the Commonwealth of Virginia for any sick leave taken including medical certification indicating that the employee's presence is required for the incapacity of a dependent family member as well as additional medical opinions if there is a disagreement.

8. Abuse of Sick Leave:

When there is reason to believe that an employee is abusing sick leave privileges, such as a pattern of use that indicates an employee is not actually incapacitated, management action including requiring certification signed by a medical doctor or nurse practitioner licensed in the Commonwealth of Virginia and/or disciplinary action may be taken. Examples of patterns that may indicate sick leave abuse include consistently using sick leave as it is accrued, consistently requesting sick leave on Fridays and/or Mondays, consistently requesting sick leave the day after payday, or similar behavior.

C. Funeral Leave

Funeral leave is the use of annual leave granted to employees holding full-time positions upon the death of a member of an employee's immediate family for the purpose of attending services, handling the affairs of the deceased or similar needs. For funeral leave, immediate family is defined as the employee's spouse, parent, spouse's parents, child, brother, sister, grandparent, grandchild, son or daughter in law, and guardian.

- A. Upon request, the Department Director shall grant funeral leave for a period not to exceed three consecutive working days. In the event of multiple deaths in the employee's immediate family, each death will be treated separately and funeral leave will be granted accordingly.
- B. If more than the allotted number of days leave is required or if leave is desired for a death other than the immediate family, time off may be granted at the discretion of the employee's supervisor.

III. Holiday Leave

The Town of Front Royal observes the following paid holidays:

New Years Day	Independence Day	Thanksgiving Day
Martin Luther King Day	Labor Day	Friday after Thanksgiving
President's Day	Columbus Day	Christmas Eve
Memorial Day	Veterans Day	Christmas Day

- A. When the actual holiday falls on a Saturday, the Friday before the actual day shall be observed as the holiday; when the actual holiday falls on a Sunday, the Monday after the actual day shall be observed as the holiday. Occasionally, Christmas and Christmas Eve will fall such that the observation will not follow the normal pattern, in which case the appropriate two-day observation will be determined by the Town and publicized in advance. In addition to the above holidays, Town Council may declare other days to be designated as Town holidays.
- B. Employees who work in operations that must be continuously maintained regardless of holidays shall use the actual calendar holiday instead of the observed holiday for employees that are required to work on the actual holiday. For example, when December 25 (Christmas Day) falls on a Sunday, Monday, December 26 is the observed holiday for most employees. In this situation, December 25 is the actual calendar holiday and would be used as the holiday for designated personnel.
- C. For all non-exempt employees required to work on a holiday, Holiday Leave accrues at a rate of one hour for each hour actually worked during the regular work shift up to 8 hours per holiday (12 hours in the case of personnel assigned to 12-hour shifts). At the Department's discretion, an employee may be paid for these hours at the time they are earned, at their normal straight time rate, or the hours may be used to take time off on another day.
- D. Alternate Holiday Leave procedures may apply, as required by business need, to personnel who are normally scheduled to work holidays as a part of their regular work shift. In such cases, written procedures must be approved in advance by the Town Manager.

IV. Other Absences with Pay

A. Court Service:

An employee who is required to perform jury duty or is subpoenaed to appear in court outside his or her regular duties, except for the reasons included in item No. 2 below, shall be granted sufficient paid time off to perform such duties. When an employee is summoned to serve as a juror, subpoenaed as a witness or party in relation to the performance of his/her job or is involved as a witness to a crime, such time will qualify as "court service."

1. Court Service Procedures:

- a. An employee who is required to be absent from work because he or she has been summoned as a juror or subpoenaed as a witness must provide his/her supervisor with a copy of the summons or subpoena as soon as it is received.
- b. Upon returning to work after any absence for jury duty, the employee must provide the supervisor with a certificate from the clerk of court that verifies the service.

2. Absences Due to Other Court Appearances:

Employees must charge absences due to court appearances that are outside of the areas outlined above, or due to an employee's personal business involving court appearances, to appropriate paid leave (i.e., annual leave, personal leave, PTO compensatory time or adjusted hours).

Some examples of situations, which do not qualify as paid court service leave, are:

- a. Child support cases
- b. Divorce proceedings
- c. Automobile accidents which occur off the job, which are non-job related
- d. Civil court summons for non-job related civil action
- e. Employee charged with violating the law unrelated to his or her job

NOTE: Department Directors, in conjunction with the Human Resources Department, will determine the applicability of court service leave.

V. Military Leave

Military Leave is an employee's approved absence from work due to the performance of military duty on a commission or non-commission status, on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, funeral honors duty by National Guard or reserve members, or for an examination to determine a person's fitness for any of the above forms of duty.

- A. Employees shall notify their supervisor immediately when they learn of an upcoming need for military leave, and shall provide a copy of the official military orders as soon as possible.
- B. In accordance with State law, there shall be no loss of regular pay during military leaves of absence, except that paid leaves of absence for federally funded military duty, to include training duty, shall not exceed fifteen (15) work days per federal fiscal year (October 1 – September 30) and except that no officers or employees shall receive paid leave for more than fifteen (15) work days per federally funded

tour of active military duty.

C. For the purposes of paid military leave, a "workday" is defined as 1/260 of the total working hours an employee would be scheduled to work during an entire federal fiscal year. For full-time employees, 15 "workdays" equals 120 hours per year; fire personnel assigned to a 24-hour shift are eligible for 168 hours per year. Weekends are included to the extent that they are part of an employee's regularly scheduled work time. Whenever possible employees shall try to schedule their military leave at those times that have the least impact on the Departments' service delivery needs.

D. Employees may take additional types of appropriate paid leave when paid Military Leave is exhausted.

1. An employee whose absence does not exceed five (5) years and is released from service under honorable conditions may be eligible for reemployment rights and employment benefits as described under the "Uniformed Services Employment and Reemployment Rights Act of 1994."

VI. Work-Related Injury Leave

A. An employee who sustains an on-the-job injury or contracts an occupationally related disease which incapacitates him or her from performing his or her duties may be granted paid leave for the normally scheduled work days within seven (7) calendar days following an on-the-job injury or illness that prevents the employee from working.

B. Such time off without loss of pay or charge to personal leave shall end at the close of business on the seventh (7th) calendar day. The absence may be covered by workers' compensation if the employee is unable to work after seven (7) calendar days. (*Refer to Chapter IV Benefits; VII Workers' Compensation policies for more information*).

VII. Administrative Leave

A. At the discretion of the Town Manager, an employee may be granted paid time off for a variety of purposes such as employee recognition or reward, visiting other Town offices for work-related assistance, counseling or training, pending the results of official investigations, pending disciplinary action, or other circumstances where the Department Director determines that the employee's absence from work is in the best interest of the Town.

B. Leave Without Pay (LWOP):

1. LWOP is an approved leave status and may be granted to an employee when he or she has exhausted all appropriate paid leave to cover an approved absence. The granting of LWOP shall be at the Town Manager's discretion, except in the case of Family Medical Leave and Military Leave as described elsewhere in this policy. In the event that an employee is in a LWOP status at the time of leave accrual, paid annual and sick leave will not be earned. An employee in a LWOP for 30 days or more is not eligible to use annual, sick, or holiday leave or any other form of paid leave during the LWOP.

2. LWOP may also be granted during period of disciplinary action.

3. An employee on LWOP must pay applicable health, dental and optional life premiums if he

or she chooses to maintain coverage, except when on approved Family Medical Leave. Typically, employees on LWOP must make other arrangements to pay both the Town's contribution and premiums for dependent coverage that would normally be paid through payroll deduction.

4. Virginia Retirement System (VRS) retirement contributions will not be made for an employee on LWOP for 30 days or more. The individual may purchase the lost service from VRS if military commitments, educational leave or personal illness necessitated the leave without pay.
5. The Town currently pays group life insurance premiums for an employee on LWOP for military commitments, educational leave or an illness for a period of two (2) months. After two months the employee may continue the coverage by paying the appropriate premiums. Life insurance coverage may be continued for no more than 24 months.

VIII. Unauthorized Absence

1. Any absence from the job during a scheduled work period when the employee has not received prior approval for the absence from his/her supervisor or Department Director will be considered an unauthorized absence. Employees will not be paid for unauthorized absences. In addition, the employee is subject to disciplinary action up to and including dismissal.
2. An employee in an unauthorized absence status who fails to contact his or her supervisor for three consecutive workdays shall be deemed to have abandoned his or her position and to have voluntarily resigned.
3. When emergency conditions exist during a period other than the normal work period (for example, before or after the normal work shift) and the emergency has been communicated to employees, any employee who leaves the work site or fails to return to the work site without the approval of his or her supervisor or Department Director shall be in an unauthorized absence status.

IX. Family and Medical Leave

In accordance with the provisions of the Family and Medical Leave Act (FLMA), as amended, eligible employees are entitled to take up to twelve (12) weeks of paid or unpaid, job-protected leave during any twelve (12) month period for specified family and medical reasons. Employees and supervisors shall engage in interactive discussions about the need for FMLA, to coordinate absences, and related matters.

A. Covered Family and Medical Reasons:

1. The birth of the employee's child or the placement of a child with the employee for adoption or foster care.
2. To care for an immediate family member (spouse, child or parent) with a serious health condition.
3. To take medical leave when the employee is unable to work because of a serious health condition.
4. Because of any qualifying exigency as defined below and in accordance with applicable Federal law and regulations arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on active duty in the National Guard or Reserves in support of a contingency operation.

5. To care for a military family member injured in the line of duty.

(Refer to Section M, Military Caregiver FMLA Leave for specific guidelines).

- B. If the employee has accrued paid leave, the employee must exhaust all appropriate paid leave first, then unpaid leave second, as part of the leave required by the FMLA.

C. Serious Health Condition:

An illness, injury, impairment or physical or mental condition that involved either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents an employee from performing the functions of the employee's job or prevents an employee's qualified family member from participating in school or other daily activities.

D. Qualifying Exigencies:

1. Short-notice deployment
2. Military events and related activities
3. Childcare and school activities
4. Financial and legal arrangements
5. Counseling
6. Rest and recuperation
7. Post-deployment activities within 90 days of termination of active duty
8. Additional activities agreed to by the Town and the employee

NOTE: Leave for qualifying exigencies is available only to families of service members in the National Guard and Reserves. It is not available to families of service members in the Regular Armed Forces.

E. Employee Eligibility for FMLA:

1. The employee has worked for at least twelve (12) months for the Town. The twelve (12) months need not have been consecutive. If the employee was on the payroll for part of a week, the Town will count the entire week. The Town considers 52 weeks to be equal to twelve (12) months.
2. The employee has worked for the Town at least 1250 hours over the previous twelve (12) months before the leave would begin, not including paid or unpaid leave.
3. When both spouses are employed by the Town, they are jointly entitled to a combined total of twelve (12) workweeks of family leave for the birth or placement with the employee of a child for adoption or foster care, and to care for a parent who has a serious health condition.

F. Calculation of Leave:

Eligible employees can use up to twelve (12) weeks of the leave described above during any twelve (12) month period. The Town will use a rolling twelve (12) month period measured backward from the date an employee uses FLMA leave. Each time an employee uses leave, the Town computes the amount of

leave the employee has taken under this policy, subtracts it from the twelve (12) weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken five (5) weeks of leave in the past twelve (12) months, he or she could take an additional seven (7) weeks under this policy.

G. Maintenance of Benefits:

1. Employees on unpaid leave which is designated as FMLA leave will continue to receive, if eligible, health, dental and life insurance benefits up to the maximum twelve (12) workweeks allowed. These benefits will continue on the same basis as an active employee during this twelve (12) week period.
2. Whether on paid or unpaid leave of absence, the employee must make arrangements to pay applicable health and dental costs for dependents. Those on unpaid leave must also make arrangements to continue other deductions, such as optional life insurance premiums.
3. If the employee informs the Town that he/she does not intend to return to work at the end of the leave period, the employee's rights to any health care benefits will be only to the extent provided for by the then current health care plan, if any, provided by the Town for its employees.
4. If the employee chooses not to return to work for reasons other than a continued serious health condition, the Town will require the employee to reimburse the Town the amount the Town contributed towards the employee health insurance during the leave period.
5. Annual and sick leave will not accrue during the leave period if the employee is in an unpaid status. The use of family or medical leave will not be considered a break in service for vesting or benefits program purposes.

H. Job Restoration:

An employee who uses family or medical leave under this policy will be restored to the same job or a job with equivalent status, pay, benefits and other employment terms if possible as provided in this Section. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of the employee's leave. If an employee is unable to return to work after the FMLA leave benefits have been exhausted, the employee will not have a right to return to his or her position even if there are unused accrued leave balances.

Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave will cause a substantial and grievous economic injury to the Town. A key employee is a salaried employee who is among the highest paid ten percent of the Town's workforce. A key employee will be notified in writing of his or her status in response to the employee's notice of intent to take FMLA leave, unless circumstances do not permit such notice. If a key employee is already on FMLA when they receive notice that they are a key employee, the employee will be given a reasonable time to return to work before losing the right to job restoration.

I. Use of Paid and Unpaid Leave:

If an employee has accrued paid leave of less than twelve (12) weeks, the employee will use appropriate Paid Leave first and take the remained of the twelve weeks as Unpaid Leave, based on the Town's normal leave policies.

J. Intermittent Leave and Reduced Work Schedules:

In certain cases, intermittent use of the twelve (12) weeks of family or medical leave or a reduced work schedule may be allowed by the Town.

1. The employee may request intermittent leave or reduced work schedule for their own serious health condition or to care for a seriously ill family member, where the need for leave is foreseeable and based on planned medical treatment.
 - a. Employees are responsible for meeting with their supervisor and scheduling treatments so they do not unduly disrupt the Town's operations.
2. In some cases, the Town may temporarily transfer an employee who is using intermittent leave or a reduced work schedule to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced work schedule.

K. Procedures for Requesting Leave:

1. Employee requesting leave under this policy must provide 30 days advance notice to his/her supervisor if the need for FMLA leave is foreseeable, such as in the case of an expected birth, adoption or foster care placement of a child, or planned medical treatment for a serious health condition of the employee or a family member.
 - a. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the Town's operations.
 - b. If the need for FMLA leave is not foreseeable, employees must notify the Town of the need for leave as soon as possible, ordinarily within one or two business days. An employee's failure to give timely notice could delay his eligibility for FMLA leave and/or mean approval of leave would not be granted.
2. Regardless of whether an employee requests FMLA leave, the Town normally designates leave as FMLA leave as soon as it becomes apparent that the employee is out of work for a reason that meets the requirements of the law. Typically, an absence will be designated FMLA leave when the employee has been or is anticipated to be absent for 5 or more workdays, or their equivalent, due to a qualifying situation.
3. Upon receiving an employee's request for leave (or upon learning of a need for leave that appears to meet the requirements of the law), the Town will provide the employee a Notice of Eligibility and Rights and Responsibilities.

The employee must submit an appropriate certification form as noted below:

- a. An employee requesting (or determined to need) leave because he/she is unable to work due to a serious health condition must provide, at his or her own expense, a complete and sufficient Certification of Health Care Provider for Employee's Serious Health Condition on a form provided by the Town.
- b. An employee requesting (or determined to need) leave to care for an immediate family member with a serious health condition must provide, at his or her own expense, a complete and sufficient

Certification of Health Care Provider for Family Member's Serious Health Condition on a form provided by the Town.

- c. An employee requesting leave because of a qualifying exigency must provide a complete and sufficient Certification of Qualification Exigency for Military Family leave on a form provided by the Town.
4. The required certification should be provided within fifteen (15) calendar days, or the employee should provide a reasonable explanation for the delay. If the employee fails to provide complete and sufficient certification, the Town may deny the request for FMLA leave and possibly the request for paid leave for the time off.
5. After the Town has received the required notice and certification, it will inform the employee within five (5) business days whether the leave will be designated FMLA leave. The employee will receive a Designation Notice indicating the amount of leave that will be counted against the employee's FMLA entitlement, if determinable at that time.
6. Departments will maintain appropriate information including the dates that each employee has taken FMLA leave; the number of hours of FMLA leave taken by each employee if leave is granted in increments smaller than a day; and records of any disputes between the employer and any employee over the designation of leave as FMLA leave. To track FMLA leave hours, payroll clerks will use the appropriate hours' codes when processing payroll to have the leave designated as FMLA leave.
7. Copies of the written notice and certification, and designation, along with all medical information, will be sent to the Human Resources Office.

L. Employee Responsibilities:

1. While on FMLA leave, employees are required to keep their supervisor informed regarding their status and their intent to return to work.
2. Employees are required to give at least two (2) business days notice if their anticipated date of return to work changes.
3. Employees may be required to provide a Fitness for Duty certification from their medical professional prior to their return to work. Notice of this requirement will be given with the Designation Notice.

M. Military Caregiver FMLA Leave:

1. An eligible employee (see Paragraph F) who is the spouse, son, daughter, parent or next of kin (as defined below) of a covered service member may take up to twenty-six (26) weeks of leave to care for such service member with a serious injury or illness incurred in the line of duty on active duty for which the covered service member is undergoing medical treatment (either inpatient or outpatient) or is otherwise in outpatient status or on the temporary disability retired list. Such leave is designated "Military Caregiver Leave."
2. Leave is permitted to care for current members of the Regular Armed Forces, National Guard, Reserves and those on the temporary disability retired list.

- a. Leave for "qualifying exigencies" is available only to families of service members in the National Guard and Reserves, and not available to families of service members in the Regular Armed Forces.
 - b. Leave is not permitted under this policy to care for former members of the Regular Armed Forces, National Guard or Reserves, and those on the temporary disability retired list.
3. The service member must have a serious injury or illness incurred in the line of duty, as determined by the U.S. Department of Defense, that may render him/her medically unfit to perform the roles of his office, grade, rank, or rating and for which he/she is undergoing medical treatment, recuperation, therapy or outpatient treatment.
4. In order to care for a covered service member, an eligible employee must be the spouse, parent, son or daughter or next of kin (as defined below) of the covered service member.

"Next of kin" is defined as the covered service member's nearest blood relative (other than the service member's spouse, parent, son or daughter) in this order of priority:

- a. Blood relatives who have been granted legal custody by Court decree of competent jurisdiction or statutorily authorized provision
 - b. Brothers and sisters
 - c. Grandparents
 - d. Aunts and uncles
 - e. First cousins
 - f. Another blood relative designated in writing by the service member as his or her next of kin, said writing executed in accordance with all lawful formality and authority
5. Employees eligible for Military Caregiver Leave may use up to twenty-six (26) weeks of leave during a single twelve (12) month period. The 12-month period begins on the first day the employee takes leave for this purpose and ends 12 months thereafter.
6. Policies regarding Maintenance of Benefits, Job Restoration, Use of Paid and Unpaid Leave, and Intermittent Leave and Reduced Work Schedules are the same as FMLA leave. (*Refer to Sections H, I, and J above*).
7. As with FMLA leave, employees must provide 30 days advanced notice if the need for Military Caregiver FML Leave is foreseeable. If the need is not foreseeable, employees must notify their supervisor of the need for leave as soon as possible.
8. Upon receiving the employee's request for leave, the Town will provide the employee with a Notice of Eligibility and Rights and Responsibilities Form.
9. An employee taking Military Caregiver FML Leave must provide a complete and sufficient Certification for Serious Injury or Illness Leave of Covered Service Member.
 - a. The required certification must be provided within fifteen (15) calendar days, or the employee should provide a reasonable explanation for the delay. If the employee fails to provide complete and sufficient certification, the Town may deny the request for Military Caregiver FMLA leave and possibly the request for paid leave for the time off.

10. After the Town has received the required notice and certification, it will inform the employee within five (5) business days whether the leave will be designated Military Caregiver FMLA leave. The employee will receive a Designation Notice indicating the amount of leave that will be counted against the employee's FMLA entitlement, if determinable at that time.

11. Employees have the same responsibilities under Military Caregiver FMLA as they do under other FMLA leave. They are required to keep their supervisor informed regarding their status and their intent to return to work and they are required to give at least two (2) business days notice if their anticipated date of return to work changes.

X. Sick Leave Donation Program

The Town of Front Royal supports the sharing of accrued sick leave through a voluntary Leave Bank program that allows members to donate and request sick leave. Leave donation provides access to sick leave for eligible employees unable to work due to an unexpected personal or family illness, injury or catastrophic situation. The Town Manager shall administer the program.

Town of Front Royal employees assigned to full-time and part-time classified positions may participate in the Sick Leave Donation Program.

A. The Leave Donation policy establishes guidelines for effective administration of a voluntary program of leave donation, which allows eligible employees to access sick leave when unable to work due to job-related injury, their own non-job related injury, unexpected temporary disability or illness, or the unexpected illness or incapacity of a family member.

Such absence shall be the result of an unforeseen medical emergency of a serious and unplanned nature and, in the opinion of a duly licensed physician or nurse practitioner, is expected to last at least ten (10) consecutive working days, or its equivalent, after all accrued paid leave is exhausted.

The program is not intended to assist employees with absences due to routine medical problems, treatments or procedures not medically necessary and/or predictable medical events.

1. General Guidelines:

- a. The Sick Leave Bank program provides a means for employees to help coworkers and their families alleviate the financial hardship that may be brought about by unforeseen illness or injury of significant duration.
- b. Participation in the Sick Leave Bank as a donor or as a recipient is completely voluntary.
- c. Eligible employees may donate annual leave, adjusted hours and/or compensatory time to the Sick Leave Bank.
- d. All donations and receipt of paid leave will be in one (1) hour increments.
- e. Membership in the Sick Leave Bank requires a minimum donation of eight (8) hours of sick leave and entitles an employee to apply for donated leave.
- f. Decisions regarding requests for donated leave, as well as management of the program are the responsibility of the Town Manager.

g. Decisions of the Town Manager related to the Sick Leave Bank are not grievable.

2. Membership/Donation to the Leave Bank:

Leave Bank membership is available to all eligible employees and entitles those employees to both donate and request paid leave in accordance with the provisions of this policy. Eligible employees may enroll in the Leave Bank at the first two weeks of each fiscal year by completing the "Request for Membership" form and sending it to the Human Resources Department.

By signing and submitting this form, the employee understands and agrees to the following:

- a. Membership in the Leave Bank does not guarantee that requested paid leave from the Bank will be approved.
- b. Initial enrollment may take place at the beginning of any pay period.
- c. An employee must initially donate at least eight (8) hours of annual leave. Should the bank of leave drop below 250 hours, members will be requested to donate an additional eight (8) hours of leave to ensure sufficient leave availability.
- d. Once an employee is enrolled, he/she may donate additional paid leave at the beginning of any pay period. However, leave donation may not exceed 50% of an employee's total sick leave balance nor reduce the employee's total sick leave balance below 40 hours.
- e. Each member may be required on an annual basis to donate additional appropriate leave to the Bank in order to maintain the solvency of the Bank. This provision will not be necessary if contributions are adequate to maintain the Bank's solvency. Failure to meet donation requirements will result in termination of the employee's membership in the Bank.
- f. Leave donated to the Leave Bank becomes the property of the Bank and will not be returned to the employee upon termination of membership from the Bank for any reason, termination of employment, or upon dissolution of the Bank.
- g. A member who resigns from the Leave Bank, or whose membership is terminated for failure to meet requirements, must wait at least six (6) months before he/she may apply for re-admission, and must meet all requirements for membership, including the donation of eight (8) hours of annual leave and having a minimum balance of forty (40) hours of total paid leave.

3. Requests for Donated Leave:

- a. Members of the Leave Bank may request donated leave when all paid leave is exhausted or is scheduled to be exhausted and additional time off is needed due to their own non-job related injury, unexpected temporary disability, serious health condition, or the unexpected illness or serious health condition of a dependent family member.
- b. Such absence(s) shall be the result of an unforeseen medical emergency of a serious and unplanned nature that, in the opinion of a duly licensed physician or nurse practitioner, is expected to last at least ten (10) consecutive work days, or the equivalent, after all accrued paid leave is exhausted.
- c. A serious health condition is an illness, injury, impairment or physical or mental condition that

involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider that causes the employee to be absent from work for more than a few days.

4. Receiving Donated Leave:

- a. Only current leave bank members are eligible to receive donated leave.
- b. All paid leave must be exhausted before a member can receive donated leave.
- c. A maximum of 240 hours of donated leave may be granted per request.
- d. A member granted donated leave shall not be credited with donated leave in excess of the period of approved absence.
- e. Absences due to procedures or treatments not medically necessary such as elective cosmetic surgery, due to routine medical problems, predictable medical events such as the normal recovery period following childbirth, or absences that are a bridge to retirement are not eligible for donated leave.
- f. Members must provide reasonable, written assurance that they intend to return to work.
- g. On going paid leave is funded through the assigned Department of the member receiving donated leave.

5. Requesting Donated Leave from the Leave Bank:

- a. An application must be completed and submitted to the member's immediate Department Director or designee, who will add his or her recommendation. The completed and endorsed form shall be submitted to the Human Resources Department.
- b. The application may be submitted in anticipation of exhaustion of all paid leave, but no member will actually receive donated leave until all paid leave is exhausted.
- c. The application must include medical certification from an attending physician or nurse practitioner that identifies the medical problem and the estimated time period of incapacity, including any restrictions. No application will be considered unless medical information is included.
- d. The application must include a recommendation for approval from the Department Director. Directors are encouraged to seriously consider the following decision-making guidelines:
 - i. Prior leave record
 - ii. Work performance
 - iii. Length of service
 - iv. Length of membership in Leave Donation Program
 - v. The need to hire temporary employees to maintain operations
 - vi. Nature of the illness, injury or situation

6. Approval Authority:

Decisions to grant leave under this policy will be made by the Town Manager, based on the recommendations of Department Directors. The Town Manager's decision is final and is not a grievable action.

6 Performance Management

Performance management is a participatory process in which employees and supervisors work together to ensure that work expectations are identified, communicated and measured. Employee performance management through feedback and evaluation is a vital part of personnel management. It is used to enhance performance through appraisal, discussion and coaching which may be formal or informal. Performance feedback is most effective when completed on an ongoing basis to reinforce good performance or to improve performance when needed. Formal, written performance feedback and appraisal shall be completed annually either using the Town's general performance management tools or by using an approved alternative tool as described below. While performance management is a participatory process, supervisors are responsible for ensuring timely completion.

This policy and the performance evaluation tools are the basis for consistent, equitable application of performance management by all Departments, divisions and work units within the Town. The policy provides guidance to employees and supervisors about the purpose and process of performance evaluation. Implementation of the performance management policy will help employees develop their skills and value to the organization by identifying what the organization expects, by communicating it and by holding employees accountable.

I. Objectives of Performance Management

The primary objectives of the performance management program are:

- A. To provide the assessment and development needed to achieve service delivery objectives to help employees develop in their current jobs and help prepare them for higher-level positions.
- B. To provide a means of identifying what the organization expects of employees, of communicating it to them and of holding them accountable for meeting expectations.
- C. To ensure that employees are fully aware of performance standards which apply to the job, to let employees know that they can improve their performance and increase their contribution through feedback, coaching, training and developmental activities.
- D. To recognize overall work performance by employees.

II. Assessing Performance

Successful performance management relies on an effective partnership between employees and supervisors as well as a clear understanding of the expectations of each job.

Effective performance management will also:

- A. Be job oriented, providing an evaluation of performance against specific standards, goals and objectives that are related to realistic workplace practices.
- B. Promote employees' job satisfaction and morale by letting them know that supervisors are interested in their progress and development as well as providing regular feedback.

- C. Make sense to employees—so that employees can clearly understand the areas in which they need improvement, are doing a good or are doing an outstanding job.
- D. Be consistent across the organization.
- E. Provide a reasonable judgment of sustained performance.
- F. Include goals that are Specific, Measurable, Achievable, Realistic and Timely.

III. Completing the Performance Review

The formal review of performance is based on evaluating employee behavior against the basic competencies needed to deliver public services as well as the specific tasks and expectations of the employee's job.

The employee must sign this written review; if the employee refuses to sign this written review, the written review must be signed by the employee's supervisor or manager with a notation by the supervisor or manager that the employee refused to sign the written review.

The following procedures will be used to complete a formal, annual review of employee performance:

A. Administration of the Performance Review:

1. Formal, written review and a face-to-face performance discussion shall be completed at least annually, but periodic discussion and feedback is encouraged.
2. Supervisors and employees must become familiar with the evaluation tool including core competencies.
3. Supervisors are responsible for ensuring timely completion of performance reviews.
4. The employee's immediate supervisor shall complete the appraisal and, at the discretion of the Department Director, coordinate with a second level supervisor or other manager prior to meeting with the employee.
5. The approved form(s) shall be used for annual appraisal, unless an alternative tool has been reviewed by Human Resources and approved by the Town Manager in advance.
6. A copy of the completed evaluation or results of an alternate tool shall be forwarded to Human Resources for inclusion in the official personnel file.
7. Specific instructions for using the evaluation tool are included with the tool and shall be followed to complete written evaluations.
8. Each competency or aspect of the evaluation shall be reviewed separately.

B. Actions Required When Overall Performance is less than Acceptable:

When an employee's performance deteriorates to a level that could lead to serious consequences such as reassignment, demotion or dismissal, he/she must be given a reasonable opportunity if reasonable under the circumstances to bring his/her performance to an acceptable level. Action shall be taken at any time during the rating period if the supervisor determines an employee's performance to be below an acceptable level.

In these situations the employee must be notified in writing of the following:

1. The specific job requirements or performance expectations the employee is failing to perform satisfactorily.
2. What the employee must do to bring the performance to a satisfactory level.
3. What management will do to help the employee improve such as providing additional training, regular feedback or written guidance.
4. The frequency at which the employee can expect to receive interim feedback.
5. A date by which the employee must raise his/her performance to a satisfactory level.
6. The consequences of failing to improve overall performance to a satisfactory level such as reassignment, demotion or dismissal.

C. Deferral of Performance Review:

A formal, written performance review may be deferred in cases where an employee has been absent from work for an extended period of time and the supervisor has not had sufficient opportunity to observe performance. Such deferral shall not exceed the total time of the employee's absence from regularly assigned duties and shall be documented in a memorandum to the Director of Human Resources with a copy provided to the employee.

7 Workforce Development

I. Workforce Development

- A. The Town supports on-going employee development with the goal of providing learning opportunities that change behavior, enable employees to meet the organization's current and future needs and improve employee job satisfaction. The Human Resources Department and the employee's Department develop and/or present a variety of training opportunities that enhance employee development.

The following operating principles are used as primary guidance in developing and maintaining training and workforce development programs:

- B. The Workforce Development Program for the Town of Front Royal:

1. Establishes and relies on a partnership for responsible, relevant learning between the employee, his or her supervisor, and management.
2. Relies on participatory program development utilizing the skills and competencies of all employees to develop the curricula, workshops, and classes.
3. Closes gaps between employee skill level and the employee's ability to effectively deliver services.
4. Supports attainment of employees' individual goals.
5. Identifies the return on investment for employees and the organization.
6. Integrates learning experiences with day-to-day job responsibilities.
7. Presents a variety of integrated, developmental learning opportunities for all employees.

II. Employee Recognition

- A. Through meaningful employee recognition programs the Town acknowledges individual and team behaviors that support the organization's vision, mission and values. Formal and informal employee recognition is one of the most effective ways to reinforce the Town's customer service value, support its service delivery objectives and retain top performers.
- B. A variety of employee recognition programs such as outstanding customer service awards, awards for generating tangible cost savings, length of service award or similar awards program shall be developed, implemented and maintained by Town management.

III. Tuition Assistance Program

- A. The Town of Front Royal offers the Tuition Assistance Program (TAP) to eligible employees for coursework toward a college degree, professional certification, or developmental training, to support the Town's goal of attracting and retaining a qualified workforce. TAP encourages and enables employees to increase their knowledge and skill as it relates to their work. The Town encourages learning and development for employees in order to maintain a workforce that is capable of meeting the changing

needs of each Department to accomplish its goals.

B. Employee Eligibility:

1. Full-time classified employees who have completed one year of continuous satisfactory service with the Town may apply for tuition assistance. Part-time classified employees who have completed either two years of continuous service or have worked the equivalent hours of a full-time position (2080 hours) whichever occurs first, may also request tuition assistance.
2. Any employee that receives less than a "C" in associate or undergraduate courses, less than a "B" in graduate courses, or less than "Pass" in certifications or developmental training will be ineligible for tuition assistance for a period of one semester, unless:
 - a. The Town Manager determines that the grade resulted from circumstances beyond the employee's control.
 - b. The employee received no reimbursement or has reimbursed the Town the amount that the Town spent on the course.
3. Members of the Tuition Assistance Program Committee are ineligible for tuition assistance in a degree program.

C. Course Eligibility:

1. Coursework toward a college degree from an accredited college or university, professional certification, or developmental training, including nontraditional programs such as accelerated courses and accredited correspondence and on-line courses may be eligible for tuition assistance.
2. Courses must be taken on the employee's own time unless prior supervisory approval is obtained.
3. Payments for graduate courses may be subject to federal tax withholding in accordance with the "Small Business Job Protection Bill of 1996."

D. Application Procedures:

1. To apply, a summary memorandum must be completed by the employee and submitted to his/her supervisor and Department Director (or designee) for their recommendation. The application and agreement must then be submitted with a copy of the course registration to the Town Manager for review and approval.
2. Applications are accepted throughout the fiscal year upon registration and acceptance by the college, university or course provider. Applications must be submitted prior to the start of any class and must include costs for the course(s).

E. Decision Guidelines:

1. The Town Manager shall review and approve applications. Guidelines for decisions include, but are not limited to: value of the program to the organization, relevance to job, funding availability,

program completion status; length of continuous service; performance level; attendance record; date application was received; number of applications received. Applications will be accepted throughout the fiscal year and will be considered on a first-come, first-served basis.

2. If the application is approved, the Town Manager will notify the employee by letter or e-mail.
3. Tuition assistance decisions are not grievable.

F. Funding:

1. Funds for the tuition assistance program are determined annually as a part of the budget approval process.
2. When approved, tuition assistance will pay or reimburse up to one hundred percent (100%) of the cost of tuition, registration and required laboratory fees provided the payment or reimbursement is at least \$50. The payment or reimbursement will not exceed \$400 per course. Other fees and costs such as books and study materials are not covered.
3. No more than four (4) courses may be approved during one fiscal year.
4. Employees, who are eligible for tuition assistance from other sources, such as Veteran benefits, grants, scholarships, etc., must exhaust those sources before applying for tuition assistance through the Town program.

G. Methods of Payment:

The Town of Front Royal provides two payment methods for the Tuition Assistance Program:

1. Tuition Direct Payment provides prepayment of approved course costs directly to the educational institution.
2. Tuition Reimbursement provides reimbursement of approved course costs directly to the employee after he/she provides a receipt for payment and evidence of a satisfactory grade for the course as defined above.

H. Employee Obligation:

When the employee requests and receives approval for tuition assistance, he/she agrees to:

1. Complete the course(s) approved.
2. Provide the Town with proof of a satisfactory grade for each course approved.
3. Provide original receipts for approved costs.
4. Continue to work for the Town for one year after completing the course(s).
5. Authorize the Town to recover through payroll deduction, or some other means, all or part of the tuition assistance monies expended if any of the following conditions exist:
 - a. The employee does not provide the Town, within 30 working days after completing the course, evidence that he/she received a grade of a "C" or above in associate or undergraduate courses, "B" or above in graduate courses or "Pass" in certifications or developmental training programs.

- b. The employee resigns, retires or is dismissed for cause, before fulfilling the obligations of the Tuition Assistance Agreement.
- c. The employee drops an approved course for which payment has been made, regardless of reason, without prior approval from the Town Manager.
- d. The employee receives duplicate payment for the same course from any other source (e.g., scholarships, Pell grants, Veterans' educational payments, etc.).

8 Employee Responsibilities

Effective service to the citizens relies on employees and management working together and individual responsibility is critical to maintaining an effective partnership. The following information outlines the guidelines for employee behavior and the procedures for addressing problems that might arise. These guidelines support the Town's core value of personal responsibility, i.e., taking ownership and accepting the consequences of individual actions.

I. Code of Conduct for Municipal Service to the Town of Front Royal

- A. The Town of Front Royal, through Town Council resolution, requires that employees follow a code of conduct reflecting the highest ethical standards and promoting public confidence in Town government.
- B. This Code of Conduct is established for all municipal employees, excluding members of Panels and commissions. This Code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory or charter provision and statutory or charter action is mandatory, or when the application of a statutory or charter provision is discretionary but determined to be more appropriate or desirable.
- C. The effective operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made through the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. The purpose of this Code is to establish standards of ethical conduct for employees by setting forth those acts or actions that are incompatible with the best interests of the Town.

D. Responsibilities of Public Office:

Municipal employees are agents of the citizens and are entrusted to pursue the public good at all times. As such, they are bound to uphold the Constitution of the Commonwealth of Virginia and to carry out impartially the laws of the nation, state and municipality and foster respect for all government. They are bound to observe in their official acts the highest ethical standards and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.

E. Dedicated Service:

All Town of Front Royal employees are expected to be loyal to the objectives expressed by the electorate through the Town Council. Employees shall adhere to the rules of work and performance established as the standard for their positions. Employees shall not exceed their authority, breach the law or ask others to do so, and shall work in full cooperation with other employees unless prohibited from so doing by law or by officially recognized confidentiality concerns.

F. Fair and Equal Treatment:

- 1. No employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

2. No employee shall use or permit the use of Town-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such employee in the conduct of official business.

G. Conflict of Interest:

As provided in Title 2.2 of the Code of Virginia (The Virginia State and Local Government Conflict of Interests Act), no employee shall engage in any private financial or other interest, which might impact the performance of his/her official duties.

Employees are also bound by the additional guidance outlined below:

1. Incompatible Employment:

No employee shall engage in or accept other employment or render services for private interests when such employment or service is incompatible with the proper discharge of his/her official duties or would impair his/her independent judgment or action in the performance of his/her official duties. With management's approval, employees may engage in other employment that does not interfere with or present a conflict of interest with Town employment.

2. Disclosure of Confidential Information:

No employee shall, without proper authorization, disclose confidential information concerning the property, government, or affairs of the Town, which would advance the financial or other special interest of him/her self or others.

3. Gifts and Favors:

No employee shall accept any gift or favor, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation, intended to, or which may, influence him/her in the discharge of his/her duties.

4. Representing Private Interests Before Town Agencies or Courts:

No employee shall represent his/her own or any other private interest before any agency of the Town, unless he/she is doing so as a member of a civic organization or is speaking on an issue of general public interest.

H. Political Activity:

1. Town employees shall not be coerced to support a political activity or candidate, whether funds or time are involved.
2. Town employees may participate in political activities while they are off duty, out of uniform and not on the premises of their employment with the Town.
3. For the purpose of this policy, the term "political activities" includes, but is not limited to:

"Voting; registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly, on political subjects and candidates; displaying a political picture, sign, sticker, badge or button; participating in the

activities of or contributing financially to, a political party, candidate or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally or other political gathering; initiating, circulating or signing a political petition; engaging in fund-raising activities for any political party, candidate or campaign; acting as a recorder, watcher, challenger or similar officer at the polls on behalf of a political party, candidate or campaign; or becoming a political candidate.” (VA State Code Title 15.2-1512.2)

4. The components of this section are designed to promote public trust and confidence in Town government by ensuring that it is free of the actual or apparent influence of partisan politics and that employment and advancement in the Town are based on meritorious performance rather than political service or affiliation. In addition, it protects every employee’s right to vote and to keep this right free from interference, solicitation or dictation by any fellow employee, supervisor or officer.
5. Every employee is encouraged to vote in every appropriate election. Moreover, except during working hours or when officially representing the Town of Front Royal, any municipal employee is free to express his or her opinion as to candidates or issues and to meet with candidates for office.
6. Employees may be candidates for political office but must resign, or shall be released, from employment with the Town upon successful election to political office within the Town of Front Royal or other political office if the responsibilities of that office will interfere with the employee’s ability to perform the duties of his/her Town position or will violate any law.
7. Under no circumstances shall an employee engage in political activities while performing the official duties of his/her Town position, use any Town property or equipment to engage in political activity or to appear as a candidate while dressed in Town uniforms or clothing that identifies the individual as a Town employee. This prohibition shall not apply to an employee registering to vote or voting.
7. No employee shall use the prestige of his/her position on behalf of any political organization or party. For purposes of this Code of Conduct, a “political organization” shall be defined as “any group, formal or informal, which endorses candidates for elective office at any level of government—national, state or local.”
8. No employee shall use his/her official authority to coerce or attempt to coerce a subordinate employee to pay, lend or contribute anything of value to a political party, candidate or campaign, or to discriminate against any employee or applicant for employment based on political affiliations or political activities.
9. Town employees are prohibited from discriminating in the provision of Town services or responding to requests for services, on the basis of the political affiliations or political activities of the person or organization for which such services are provided or requested.
10. Town employees are prohibited from suggesting or implying that the Town has officially endorsed a political party, candidate or campaign.

I. Solicitation

Solicitation and distribution of literature in the workplace and during work hours by non-employees for any purpose, for-profit or not-for-profit, is expressly prohibited. Employees are permitted to solicit other employees for not-for-profit purposes only during their scheduled break periods and only in areas designated for such break periods.

J. Consequences of Violation:

Violation of any section of this policy may constitute a cause for disciplinary action up to and including dismissal.

II. Suspected Theft and Fraudulent Transactions

- A. Fraud is an act which is characterized by deceit, concealment, or violation of trust perpetrated to obtain money, property or services, to avoid payment or loss of services or to secure personal or business advantage or other benefit. The Finance Department is a resource to Departments and typically investigates suspicions of significant theft and/or fraudulent transactions when there is no clear evidence of wrongdoing or the person responsible for it.
- B. An employee who has knowledge of an occurrence of work-related fraud, or has reason to suspect that a fraudulent action has occurred at work, shall notify his or her Department Director as soon as possible and shall not discuss the alleged fraud with others. Upon receipt of an allegation, the Department Director will notify appropriate authorities, develop an action plan and coordinate all investigative processes.
- C. Confidentiality is critically important in handling fraud allegations and all participants shall keep the details and results of the investigation as well as the identities of involved employees confidential to the extent permitted by law. Information will only be shared on a need to know basis. The alleged fraud and investigation shall not be discussed with the media other than through the Communications and Marketing Office or other designated media contact. If the investigation concludes that the allegations of fraudulent activity by an employee are founded, the employee is subject to disciplinary action and/or legal action.
- D. Retaliation against individuals reporting suspected fraud or for cooperating, giving testimony, or participating in any manner in an investigation, proceeding, or hearing is unacceptable and will not be tolerated. However, such protection shall not condone unfounded or vindictive accusation of others.

III. Secondary Employment

- A. To minimize the potential for conflict of interest, the Town discourages secondary employment. An employee who wishes to engage in secondary employment shall discuss such employment with his or her supervisor and obtain approval from the Town Manager before accepting a position outside of Town employment. Permission to engage in outside employment is at the discretion of the Town Manager, so long as it does not involve a conflict of interest or otherwise conflict with the Town's Code of Conduct.
- B. In the event that previously approved outside employment interferes with the employee's performance, attendance, timeliness or ability to work overtime or emergency hours, the employee

may be required to discontinue it or resign from his or her Town position.

- C. An employee holding approved outside employment is normally restricted from working the secondary employment on days he or she is on paid leave or Leave Without Pay due to the employee's own illness or injury.
- D. Employees who have another job at the time they begin working for the Town must notify their supervisor of such employment on the date of hire.

IV. Working Hours, Punctuality, and Attendance

- A. Each Department determines the assigned shift, tour of duty and hours worked for the employees within the Department. Every employee is expected to be on the job during all hours as assigned. Some type of properly authorized leave or holiday or appropriate flextime must cover time away from duty during regularly scheduled work hours. Cumulative, excessive absence, even if absences have been approved individually, may lead to employment action up to and including dismissal. If an employee must be absent, or late, he or she must notify the supervisor in advance of the scheduled working time whenever possible. When requesting leave or reporting an absence, the employee must personally contact the supervisor. Failure to give proper notice of absence or provide a reason for absence unacceptable to the supervisor will result in an unauthorized absence.
- B. Individual Departments may have specific requirements regarding advance notice of an intended absence or tardiness; employees shall check with their supervisor if they have any questions regarding how absence or tardiness is handled within their Department. To the extent any provision in this policy would cause an exempt employee under the Fair Labor Standards Act to lose their exempt status, such policy shall not apply.

V. Discipline

- A. In most circumstances, employees perform as expected and demonstrate conduct that reflects credit upon themselves, their co-workers and the Town of Front Royal. When employees fail to conduct themselves in such a manner, it may become necessary to formally intervene to correct the behavior or end the employment relationship.
- B. Employees holding full-time and part-time positions who have completed their initial employment period are governed by this policy. This policy provides guidance for effective problem resolution and as such it may be applied to employees within the initial employment period and those holding temporary positions, at the discretion of the Department Director.
- C. The overall objective of this policy is to develop and implement solutions to problems as quickly and effectively as possible so that attention is focused on providing quality service to the citizens and creating a positive work environment for all.
- D. Expectations:

The Town expects and anticipates that employees will be personally responsible for their behavior but recognizes that, on occasion, it may be necessary to take action to correct inappropriate behavior. Maintaining effective working relationships requires all employees to be aware of and abide by the Code

of Conduct, Town Policies and Departmental rules and regulations. As far as possible, the Town seeks to remedy underlying causes of problems through such means as counseling, mediation and training.

- E. The Town distinguishes between misconduct and unsatisfactory performance (with the exception of acts of gross negligence) by defining unsatisfactory performance as the inability to meet performance expectations due to lack of skills, training, education or other similar circumstances. Unsatisfactory performance is typically addressed through the Town's performance management program which identifies the specific actions required when an employee demonstrates overall unsatisfactory performance. Misconduct is generally defined as reckless, intentional, and/or willful disregard for the Town's standards of conduct and/or Departmental rules. Employee misconduct is typically addressed through a progressive discipline system.

- F. Pre-Disciplinary Actions:

It is the Town's intent to resolve problems as quickly and effectively as possible. Therefore, prior to implementing disciplinary action informal verbal notices and discussions such as counseling and performance guidance sessions may be used to inform an employee that a problem exists and to discuss expected corrective actions.

- G. Alternative Actions:

In addition to the traditional disciplinary process outlined below, alternative strategies such as individual corrective action plans, discipline without punishment, peer mentoring, mediation, conflict resolution, negotiated separation agreements or demotions may be used on a case-by-case basis when the alternate strategy better serves the Town's interest and is most likely to solve problems in the least negative and most cost effective way. The Human Resources Department is familiar with a variety of alternative actions and is available to provide advice and guidance.

- H. Progressive Discipline:

In general, the Town follows a progressive discipline approach, establishing a set of guidelines rather than fixed disciplinary requirements. Progressive discipline encourages employees to become more productive and to conform their behavior to Town expectations and standards. In most cases, an employee will have the opportunity to correct problems before more serious disciplinary actions are necessary. The level of disciplinary action is dependent upon the unacceptable behavior and the circumstances surrounding the behavior. Accordingly, it is not necessary that a progression of disciplinary actions, from less stringent to more stringent, be followed. The Town reserves the right to administer disciplinary action appropriate to the behavior and will take into account the overall situation before decisions are made.

- I. Disciplinary Actions:

The following actions describe the disciplinary system established as a means to address employee misconduct. Supervisors and Department heads may use these guidelines or may elect to use the alternate strategies as listed above as appropriate. The Human Resources Department shall provide assistance to supervisors, managers and employees in developing approaches to problems, which first and foremost serve the Town's interest and also meet the overall policy objective.

- 1. Verbal Warning:

A formal conference between a supervisor or manager and an employee to discuss an incident of

misconduct and the corrective action expected. The supervisor or manager shall document the warning in writing, provide a copy to the employee and maintain the documentation within the Human Resources Department. Verbal warnings are used for behavior or violations deemed less serious or harmful by a Supervisor or Manager and where there have been no or few examples of such behavior or violation by the employee in the past.

2. Written Reprimand:

A written notice from a supervisor or manager to an employee identifying uncorrected misconduct. Such letters are used for behavior or violations deemed serious by a supervisor or manager, or where a warning has not helped to change the unacceptable behavior. A copy of such reprimand shall be made a part of the employee's official personnel file maintained by the Human Resources Department. The written notice must be signed by the employee, or if the employee refuses to sign the written notice, the written notice must be signed by the supervisor or manager with a notation by the supervisor or manager that the employee refused to sign the written notice. In the event it is not practical for the supervisor or manager to sign the written notice, the supervisor or manager may request the Human Resources Department to prepare the written notice on behalf of the supervisor or manager.

3. Suspension:

Formal action by a Town Manager that places an employee in a non-pay, non-duty status for a specific length of time, expressed in working days. Suspensions from duty and pay for employees exempt from the Fair Labor Standards Act (FLSA) typically must be in workday increments. Suspension seriously impacts Departmental productivity and the employee's pay and shall only be imposed when a lesser penalty is not appropriate or has not helped to correct the unacceptable behavior and when dismissal is too stringent.

4. Dismissal:

An action taken by a Town Manager to separate an employee from employment for cause as a last resort when unsatisfactory performance that remains consistently unabated, serious misconduct remains uncorrected, or when initial misconduct is so significant that the employment relationship must end.

J. Resignation while charges are pending to dismiss:

An employee who wishes to resign from his/her position during the dismissal process may request to do so by submitting a letter of resignation to the Department Director. The Department Director may accept the resignation or choose not to accept the resignation and proceed with the dismissal. If a resignation is accepted in lieu of dismissal, appropriate documentation to that effect shall be included in the employee's official personnel file. The Department Director may elect to include additional information at his or her discretion.

K. Separations due to misconduct during the initial employment period:

In the case of dismissals, which take place during the employee's initial employment period, progressive discipline is not required. In these cases, the Department head shall issue a letter notifying the employee of the separation and giving the reason(s) for the action.

L. Establishing the Penalty:

The following information contains guidelines that assist a supervisor and/or Department Director in setting a penalty. Disciplinary action is at the discretion of the Department Director, Human Resources Department, and Town Manager and failure to follow these guidelines does not invalidate the action taken.

An effective process for determining a disciplinary penalty includes the following:

1. Collect the relevant facts.
2. Consider the nature, seriousness and consequences of the problem or infraction.
3. Examine issues such as mitigating circumstances and the possibility of genuine misunderstanding on the employee's part.
4. Consider the employee's past employment record including length of service and performance levels.

M. Situations which show a need for more serious actions may include behavior that jeopardizes the employee's safety or the safety of others, previous offenses, including the nature and recentness, and the impact of misconduct, gross negligence, unsatisfactory performance, and/or disruptive behavior on both productivity and employee morale. Cumulative unrelated offenses may also indicate a need for more serious corrective action.

N. Supervisors may consider a variety of factors prior to initiating disciplinary action:

1. Has the employee been provided with adequate training, clear performance expectations and clear information as to the standards of conduct, guidelines and Departmental rules?
2. Are the standards of employee conduct and rules being applied fairly and consistently? Have other employees demonstrating similar behavior or violating similar rules been treated consistently?
3. Have written records been maintained of previous counseling or reprimands? Has the employee been able to tell his or her side of the situation?

O. Investigative Procedures for Public Safety Personnel:

Law Enforcement, subject to investigations potentially leading to dismissal, demotion, suspension or transfer and included in the definitions of those terms in the Virginia State Code "Law Enforcement Procedural Guarantee Act" shall be afforded all rights contained in the applicable Act.

P. Procedures:

Authority to initiate the disciplinary actions of warning and reprimands shall normally be delegated to first line supervisors, subject to review and approval by the established chain of command within a Department including the Department Director, Human Resources Department, and Town Manager. The more serious actions of suspension or dismissal, shall be coordinated and signed by the Department Director and require notification of and endorsement by the Town Manager's Office and the Human Resources Department prior to issuance. The Human Resources Department will consult with the Town Attorney's Office regarding such actions on an as needed basis.

1. Incidents sometime occur which are of such a dangerous or serious nature that immediate corrective

action must be taken. Such cases generally involve real or potential hazards to life and/or property or significant disruption of the Town's mission. In these cases an employee may be immediately suspended from duty for the purpose of removing the employee from the work area. The supervisor must advise the Department head of the situation as soon as possible after the incident takes place. Except in cases of significant safety violations, the employee's absence is charged to administrative leave with pay until such time as an investigation is completed and the employee is notified of any action to be taken by management as a result of the incident, such as a fitness for duty exam, disciplinary action or further investigation. Where inappropriate behavior or actions are believed to be illegal, the Department head may notify the appropriate law enforcement agency and the Town Attorney.

2. In all cases, misconduct shall be carefully documented and written actions shall clearly articulate the situation giving rise to the disciplinary action.

At a minimum the written disciplinary actions must state the specific action being taken, such as written reprimand, suspension or dismissal, and contain the following information:

- a. What the employee did:

Clearly state the specific conduct deemed unacceptable, describing the conduct in complete and explicit terms using plain language. Include dates, names, places, events, witnesses, etc. Establish a proper factual foundation.

- b. How the behavior violated an expectation or rule:

Include the rule, expectation or standard relating to the behavior. It may be necessary to translate the problem into a recognized expectation especially when the unacceptable conduct is not tied directly to written expectations such as poor professional judgment, job carelessness or disruptive behavior. Include reference to previous instances of unacceptable behavior, if any.

- c. What the impact of the employee's behavior was on the unit, division or Department:

Cite the adverse effect of the employee's conduct on Departmental or Town operations and other persons especially where negative public notoriety occurs. Include effects such as real or potential damage to Town property, real or potential harm to citizens or co-workers or real or potential liabilities.

- d. What the employee must do to correct behavior:

Provide specific suggestions and/or directives for the employee to correct the behavior. Outline directions on the proper behavior or level of conduct expected to be followed in the future. Be clear and unequivocal and include the effective timeline and the consequence if the employee fails to satisfactorily correct the behavior - what will happen if there is not acceptable improvement. Identify any assistance that the employee may receive such as additional training.

- e. What the employee's rights are concerning the action:

The employee has a right to receive a copy of any documents that could lead to an adverse action prior to it being placed in the personnel file(s). The employee may respond in writing to the action and have that response included in the personnel file(s). Include that the written action

will be placed in the employee's personnel file(s) and that the employee may grieve the disciplinary action, if eligible, in accordance with the Town of Front Royal Grievance Procedure.

3. Actions Required for Suspension:

Suspensions shall be expressed in working days and shall place the employee in non-pay, non-duty status. A face-to-face meeting between the employee and the appropriate supervisor or manager shall take place and the employee shall receive written notice of the intent to suspend, including the reasons for the proposed suspension in advance of the proposed suspension. Employees shall be given an opportunity to respond either verbally or in writing to show cause why the action should not be taken. The employee's response to the intended action does not constitute a grievance. The employee may be eligible to grieve should the action take place.

4. Actions Required for Dismissal:

A face-to-face meeting between the employee and the Department Director, or designee, shall take place (except in rare instances when a meeting is not possible) and the employee shall receive written notice of dismissal, including the reasons for the proposed dismissal. In cases where the Department Director feels the employee's continued presence on the job during the period of investigation represents a hazard to himself or herself or others, adversely affects service delivery, morale or the image of the Town, the employee may be suspended from duty and placed on administrative leave, typically with pay, pending the proposed dismissal.

5. Inappropriate Conduct:

Behavior and conduct unacceptable for Town employees are listed below. The list is divided into two sections, neither of which is all-inclusive nor in order of severity, but which are intended as guidelines to help supervisors, managers and Department Directors administer discipline in a fair and consistent manner. The specific circumstances of each case shall be considered prior to determining appropriate action.

a. Examples of Less Serious Infractions:

The following infractions include but are not limited to examples of those typically addressed through the use of the progressive disciplinary system or an alternative strategy.

- i. Rudeness, in person or on the telephone, to the public or co-workers.
- ii. Careless workmanship or negligence of a minor nature.
- iii. Careless use of Town property resulting in possible or actual damage.
- iv. Failure to observe safety practices including failure to use safety equipment such as eye protection devices or safety shoes.
- v. First instances of tardiness or absenteeism.
- vi. Absence from the workstation or Department without permission.
- vii. Horseplay, pranks or non-work related activities during working hours.
- viii. Inappropriate, obscene or abusive language.
- ix. Inappropriate use of a Town owned or leased vehicle including conviction of a minor moving violation.

- x. Delay or failure to carry out assigned work or instructions in a reasonable period of time.
- xi. Conduct having an adverse effect on the Town's interest or on the confidence of the public in Town government that does not result in serious consequences.
- xii. Inappropriate use of electronic equipment or systems including cell phones, the Internet, or e-mail systems.

b. Examples of More Serious Infractions:

The following infractions include but are not limited to examples of those typically so significant, disruptive or dangerous that they may require action outside of the progressive disciplinary system such as immediate suspension or dismissal.

- i. Insubordination or refusal to follow legitimate instructions of a supervisor.
- ii. Gross negligence or recklessness.
- iii. Unauthorized use of Town documents, records or confidential information.
- iv. Secretive or surreptitious audio or video recording of any other Town employee, supervisor or manager without proper authorization from an employee's supervisor or manager.
- v. Making public statements or Internet postings that interfere with the Town's ability to provide effective and efficient services to the public.
- vi. Willful failure to fulfill the responsibilities of the job to an extent that it might or does cause injury to person or substantial damage to or loss of product, machinery, equipment, facilities, or other property or other harm.
- vii. Chronic or habitual absenteeism, being away from the workplace, or unexcused tardiness.
- viii. Major violation or disregard of established safety rules.
- ix. Dishonesty, deliberate misrepresentation, falsification or concealment of a material fact in connection with any official document, or job-related statement to a supervisor or manager.
- x. Theft, actual or attempted.
- xi. Threatened or actual physical violence or verbal abuse.
- xii. Use, possession, or being under the influence of alcohol or drugs, during work time except medication prescribed by a doctor and taken in accordance with his or her instructions.
- xiii. Disorderly or immoral conduct while on Town premises or on Town business.
- xiv. Sleeping on the job (except in the case of employees assigned to 24-hour shifts).
- xv. Off duty misconduct of such major import that the employee is unable to fulfill job responsibilities or of such significance that there is an adverse effect upon the Town's operations.
- xvi. Violation of the "Code of Conduct."
- xvii. Sexual, racial, or any other form of harassment.
- xviii. Criminal or illegal activity that adversely affects the safe and effective operation of Town

business.

- xix. Use of Town property for personal benefit.
- xx. Violation of other major Town policies.

VI. Drug and Alcohol Testing

The goal of the Town of Front Royal is to establish and maintain a safe and healthy workplace for an employee that is free from drug and alcohol abuse, and to protect the safety of its citizens by providing services in a safe manner. This policy establishes guidelines and procedures for drug and alcohol screening of applicants and employees, as well as disciplinary actions and rehabilitative measures that may be required.

A. Applicants:

The Town of Front Royal requires drug/alcohol screening as part of the required medical examination for all applicants that are offered employment with the Town, including employees seeking transfer or promotion into the following positions:

1. Sworn Police positions
2. Positions requiring a Commercial Driver's License
3. Candidates for other safety sensitive positions that are of a nature such that the potential risk justifies screening.

The successful applicant being offered a covered position will provide a specimen for screening by urinalysis for drugs and other appropriate tests for alcohol. Drug/ alcohol screening will be performed under standard medical procedures as determined by the Town in consultation with its medical advisors. A positive test for drugs or alcohol shall be grounds for disqualification from employment consideration for at least one (1) year.

B. Employees:

1. The drug/alcohol screening tests conducted by the Town will include for-cause testing, testing of persons applying for or seeking promotion to covered positions within the Town, testing as a part of some employees' annual or periodic physical exams, in some instances, random testing and other testing necessary to comply with Department of Transportation regulations. Selected testing (e.g., annual or periodic testing as part of a physical, random testing, etc., as contrasted with for cause testing) shall include a consideration of the nature of the jobs and the work-related needs of the Department.
2. Employees are expected to report to work on time and in appropriate mental and physical condition for work.

In order to accomplish the Town's goals and maintain employee productivity, an employee must:

- a. Not have a detectable presence of illegal drugs in his or her system, have an alcohol concentration of 0.02 or greater, be under the influence of, nor have his or her ability to perform job duties impaired by alcohol or any other drugs whether legal or illegal, while on duty or on

call, while on Town property or while off Town property in an official capacity, or at any time while operating a Town vehicle. Any employee, who as a result of testing is found to have a detectable presence of illegal drugs or an alcohol concentration of 0.02 or greater in his or her system, regardless of when, where or how the substance entered the employee's system, will be in violation of this policy.

- b. Not use alcohol while on duty or report to work with the odor of alcohol on his/her breath or person.
- c. Not consume, use, possess, sell, buy, distribute, or offer to sell, to buy, or to distribute, or to manufacture any illegal drugs or alcohol or any substance that purports to be an illegal substance, any time during the scheduled work day, while on Town property, or while off Town property in an official capacity or at any time while operating a Town vehicle.
- d. Submit to a drug or alcohol-screening test when requested to do so by the supervisor, pursuant to the provisions of the Town's Drug/Alcohol Testing Guidelines and/or Department of Transportation regulations as applicable.
- e. Provide within twenty-four hours of request a current valid prescription for any controlled substance or drug found to be in the employee's possession or identified in a positive drug screening analysis.

NOTE: Failure to provide the prescription shall give rise to a presumption that the employee did not legally possess or use the controlled substance or drug.

- 3. A current employee who seeks transfer or promotion into a listed position and who tests positive for drugs or alcohol shall not be eligible for such transfer or promotion and shall be subject to follow-up action in accordance with Section M, "Disciplinary Actions and Rehabilitation." An employee who tests positive may request additional screening pursuant to Section N-3.

C. Reasonable Cause Testing:

- 1. The Town of Front Royal may require a current employee to undergo a drug or alcohol screen if there is reasonable cause to believe that the employee is under the influence of drugs or alcohol during work hours.

Circumstances which constitute a basis for reasonable cause may include, but are not limited to:

- a. A pattern of abnormal or erratic behavior, including but not limited to hyperactivity, unexplained mood or personality changes, paranoia, hallucinations.
- b. Information, which is provided by an individual who, in the judgment of the Town Manager or Department Director, is a reliable and credible source.
- c. Work-related accidents or personal injuries that may have been caused by human error.
- d. Direct observation of drug or alcohol use.
- e. Presence of the physical symptoms of drug or alcohol use, including but not limited to: glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes, onset of unusual perspiration or shakes, unusual drowsiness or sluggishness.
- f. Disregard or violations of established safety, security or other operating procedures.

- g. Excessive time away from the workplace, excessive absenteeism or tardiness pattern.
- h. Possession of alcohol or illegal drugs; or the presence of alcohol, alcohol containers, illegal drugs, or drug paraphernalia in an area subject to the employee's control.
- i. Unexplained inability to think or reason at the employee's normal levels.
- j. Fighting or combative or assaultive behavior.

D. Random Testing:

- 1. In compliance with Department of Transportation regulations, all Town employees whose job duties require them to possess a valid Commercial Driver's License must submit to random drug testing.
- 2. Work groups that have duties which carry great risk to the public or co-workers or that work with controlled substances may be included in a program of random drug/alcohol testing.
- 3. A work group will be notified of its designation for random drug/alcohol testing at least one month prior to the commencement of random testing. A scientifically valid random selection method will be used to designate the employees to be tested. Each employee in the work group will have an equal chance of selection at all times.
- 4. An individual selected for random testing shall be notified on the same day when the test is to occur, preferably, within two hours of the scheduled testing. The supervisor shall explain to the employee that the employee is under no suspicion of taking drugs and that the employee's name was selected randomly and escort the employee to the testing facility.

E. Testing During Periodic Physical Examinations:

An employee who completes a regularly scheduled physical examination as a part of his or her job will undergo a drug/alcohol test as a part of the periodic physical.

- F. The failure of an employee to submit to a drug or alcohol screening test shall be considered insubordination and shall subject the employee to immediate disciplinary action, up to and including possible termination from employment. An employee who refuses to take a drug or alcohol-screening test shall be immediately placed on administrative leave with pay, pending disciplinary action. The results of a drug or alcohol-screening test shall not be used by the Town for any purpose other than to determine adherence to municipal policy, readiness for work, and appropriate discipline.
- G. The Town may search, at any time, without employee consent, all areas and property in which the Town maintains either joint control with the employee or full control, including desks, containers, files, lockers and all Town vehicles.
- H. The Town recognizes drug/alcohol dependency as an illness and a major health problem. The Town also recognizes drug/alcohol abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use the Employee Assistance services, which are provided at no charge to employees. Conscientious and voluntary efforts by an employee to seek help will not jeopardize his or her job and will not be noted in any personnel record except where such efforts follow a supervisory-initiated referral. However, due to the fact that

unlawful use of illegal drugs is inconsistent with a sworn police officer's oath to uphold the laws of the Commonwealth, any sworn law enforcement officer or law enforcement employee who works directly with controlled substances will be terminated if he/she tests positive for illegal drugs.

- I. No employee shall be disciplined for the appropriate use of non-prescription or prescribed medication in the treatment of illness or injury. However, if the employee knows or should know that use of a non-prescription or prescribed medication does or could impair his/her ability to operate a Town vehicle or equipment, or otherwise interfere in any way with his/her job performance, the employee shall inform his/her immediate supervisor and shall be prepared to provide a copy of the prescription or an indication of the medication upon request. Violation of this section of the policy may subject the employee to disciplinary action, up to and including termination.
- J. Employees must, as a condition of employment, abide by the terms of this policy and report any arrest or conviction under a criminal drug statute for violations occurring on or off Town premises. A report of an arrest or a conviction must be made to the Human Resources Department within five (5) days after the arrest or conviction.
- K. An employee who is subject to the guidelines of the "Drug-Free Workplace Act of 1989" (the Act), is also subject to additional requirements as follows. Within ten (10) days after learning of an employee's criminal conviction for illegal drug activity within the workplace, the Town will notify the granting agency of such conviction, as required by the Act. Within thirty (30) days after learning of an employee(s) criminal conviction for illegal drug activity within the workplace, the Town will take appropriate personnel action.

L. Procedures for Completing a Drug or Alcohol Screen:

- 1. At all times, the supervisor will proceed with sensitivity so as to minimize embarrassment to the employee and to protect confidentiality and privacy. The supervisor will consult his or her supervisor and the Department Director prior to requesting a drug or alcohol screen.
- 2. The supervisor will confidentially and privately explain to the employee the reason(s) for requesting a drug/alcohol screen. If the reason(s) for requesting a screen are based in any part on information received from a third party, the name of that third party will not be disclosed to the employee, without the third party's permission.
- 3. The employee will be given an opportunity during the meeting with the supervisor to respond to the supervisor's assertions concerning the reasons for requesting the drug/alcohol screen. If the supervisor still believes the screen necessary or if the screen is pursuant to the random testing program or any follow-up testing at random intervals, the supervisor will ask the employee to sign his/her consent to have the screen performed by the Town's designated representative.
- 4. The supervisor or his/her designee will accompany the employee to the medical facility where the screen has been arranged to be conducted. The employee will provide a specimen or blood sample at the medical facility for testing. The supervisor shall have the authority to place an employee tested for reasonable cause on administrative leave with pay, or to reassign the employee to another position, while awaiting the results of the test when such action is in the best interest of the Town. Such action is not to be considered disciplinary in nature, nor a presumption of guilt.
- 5. The results of the screen shall be reported to the employee, the supervisor, and the division or

Department Director. Any quantification information will be reported only to the division or Department Director.

6. All written requests and test results will be placed in a confidential medical file, which will be kept separate from the official personnel file of the employee.

M. Disciplinary Actions and Rehabilitation:

1. Any employee who refuses to consent to a drug/alcohol screen after meeting with the supervisor shall be subject to immediate disciplinary action up to and including possible termination from employment.
2. Adulteration detected in a specimen, substitution of a specimen or otherwise tampering with a specimen by the employee to be tested or by another Town employee may be grounds for dismissal. In the event of adulteration, substitution or tampering, a new screen may be ordered if the tested employee is not dismissed.
3. If the drug screen is positive, the supervisor will meet with the employee prior to determination of an appropriate action/response. The employee will be given an opportunity to respond to the result. The employee may request, at his/her own expense, additional drug screening of the original test specimen by gas chromatography/mass spectrometry (GCMS.) or other suitable testing procedure. If the second drug test is negative or inconclusive, the Town, at its expense, may request a third test for further analysis of the test specimen. If both the second and third drug tests are negative, the Town will reimburse the employee's share of the screening test costs to the employee, up to the normal cost that the Town pays for its screening tests; and all test-related records will be purged. If two of the three drug test results are inconclusive, the employee shall be subject to follow-up drug/alcohol testing at random intervals during the next 12-months and may be subject to continued follow-up testing for a period of up to five years, at management's discretion.
4. If an alcohol test is positive, i.e., .02 concentration or higher, the testing equipment shuts down for a period of 15 minutes after which a second alcohol test will be performed to confirm the results of the initial test.
5. If the drug/alcohol screen is positive and if any confirmation test is also positive, the supervisor will determine an appropriate action/response according to the following:
 - a. Because use of illegal drugs is unlawful and inconsistent with a sworn police officer's oath to uphold the laws of the Commonwealth, any sworn law enforcement officer or law enforcement employee who works directly with controlled substances will be terminated, if he/she tests positive for illegal drugs.
 - b. A positive drug/alcohol screen that confirms an employee, other than a police officer, has a detectable presence of illegal drugs in his or her system or has an alcohol concentration of 0.02 or greater, or has his or her ability to perform job duties impaired by alcohol or any other drug, whether legal or illegal, during work hours, including on-call time, may result in immediate suspension from duty, with pay, pending appropriate disciplinary action.

- c. An employee who tests positive for drugs or alcohol and who also exhibits one or more of the reasonable cause criteria in this policy shall be presumed to have been at work under the influence of drugs or alcohol.
- d. A positive test for drugs or alcohol is not necessarily the only method/means of determining that an employee has used drugs or alcohol in violation of Town policies. Such a finding may be based on other observed facts and conditions.
- e. While referral to the Town's Employee Assistance Program may be the first course of employer initiated action following a positive drug/alcohol screen, certain circumstances may justify immediate disciplinary action up to and including possible dismissal.

Example: A serious accident or act that causes substantial damage to property or serious injury to persons or matters in which the integrity, honesty, or ability to foster public trust is adversely affected.

Generally, the employee will be referred to and remain in a counseling or rehabilitation program approved by the Town until the approved program administrator is able to state that the employee has been successfully rehabilitated and can remain drug or alcohol free. While in the rehabilitation program, an employee may use annual, personal, sick, earned compensatory leaves or request leave of absence without pay. If the employee refuses treatment, fails to complete the program, or fails to be rehabilitated, he/she shall be subject to dismissal from employment with the Town.

- 6. Employees who test positive for drugs or alcohol are subject to being tested at random intervals for up to 12 months following the initial positive test and may be subject to continued follow-up testing for a period of up to five years, at management's discretion.
 - a. An employee who is within his or her initial employment period will normally be dismissed from employment following a positive drug or alcohol test.
 - b. A second positive test normally results in immediate dismissal from employment.
 - c. The collection, documentation, storage/use and distribution of any records, files, and materials which result from the investigation of drug or alcohol use allegations and drug/alcohol screening tests are deemed strictly private and will be maintained in a confidential medical file, separate from official personnel files.

NOTE: Grievance forms and related documentation, which may arise from any aspect of this program, become a part of the grieving employee's official personnel file.

- d. Drug/alcohol testing shall not be conducted for the purpose of gathering evidence for use in any criminal proceeding.

N. Severability and Modifications:

- 1. Should any section, subsection or provision of this policy be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this policy as a whole or any part thereof other than the part so declared to be

invalid or unconstitutional.

2. As with all policies and procedures, the Town of Front Royal reserves the right to modify all or any part of this policy or procedure as may become necessary.

VII. Dress Code

- A. The Town of Front Royal is a public service delivery organization and expects all employees to dress appropriately for a business environment and in keeping with his or her work assignment. Public image plays an important role in developing and maintaining support for the organization. To maintain the confidence and respect of the citizens of Front Royal each employee must exercise good judgment and professional decision-making as they choose workplace attire. This policy establishes a set of guidelines to be used across Departmental lines.
- B. The following guidelines establish the general expectations regarding employee attire. The following list is not intended to include every possible scenario but presents guidelines for employee and supervisory decisions:
 1. Clothing, jewelry and accessories must not create a safety hazard for the employee or others.
 2. All clothing must be in good condition without holes, excessive wear or staining from use or design.
 3. Clothing may not display implied or stated profanity.
 4. Clothing may not display advertisements or logos for alcohol, tobacco products and/or illegal, racial or sexual connotations.
 5. Employees shall be clean, well groomed and demonstrate socially acceptable personal hygiene.
 6. Appropriate undergarments must be worn.
 7. Offensive (profanity, nudity, illegal acts, racial/ethnic slurs) tattoos must not be visible.
 8. Appropriate footwear must be worn.
 9. Shorts shall only be permitted by Departmental policy between the months of May and September in job positions that are not exposed to safety issues and as approved by their Department.
- C. Direct Service Delivery Assignments:

Employees working in direct service delivery assignments such as sworn public safety positions, public works, inspections or other operational/field capacities may be issued workplace uniforms that shall be worn while performing official duties.

(Refer to Chapter 4, Benefits, Section XI-B, Additional Allowances).
- D. Administrative Assignments:
 1. The Town supports "business casual" dress for Monday through Thursday for administrative employees, i.e., those employees working in an office environment. Business casual is a form of attire that is more traditional and typically includes slacks and shirts or suits for men and

- slacks/skirts with blouses and dresses or suits for women. Supervisors retain the right to require more formal attire based on the needs of the Department or division.
2. The Town also supports "casual" dress on Fridays or the last workday of a shortened workweek. Casual dress is a form of attire that is more relaxed and normally associated with leisure time in a mixed gender social setting involving people of many different age, religious, and social backgrounds.
 3. Management, including first line supervisors, shall retain the right to consider unique situations and may approve alternate employee attire for a variety of reasons such as accommodations for medical conditions, religious practices, inclement weather and Town and/or Departmentally sanctioned employee events or activities.

E. Consequences:

Employees are expected to abide by the guidelines of the dress code policy and shall be held accountable for decisions that do not meet the guidelines. When an employee's attire does not meet expectations, the immediate supervisor shall first discuss the matter with the employee to ensure that the employee understands the policy and its application. If the employee refuses to change his or her attire and/or fails to comply with the dress code, the supervisor may initiate disciplinary action in accordance with the Town of Front Royal's disciplinary policy.

VIII. Harassment

Harassment is verbal and/or physical conduct based on sex, race, religion, disability, national origin, age or any other class protected against discrimination by state and/or federal laws, when such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Harassment includes, but is not limited to, remarks, jokes, written materials, symbols, paraphernalia, clothing, or other verbal or physical conduct, which may intimidate, ridicule, demean, or belittle a person. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, and jokes or innuendos that intimidate, ridicule, demean or belittle a person on the basis of their gender,

- A. Sexual Harassment is any unwelcome sexual advance, request for sexual favors and/or other verbal or physical conduct of a sexual nature when:
 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
 2. Submission to or rejection of such conduct upon an individual is used as a basis for employment decisions affecting such individual.
 3. Such conduct has a purpose or effect of substantially interfering with an individual's work performance or creating an intimidating hostile or offensive working environment.
- B. The Town of Front Royal will not tolerate any form of harassment of its employees. Allegations of harassment shall be thoroughly investigated and disciplinary or corrective action taken as warranted. Reprisals against employees who file complaints of harassment are prohibited. However, such protection shall not condone unfounded or vindictive accusation of others. The Town shall make efforts to protect the legitimate interests of all parties concerned in a dispute involving allegations of harassment.

Employees who feel they have been subjected to harassment should respond by using any or all of the following procedures:

1. Individuals who experience harassment should make it clear to the offending person that such behavior is offensive to them. Should such behavior continue or reoccur, the offended employee should bring the matter to the appropriate supervisor's attention or to the attention of other appropriate officials.
 2. Information and advice about harassment may be obtained by contacting the Human Resources Department or the Town Attorney's office for consultation and advice. Every precaution will be taken to ensure confidentiality at this informal, information gathering stage.
 3. The employee should report the incident to his or her immediate supervisor, appropriate Department Director, or other Town official. Supervisors, Department Directors, or other Town official shall take immediate action when they become aware of any act of harassment. An employee may also use mediation or the formal Grievance Procedure to resolve complaints of harassment.
- C. **An employee who believes that he or she has been subjected to harassment must promptly report such incidents.** However, supervisors have an obligation as well to act upon any knowledge of harassment in the workplace and to take prompt, corrective action when necessary to maintain a place of employment that is free of harassing, abusive or disruptive conduct. In addressing harassment complaints, the rights of all parties will be protected.
- D. Retaliation is illegal and contrary to the policy of the Town. Employees who bring complaints of harassment or who identify potential violations, witnesses interviewed during the investigations, and other who may have opposed discriminatory conduct are protected from retaliatory acts

IX. Workplace Violence

The Town of Front Royal is committed to maintaining a safe, healthy work environment where employees, visitors and customers are free from the threat of workplace violence. No employee shall engage in any act, on or off Town property, while performing work-related duties or involving persons related to Town employment, that threatens the safety of an employee, visitor or customer, affects the health, life or well-being of an employee, visitor or customer or results in damage to Town or customer property. Such actions and incidents will not be tolerated under any circumstances. If such an incident occurs, anyone found to have violated this policy will be subject to disciplinary action, which may include termination.

The Town of Front Royal Workplace Violence Policy applies to all employees regardless of funding, status or category and to all volunteers, unpaid interns or others working under the supervision of the Town.

A. Guidelines:

1. Organizational Responsibility:

The Town will actively support the prevention of workplace violence through the allocation of appropriate resources for assessment, training and intervention. The Town takes acts or threats of workplace violence seriously and will promptly investigate and act on reports of acts or threats. While unfounded or vindictive accusations of workplace violence will not be tolerated, no one who reports a valid incident will be subject to reprisals or retaliation. The Town through the Town

Manager, Human Resources, and the Police will work with and assist Departments as needed in evaluating and/or investigating incidents of workplace violence.

2. Departmental Responsibility:

Each Town Department and/or Division shall work with Human Resources and the Police Department to complete a site assessment and take appropriate action to correct to the extent possible based on available resources, any physical problems that may create potential safety hazards. Each Department shall develop a Departmental Safety Plan to be incorporated in their Operations Manual or General Orders and submit it to the Town Manager, for approval. The Plan shall contain specific safety practices and procedures that, when followed, reduce the threat of workplace violence. The Departmental Safety Plan, as part of the Operations Manual or General Orders, shall be distributed and communicated to each employee within the Department.

3. Managerial Responsibility:

- a. Managers and supervisors shall work in partnership with employees to maintain a safe, effective working environment. Managers and supervisors shall attend training on identifying and defusing workplace conflicts.
- b. Managers and supervisors must intervene when they see behavior or actions in conflict with this Policy regardless of the person engaging in such behavior. Where there is imminent danger, managers and supervisors shall immediately notify the police. Managers and supervisors shall evaluate and investigate as needed if an incident of workplace violence is reported, is suspected of occurring or has actually occurred. Managers and supervisors shall follow up with employees to ensure that safety practices and procedures are consistently followed.

4. Employee Responsibility:

Employees are expected to treat other people and property with respect. In most cases employees perform as expected and demonstrate conduct that reflects credit upon themselves, their coworkers and the Town of Front Royal. When employees fail to conduct themselves in such a manner it may become necessary to intervene as a means of correcting the behavior or ending the employment relationship. In the event of immediate threat or commission of a crime, employees shall immediately call the Police Department. Employees are expected to promptly report threats or incidents of workplace violence to their supervisor or other available Town official. When there is imminent danger to persons or property, employees are encouraged to take reasonable action to safeguard persons or property without putting themselves or others in danger.

5. Prohibited Behavior:

In keeping with this policy, the Town of Front Royal prohibits any employee from engaging in acts of violence.

Such acts include, but are not limited to:

- a. Verbally or physically threatening, bullying, intimidating, coercing, harassing or assaulting an employee, visitor, customer or citizen.
- b. Sexually harassing an employee, visitor, customer or citizen.

- c. Using, threatening to use, or displaying a weapon of any kind, or any other object that is used for the purpose of injury or intimidation, unless required by official job duties, such as a police officer.
- d. Acts that damage, or attempting to damage, Town property or the property of an employee, visitor, customer or citizen.

6. Reporting and Investigating Procedures:

Any employee who has been threatened, is a victim of a violent act, witnesses any threats or violent acts, or learns of threats or violent acts, shall report such activity to his/her supervisor as identified above. In the event that violence is imminent, the employee shall call the police immediately. An employee may also report an incident by calling Human Resources. Supervisors, in coordination with the police and Human Resources shall promptly evaluate and investigate each report.

7. Confidentiality:

Information about an incident of workplace violence will be shared only with those supervisors or managers with a legitimate need to know.

X. Information Technology Security

The Town provides electronic, digital, and wired communications equipment to appropriate employees for business purposes. The IT Security Policies, which include the Mobile Phone/Mobile Data Device Policies, establish guidelines for the proper and acceptable use of all information systems including e-mail by Town Employees, elected officials, volunteers, interns, and other affiliates who may be authorized to use telephones, cellular phones, devices, hardware, software, and/or network connections provided by the Town of Front Royal. All electronic and digital messages created with, received by, or stored within the telephone, hardware and software systems administered by the Town of Front Royal are the property of the Town and, therefore, are not considered private. There should be no expectation of privacy in any communications received, sent, or stored on equipment or service provide by the Town.

Acceptance and use of electronic, digital, or wired communication equipment by an employee constitutes their consent to monitoring of communications sent, received, and stored on equipment provided by the Town or Town service providers.

The Town may provide access to the Internet and the World Wide Web to its employees as one of the many resources available to assist them in doing their jobs better and more efficiently. Use of this privilege shall be restricted to business purposes.

The Town of Front Royal reserves the right to restrict or remove access or availability of electronic tools for any employee that violates appropriate use and/or security policies and practices. Refer to the IT Security Policies included on the Information Technology website for more information.

XI. Public Speech

The Town respects and honors the First Amendment rights of its employees to speak out as citizens on matters of public concern and to post personal comments on the Internet (e.g., an employee's own website, blog, Facebook, MySpace, Twitter or similar social networking site). However, a Town employee whose

public statements or Internet postings interfere with the Town's ability to provide effective and efficient services to the public may be disciplined for such comments or postings.

A. Examples of public speech or online postings for which an employee may be disciplined include, but are not limited to public speech or postings that:

1. Impairs discipline or harmony among co-workers.
2. Interferes with the employee's job performance.
3. Interferes with the operation of the Town's business.
4. Discloses confidential or sensitive governmental information.
5. Has a detrimental impact on working relationships that require personal loyalty and confidence.

XII. Parking

Parking is normally provided to Town of Front Royal employees in surface lots near various work sites. Parking for employees with an authorized handicap decal or license plate is also available near Town work sites. Public parking spaces, including marked handicap spaces, surrounding Town Hall and other Town facilities are designed for use by residents and visitors and shall not be used for daily parking by employees.

XIII. Smoking

The Town of Front Royal supports and promotes a smoke-free environment. On-duty employees are prohibited from smoking and/or tobacco use in any municipal building or vehicle. Employees must abide by restrictions established by management regarding the conditions of outdoors smoking such as location and timing.

XIV Inclement Weather

During inclement weather conditions all municipal offices remain open to serve the citizens of Front Royal, and employees are expected to report to work. In situations of extreme weather conditions, Department Directors shall determine the staffing levels required to meet citizen/ customer needs and may allow liberal leave usage so that employees who are concerned about their travel safety may use appropriate accrued leave. In these cases, supervisory approval for leave usage is required.

XV Reporting Employee Accidents and Incidents

Employees involved in an on the job accident or incident, no matter how slight it may seem, must report the accident to their supervisor immediately (i.e., as soon as possible, and on the day of the accident). The supervisor must complete the Employee Accident Report form in writing. Failure to report any such injury may result in the loss of Workers' Compensation benefits. In addition, if any vehicle damage occurs, the employee must contact the Police Department to complete an accident report. Employees involved in vehicle/equipment accidents must submit to drug and alcohol testing.

9 Grievance Procedures

I. General Information

- A. The Town of Front Royal supports prompt and fair methods for resolving complaints and grievances of its employees. Employees whose grievances, as defined herein, result from work situations deserve and have the right to submit such grievances for orderly resolution with freedom from discrimination, coercion, recrimination, restraint, retaliation or reprisal. In addition, resolving grievances quickly and equitably promotes effective employer-employee relationships and is in the mutual interests of all affected parties.
- B. This policy sets forth the general procedures for the administration and resolution of all grievable employment disputes, as defined in subsequent paragraphs. Reasonable efforts will be made to resolve employee complaints and grievances on an informal basis at the lowest level of management appropriate.
- C. All steps of the grievance procedure beyond the first step shall be in writing on forms supplied by the Human Resources Department. Personal face-to-face meetings are required at all steps of the procedure. At each step in the process, the grievant shall be prepared to present his or her view of the events, which both preceded and followed the disputed action.
- D. Persons who may normally be present in the grievance meetings are the grievant, the appropriate hearing official at the level at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony.
- E. At the third and fourth step of the procedure, the grievant may choose to have a representative of his or her choice present to provide assistance. If legal counsel represents the grievant, management may be represented by counsel. All costs for employee representation shall be borne by the employee. The grievant's representative or attorney shall be designated by the employee in writing at the time he or she presents the grievance in writing at the appropriate step. If another Town employee is chosen as a representative and that person is willing to represent the grievant, he or she shall not be denied permission to do so unless the representation would contribute appreciably to the neglect of that person's regular duties, or would constitute a clear conflict of interest with his or her regular duties. For example, a staff member of the Town Attorney's Office whose regular duties may require them to advise management and employees on matters related to grievances shall not be allowed to act as employees' representatives. In no case will managerial or supervisory personnel act as an employee representative against Town management.
- F. In accordance with the non-public nature of a grievance hearing, any recording by tape or any other means is strictly prohibited without the consent of both parties. At the conclusion of each written step in the Grievance Procedure, the hearing officer will transmit the decision along with appeal forms and addenda to the grievant with copies to the immediate supervisor, the respective Department Director, and the Director of Human Resources.
- G. As a grievance moves through the levels of appeal, an employee may not materially change the basic nature or content of his or her grievance after it is reduced to writing, nor may he or she change the relief

sought. Further, an employee may not withhold available evidence from the earlier steps of the grievance procedure and then seek to introduce such evidence for the first time during the steps of the grievance procedure. When processing any grievance to a higher step in the procedure, the grievant should recognize that each appeal will be handled as a hearing de novo (except as to the availability of evidence) in which the original dispute is the basis for the further appeal.

Therefore, the hearing officer, panel or Panel will decide among three courses of action:

1. To uphold the original decision of the immediate supervisor.
2. To overturn the original decision.
3. To modify the original decision.

H. Except in instances where grievances might arise within the Human Resources Department, the Director of Human Resources or designee shall act in a neutral manner in these proceedings. Upon request, the Director of Human Resources will counsel employees with regard to grievances. The Director shall be responsible for designing all necessary forms, making policy interpretations which might become necessary, issuing additional guidelines for the orderly administration of employee grievances in accordance with this Grievance Policy, and serving as Secretary to the Appeal Panel and to the Grievance Panel. As provided within this Policy, time limitations are designed to be fair and reasonable to both the grievant as well as to those individuals who will be involved in hearing and seeking the resolution of a grievance settlement at each successive step.

II. Coverage of Personnel

A. This policy governs the administration and processing of all grievances of the full-time and part-time employees of the Town of Front Royal.

B. All employees holding full-time and part-time Town of Front Royal positions who have completed their initial employment period are eligible to file grievances with the following exceptions:

1. Department Directors and their equivalents.
2. Exempt employees
3. Town Council appointees.
4. Employees holding temporary and/or grant funded positions.
5. Law-enforcement officers as defined in Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 of the Code of Virginia whose grievance is subject to the provisions of Chapter 10.1 and who have elected to proceed pursuant to those provisions in the resolution of their grievance.
6. Any other employee electing to proceed pursuant to any other existing procedure in the resolution of his or her grievance.

C. The Director of Human Resources shall maintain an up-to-date list of the excepted positions.

III. Definition of a Grievance

- A. A grievance shall be a complaint or dispute by an employee relating to his or her employment, including but not necessarily limited to:
1. Disciplinary actions, including dismissals, that result from formal discipline or unsatisfactory job performance, disciplinary demotions, and suspensions provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance.
 2. The application of personnel policies, procedures, rules and regulations including the application of policies involving matters referred to in Paragraph IV below.
 3. Acts of retaliation as the result of either the use of the grievance procedure or participation in the grievance of another Town employee.
 4. Discrimination on the basis of race, color, creed, political affiliation, age, disability, national origin, religion or sex.
 5. Acts of retaliation because the employee has complied with any federal or state law, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly or has reported an incident of fraud, abuse or gross mismanagement. There shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at a level of the grievance is an act of retaliation.

IV. Local Government Responsibilities and Management Rights

- A. The Town shall retain the exclusive responsibility to manage the affairs and operations of government. Accordingly, the following complaints are non-grievable:
1. Establishment and revision of wages or salaries, position classification or general benefits.
 2. Work activity accepted by the employee as a condition of employment or work activity, which may reasonably be expected to be a part of the job content.
 3. The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations.
 4. Failure to promote except where the employee can show established promotional policies or procedures were not followed or applied fairly.
 5. The methods, means and personnel by which such work activities are to be carried on.
 6. Except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance, termination, layoff, demotion or suspension from duties because of a lack of work, reduction in work force, or job abolition.
 7. The hiring, promotion, transfer, assignment, evaluation, counseling and retention of employees within the Town government.

8. The relief of employees from duties of the Town government in emergencies.

9. Voluntary resignation.

10. Counseling sessions and/or counseling memos.

B. In any grievance brought under the exception to provision (6) of this subsection, the action shall be upheld upon a showing by the Town that:

1. There was a valid business reason for the action.

2. The employee was notified of the reason in writing prior to the effective date of the action.

V. Determination of Grievability

A. The issue of grievability may occur at any step of the procedure prior to the Panel Hearing, but once raised, the issue must be finally resolved as provided herein before further processing of the grievance. Decisions regarding grievability and access to the procedure shall be made by the Town Manager, or designee, at the request of management or the grievant within ten (10) calendar days of such request. A copy of the ruling will be sent to the grievant. In all cases, the issue of grievability must be resolved prior to the Panel Hearing or it shall be deemed to have been waived by management and the grievance shall be processed to conclusion.

B. The grievant shall have ten (10) calendar days to appeal a decision of non-grievability to the Circuit Court of the Town of Front Royal, Virginia for a hearing on the issue of grievability, as provided for in the Code of Virginia, Section 15.2-1507 A9a. Proceedings for review of the decision of the Town Manager shall be instituted by filing a notice of appeal with the Town Manager within ten (10) calendar days after the date of the decision and giving a copy thereof to all other parties.

Within ten (10) calendar days thereafter, the Manager shall transmit to the Clerk of the Circuit Court of the Town of Front Royal and to the grievant the following:

1. A copy of the decision of the Town Manager

2. A copy of the notice of appeal

3. The exhibits

C. A list of the evidence furnished to the Court shall also be furnished to the grievant. The failure of the Town Manager to transmit the record within the time allowed shall not prejudice the rights of the grievant. The Court, on motion of the grievant, may issue a writ of certiorari requiring the Town Manager to transmit the record on or before a certain date.

D. Within 30 calendar days of receipt of such records by the Clerk, the Court, sitting without jury, shall hear the appeal on the record transmitted by the Town Manager, or designee, and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court, in its discretion, may receive such other evidence as the ends of justice may require. The Court may affirm the decision of the Town Manager or designee, or may reverse, or modify the decision. The decision of the Court shall be rendered no later than the fifteenth (15th) calendar day from the date of the conclusion of the hearing. The decision of the Court is final and is not

appealable.

- E. The classification of a complaint as “non-grievable” shall not be construed to restrict any employee’s right to seek or management’s responsibility to provide customary administrative review of complaints outside the scope of this grievance procedure.

VI. Time Periods

All grievable employment disputes, as defined in the preceding paragraphs, must be processed through four steps of successive appeal and within the specified time limits, except as noted within this policy. For purposes of this Procedure, all time limits are stated in terms of “calendar days.” If the last day of any time limit falls on a Saturday, Sunday, or observed Town holiday, the following regular weekday shall be considered the last day. Time frames may be extended by mutual agreement of the hearing officer and the grievant. The Grievance Panel or Board, at their discretion, or at the request of either party to the grievance, may extend any or all of the prescribed time periods applicable after the grievance is received by the Panel/ Board. These time periods may be extended in writing based upon mutual agreement in advance by the two parties (the grievant and the individual hearing the complaint or grievance). The Panel or Board may, by mutual agreement with the grievant, continue the hearing.

VII. Compliance

- A. After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel or board hearing, without just cause will result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the non-compliance within five (5) work days of receipt of written notification by the other party of the compliance violation.
- B. Such written notification by the grievant shall be made to the Town Manager or designee. The Town Manager, or designee, may require a clear written explanation of the basis for just cause extension or exceptions. The Town Manager, or designee, shall determine compliance issues. Compliance determinations made by the Town Manager shall be subject to judicial review by the filing of a petition with the Circuit Court of the Town of Front Royal, Virginia within 30 days of the Compliance determination.

VIII. Relief Sought

Once an employee reduces his or her grievance to writing, he or she must include on the appropriate form the specific relief he or she expects to obtain through the use of the grievance procedure. The relief sought shall be personal to the grievant (e.g., the relief sought may not be the dismissal or discipline of another employee). The relief sought must be consistent with the issues determined to be grievable under this procedure and may not be in conflict with the management rights section of this policy. The grievant may accept the relief granted at any step of the procedure and his or her grievance shall be considered resolved. However, prior to the Panel Hearing, if the employee finds any part of the relief granted unacceptable, he or she must advance the entire grievance and relief sought to the next step of the procedure. The decision of the Panel is final and binding.

IX. Waiver of Steps

Any of the steps in the grievance procedure, except the fourth step panel/board hearing, may be waived based upon the mutual written agreement of the grievant and the Town Manager. A "Grievance Step Waiver Form", available from Human Resources or the Town's website, must be completed and signed by the grievant and the Town Manager prior to the required meeting(s) between the grievant and management and shall be included in the official grievance file maintained in the Human Resources Department.

X. Steps in the Grievance Procedure

A. STEP 1 – Supervisor/Department Director Level:

1. An employee who has a grievance shall orally present his or her initial complaint to his or her immediate supervisor (or to the acting supervisor in the absence of the immediate supervisor) or to the Department or Division Director if the grievance relates to a suspension, dismissal or policy decision, within 20 calendar days after the event giving rise for the grievance.
2. It is the responsibility of the employee to inform the supervisor or Director of his or her intention to formally grieve. An employee's complaint does not become an official grievance until the employee identifies it as such in a face-to-face meeting.
3. The supervisor or Director shall give the employee his or her verbal response within ten (10) calendar days after its presentation and shall develop and maintain written documentation of the date the meeting took place, the decision made and the date the decision was given to the employees. Each immediate supervisor shall keep appropriate accounts of the complaints that he or she receives.

B. STEP 2 – Department Director Level:

1. If the complaint is not resolved in Step 1, the employee may, within ten (10) calendar days of his/her supervisor's oral response, reduce the grievance to writing on an "Employee Grievance Form" and submit it to his or her respective Department Director (or to the acting Department Director in the Director's absence). This submission will be the aggrieved employee's explanation of what has occurred, his or her reasons for rejecting the Step 1 response, and the specific relief that he or she desires for resolution of the grievance. If an employee chooses to grieve an action taken by a Department to which the employee is not assigned, he or she shall submit the grievance form to the Director of the Department taking such action.
2. Within ten (10) calendar days of receipt of the completed grievance form, the Department Director (or the acting Director in the Director's absence) will meet with the grievant, the grievant's immediate supervisor and/or manager directly involved in issue, and appropriate witnesses, i.e. those persons having direct knowledge of the issue. If the grievant desires testimony by a witness(es) who is scheduled for Town duty, he or she will notify the respective Department Director at least 24 hours in advance; and if a witness(es) is not scheduled for Town duty, the grievant will be responsible for arranging the presence of this witness(es). The appearance of witnesses before the Department Director is strictly voluntary.
3. A written reply to the grievance signed by the Department Director shall be provided to the employee within ten (10) calendar days after the second step meeting. The grievance file, including all attachments shall be forwarded to the Human Resources Department following the second step

decision.

C. STEP 3 – Town Manager Level:

1. If the second step decision is not acceptable to the grievant, he or she shall have ten (10) calendar days after receipt of the decision in which to request a meeting with the Town Manager, or his or her designee. The grievant must complete the “STEP 3: Grievance Form” and submit it to the Human Resources Department to request further consideration of his or her grievance. Human Resources shall record its submission and forward the grievance and related documents to the Town Manager who may designate one or more individuals to assess and undertake its resolution.
2. The Town Manager, or designee, shall meet with the aggrieved employee, the employee’s immediate supervisor and/or manager directly involved in issue, the Department Director, and appropriate witnesses, i.e., those persons having direct knowledge of the issue, within ten (10) calendar days to discuss informally the particulars of the incident surrounding the grievance and the specific dispute for resolution.
3. If the grievant desires testimony by a witness(es) who is scheduled for Town duty, he or she must notify the respective Department Director at least 24 hours in advance; and if a witness(es) is not scheduled for Town duty, the grievant will be responsible for arranging the presence of this witness(es). The appearance of witnesses at the grievance hearing is strictly voluntary.
4. In addition to the presence of these persons, the aggrieved employee may elect to be accompanied by a representative of his/her choosing (who may be another Town employee); however, the grievant must include the name of the representative, and state whether or not the representative is an attorney, on the STEP 3: Employee Grievance Form at the time of submission. If the grievant is represented by legal counsel, the Town Manager or designee may also be represented by counsel. All costs of employee representation shall be borne by the employee.
5. The Town Manager, or designee, has the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing; and at the request of either party, the hearing shall be private. Grievance hearings cannot be recorded by tape, stenographer or any other means without the consent of both parties
6. The Town Manager, or designee, has the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.
7. If the Town Manager, or designee, determines that additional evidence is needed to make an informed decision, he or she may continue the STEP 3 hearing to hear such additional evidence.
8. The Town Manager or designee shall reply in writing to the grievant within ten (10) calendar days after the third step hearing.

D. STEP 4 –Grievance Panel:

1. If the Town Manager’s decision is not acceptable to the grievant, he or she may, within ten (10) calendar days submit his or her dispute to the resolution of the ultimate authority available in this Grievance Procedure—the Town Employee Grievance Panel depending upon the nature of the

particular grievance involved. Requests for further consideration of the grievance shall be made by completing the "STEP 4: Employee Grievance Form" and submitting it to the Director of Human Resources.

2. Within ten (10) calendar days following receipt of the "STEP 4: Employee Grievance Form" the Director of Human Resources, or designee, shall convene a non-public, informal hearing of the Panel for the necessary discussion, consideration, and resolution of the grievance.
3. As in STEP 3, the aggrieved employee, his or her supervisor and the Department Director shall be present at the Panel hearing, and appropriate witnesses as well as representatives may also be in attendance. If the grievant desires testimony by a witness(es) who is scheduled for Town duty, he or she will notify the respective Department Director at least twenty-four hours in advance; and if a witness(es) is not scheduled for Town duty, the grievant will be responsible for arranging the presence of this witness(es). The appearance of witnesses before the Panel is strictly voluntary. If the grievant intends to have a representative at the Panel hearing, the grievant must include the name of the representative, and state whether or not the representative is an attorney, on the "STEP 4: Employee Grievance Form" at the time of submission.
4. Subsequent to the hearing and within ten (10) calendar days thereafter the Chair of the Panel will notify the grievant in writing of the decision of the Panel. Copies of this written decision of the Panel will be forwarded to the Town Manager, the respective Department Director, the grievant's supervisor, and the Human Resources Department. A final determination by the Panel must be consistent with law and written policies. Either party may petition the Circuit Court for implementation of the Panel decision.

E. Town Employee Grievance Panel:

1. The Panel is charged with the responsibility of resolving any STEP 4 grievance that involves the demotion, dismissal or suspension of 14 days or more of the aggrieved employee.

Membership on the Panel will consist of three (3) citizens selected in the following manner:

- a. The three (3) citizen members are comprised of one member from the grieving party, one from the Town, and one selected by the other two members. In the event that agreement cannot be reached as to the final panel member, the Chief Judge of the Circuit wherein the Town of Front Royal is located shall select the third panel member.
- b. These citizen members will elect a Panel Chairman from among themselves.
 - i. If any of the citizen Panel members are unable to participate in a particular hearing, the grievant may elect to have his or her hearing continued until a maximum of five working days following the next regularly-scheduled Town Council meeting when substitute citizen Panel member(s) would be appointed for this particular grievance hearing.
2. The Panel shall not be composed of any individuals having direct involvement with the grievance being heard by the Panel, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, individuals from the same Department as the grievant, individuals residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as Panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew

and first cousin.

3. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of the attorney shall serve as a Panel member.

F. The system outlined above is designed to be an equitable and objective approach for designation of both Panel membership in the final determination of employee grievances. It also provides a method by which the grievances of Town personnel can be heard by an audience that includes both supervisory and non-supervisory representation from within the ranks of Town employment and a high-level of citizen involvement as well.

XI. Rules for Grievance Panels

A. Hearings before the Town Employee Appeal Panel and the Town Employee Grievance Panel, both of which are referred to as "Grievance Panels," shall be conducted by the following rules:

1. Grievance Panels do not have authority to formulate policies or procedures or to alter existing policies or procedures nor do they have the authority to award monetary damages, expenses or attorneys' fees to a successful grievant.
2. Grievance Panels have the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing; and at the request of either party, the hearing shall be private. Grievance hearings cannot be recorded by tape, stenographer or any other means without the consent of both parties.
3. The Town must provide the Grievance Panel with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the Grievance Panel. The record shall include the STEP 2 and STEP 3 written decisions and all documents that were relied upon in the STEP 1, STEP 2 and STEP 3 meetings.
4. The grievant and his/her attorney shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding, at least ten (10) calendar days prior to the scheduled hearing.
5. Grievance Panels have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.
6. All evidence shall be presented in the presence of the Grievance Panel and the parties, except by mutual consent of the parties.
7. Documents, exhibits and lists of witnesses are to be exchanged between the parties at least three (3) days in advance of the hearing. The appearance of witnesses before the Grievance Panel or hearing officer is strictly voluntary.
8. The majority decision of the Grievance Panel, acting within the scope of its authority, is final, subject to existing policies, procedures and law.
9. The decision of the Grievance Panel shall be provided to all parties within ten (10) calendar days

after the conclusion of the hearing.

10. Other provisions may apply, in order to facilitate fair and expeditious hearings, with the understanding that the hearings are not intended to be conducted like proceedings in courts, and that rules of evidence do not necessarily apply.

B. Implementation of the Decision:

Either party may petition the Circuit Court for an order requiring implementation of the Step 4 decision.

XII. Maintenance of Grievance Records

Once a grievance is reduced to writing, the Department Director handling the grievance shall initiate a grievance file. This file shall contain copies of all forms, memoranda, letters, waivers, exhibits and/or summaries of all meetings and decisions rendered concerning the grievance. At the conclusion of the Second Step, the file shall be forwarded in its entirety to the Human Resources Department. As the grievance progresses through the various steps of the procedure, copies of all additional data shall be added to the file until the grievance is resolved. When the grievance is resolved the file shall constitute the official record of the grievance and shall be maintained by the Human Resources Department.

XIII. Mediation

- A. In addition to the Grievance Procedures outlined above, the Town of Front Royal offers Mediation as an alternate dispute resolution process. Mediation is a neutral, assisted negotiation process that helps resolve problems between two or more employees. The Mediation process is facilitated in a confidential forum by trained mediators. Mediators help the parties recognize the issues in conflict, explore alternatives and reach mutual agreement or a solution.
- B. All employees may use the Mediation process. Employees may request mediation by contacting their supervisor or the Human Resources Department. All parties must agree to the Mediation process and the selected mediator. A mediation session will normally be scheduled within 15 calendar days of the agreement to mediate.
- C. Employees may initiate requests for Mediation during the course of a grievance and if all parties agree to proceed with Mediation, the grievance process will be held in abeyance until the conclusion of the Mediation. An employee may choose to end the Mediation and resume his or her grievance at any time during the Mediation.

10 Definitions

Anniversary Date – The anniversary of the initial employment, promotion, or demotion date.

Break In Service – Any separation from the Town service, whether by resignation, lay-off, disability, or retirement, when the employee is subsequently re-employed. An authorized leave without pay shall not be considered as constituting a break in service.

Continuous Service – Employment without interruption, except for absences on approved leaves, such as military leave, etc.

Demotion, or Reduction in Rank – Assignment of an employee from one position/rank to another, which has a lower rate of pay.

Disability – A physical or mental impairment, which prevents, hinders, or adversely affects an individual's ability to perform the essential functions of his/her job with or without reasonable accommodation.

Full-time Employee – An individual who is assigned to work a minimum forty (40) hours per week.

Immediate Family – Immediate family is defined as a spouse, parent, spouse's parent, child, brother, sister, grandparent, grandchild, legal guardian and equivalent step-relations.

Initial Period of Employment – A period of six (6) months for non-police personnel from the date of their appointment and twelve (12) months for sworn police personnel from the date of the completion of their academy training or appointment if academy training is not required, during which an employee who is hired to fill a position, is employed on a trial or test basis. Employees in the initial period, as well as those who have completed the initial period, are employed at-will.

Lay-Off – Separation of an employee from a position as a result of the abolition of the position, lack of work, or lack of funds. An individual in lay-off status, however, has no automatic right to "reinstatement" or "rehire".

Part-Time Employee – An individual who is assigned regular working hours of less than eight (8) hours a day or less than forty (40) hours per week. A part-time employee is eligible for limited benefits if he/she/ works at least twenty (20) hours per week.

Performance Evaluation – A formal evaluation system, using printed forms completed by the evaluator (normally one's immediate supervisor), which are rendered at least annually for each employee to document job performance, and made a part of the employee's personnel record. Satisfactory performance, however, is a condition of employment throughout the year and an employee's performance is monitored throughout the year.

Position – Any office or employment, whether occupied or vacant; full-time, part-time, seasonal or temporary, or volunteer, consisting of duties and responsibilities assigned to the individual by the Town Manager and his/her designee.

Position Description – A written narrative detailing the essential functions, responsibilities, and minimum or desired qualifications of a position.

Promotion – Assignment of an employee from one position to another, which has a higher maximum rate of pay.

Reinstatement – Re-appointment, after separation, of a former employee to his/her/ former position or one of a similar nature.

Residency – Certain employees per Town Code are required to reside within the Town limits, within Warren County, or within a set distance from the Town.

Retirement – A voluntary separation from active service where the employee generally qualifies for the payment of benefits from the Virginia Retirement System or may qualify to remain eligible for other Town benefits at the employee's sole expense.

Separation – Vacating a position, either through resignation, lay-off, termination, disability, or death.

Suspension – An enforced leave of absence, with or without pay and benefits, for disciplinary purposes or pending investigation of, among other things, charges made against an employee.

Temporary or Seasonal Employee – Anyone employed for a specific period (such as summer) or for a specified purpose (to replace a sick employee) is considered a temporary or seasonal employee. A temporary or seasonal employee shall be limited to working an average of forty (40) hours per week. A temporary or seasonal employee is not eligible to receive any fringe benefits. A temporary or seasonal employee can be either full or part-time and is employed at-will during the period of the project or the time specified.

Termination – Involuntary dismissal/separation from Town employment.

Town – Town of Front Royal, Virginia. A municipal corporation and a political subdivision of the Commonwealth of Virginia. Where appropriate to the context, the term "Town" may also refer to the Town Council of the Town of Front Royal, the Town Manager of the Town of Front Royal, or to a supervisor or manager of an employee, or independent contractor of the Town of Front Royal

Transfer – Re-assignment of an employee from one position to another in the same pay grade.

Unsatisfactory Service – Performance of assigned duties and responsibilities that falls below the accepted standards as to, among other things, work habits, attitudes, and personal conduct.

Volunteer – An employee of the Town that receives no pay or benefits to complete tasks and provide services to the Town.



**Town of Front Royal, Virginia
Council Agenda Statement**

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Item No. 16

Meeting Date: March 11, 2013

Agenda Item: CLOSED MEETING – Consultation with Legal Counsel – RSW Regional Jail

Summary: Council is requested to convene and go into Closed Meeting for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, appealing DEQ's grant of a waste water package treatment plant permit, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia.

Budget/Funding: None

Meetings: None

Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion:

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, appealing DEQ's grant of a waste water package treatment plant permit, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia.

Motion to Certify Closed Meeting at its Conclusion *[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]*

I move that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Action as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB