

**TOWN OF LOVETTSVILLE  
EMPLOYEE POLICY MANUAL**

**ADOPTED MAY 15, 2014**

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## 1.0 PURPOSE OF THIS MANUAL

The objective of this Employee Policy Manual with addendums (“Manual”) is to provide a uniform system of personnel administration for the staff of the Town of Lovettsville, based on merit principles, equitable compensation, open competition in hiring and advancement, and equal employment opportunities.

It is the policy of the Town of Lovettsville to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of the Town and its employees. THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS AN EXPLICIT OR IMPLIED CONTRACT; SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY LOCAL GOVERNMENT UNIT (TOWN OF LOVETTSVILLE) EMPLOYEE; AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM “AT-WILL” MEANS EMPLOYEES CAN TERMINATE VOLUNTARILY OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE TOWN MANAGER, provided that they do not purport to extend employment for a period greater than 12 months.

Additionally, it is the policy of The Town of Lovettsville to strive for safety in all activities and operations, and to carry out the commitment of compliance with health and safety laws applicable to the Town by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

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<sup>1</sup> The Town of Lovettsville reserves the right to modify, amend, or rescind these policies in whole or in part without prior notice. See Section 15.

## 2.0 EMPLOYEE CLASSIFICATION

The Status of all employees, whether in probationary status or not, shall always be at will.

### 2.1 Classifications and Definitions

- 1) **Exempt Employee** – an employee who occupies a position which is exempt (not eligible) from the overtime provisions of the Fair Labor Standards Act due to executive, administrative or professional exemptions. Full-time, part-time, and temporary employees may be exempt.
- 2) **Non-Exempt Employee** – an employee who receives hourly wages; and is subject to wage and hour laws, i.e. overtime pay provisions of the Fair Labor Standards Act. Full, part-time, and temporary employees may be non-exempt.
- 3) **Full-time Employee** – an individual hired on either an exempt or non-exempt basis for an established position for an indefinite term who is expected to work a minimum of (37) Thirty-Seven hours a week.
- 4) **Part-time Employee** – an individual hired on either an exempt or non-exempt basis for an established position for an indefinite term who is expected to work an established period of time that is less than (37) hours per week.
- 5) **Probationary Employee** – a full-time or part-time employee who has worked for the Town of Lovettsville for less than six (6) months.
- 6) **Temporary or Contract Employees** – Employees who are hired for a prescribed length of time, or until the occurrence of some event (e.g., the return of an employee from sick or maternity leave) or to perform an identified task or tasks.

## 3.0 RECRUITMENT AND SELECTION

### 3.1 Open Positions

All positions shall be open to all individuals who meet the minimum requirements for the position. The recruitment objective is to obtain well-qualified applicants for all vacancies and selection shall be based on the best-qualified person available at the salary offered for the particular position.

First consideration will be given to current employees who desire to fill an open position, if the current employee is qualified for the position and if the placement best serves the needs of the Town of Lovettsville. The Town Manager may carry out open competition to fill any vacancy.

The Town shall only accept applications for positions, which are open and available.

Unless the Town Manager concludes that a different process will yield a more advantageous result, the Town shall advertise for a period of at least two weeks job openings for all part-time (24 hours or more per week) or full-time positions.

Such advertisement shall be effected through (1) paid advertising in a newspaper of general, weekly circulation in the Lovettsville area, and/or (2) posting of an announcement on a bulletin board at the Town Office, and (3) such other means as may be appropriate at the time, including Town newsletters, listing on the Town website, with the Virginia Municipal League or other appropriate professional sites.

Job descriptions shall be provided to all applicants, clearly stating the duties of the position, the hours of work, required and/or preferred qualifications, and salary range.

Candidates who are considered finalists for a position shall provide appropriate references who may be contacted by the Town Manager or his/her designee to verify and assess previous employment experience.

If a criminal background check is required for the position, the Town Manager shall obtain authorization from the applicant. The results of that investigation are deemed confidential. If any reference check or background investigation discloses any material misrepresentation on the application, or any other information indicating that the individual is not suited for employment with the Town, the applicant shall not be offered employment. The Town retains the discretion to select the applicant deemed best suited to its needs or to refuse all applicants for any position.

Applicants for positions which require operation of Town vehicles, or who reasonably may be expected to operate a vehicle on Town business, will be required to sign a release for the Town Office to obtain their driving records. Failure to provide such release will result in disqualification.

Employment decisions shall be handled in a manner consistent with the Virginia Conflicts of Interest Act.

### **3.2 Probationary Period**

All new full-time and part-time employees shall serve a 6 (six) month probationary period. During this period the employee must show that he or she is capable and willing to perform the job satisfactorily. At the end of the probationary period the employee will be evaluated to determine satisfactory performance. If satisfactory performance is attained the employee will be entitled to all the benefits of non-probationary status. **In establishing a probationary period, the Town of Lovettsville 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.**

### **3.3 Hiring Authority**

The Town Manager has complete authority for hiring, promoting, and discharging employees in accordance with these policies. The Town Manager has the responsibility and authorization for administering the personnel system established by these policies.

### **3.4 Candidates for Charter Officer Positions**

Candidates for Charter Officer Positions (Town Manager, Town Attorney, Town Clerk, Town Treasurer)

The Town Manager shall make his recommendation of the best qualified candidate to the Town Council, and shall include in that recommendation the proposed salary and any special conditions of the individual's employment (e.g., take-home vehicle, etc.).

The Town Council may either adopt the Town Manager's recommendation or request that the full Council review the finalists for the position. The Town Council has final authority over the hiring and the conditions of employment of Charter Officers. Charter Officers serve at the pleasure of the Town Council and are subject to dismissal at any time.

### **3.5 Letter of Appointment**

A letter of appointment, approved by the Town Attorney, shall be provided for every hired employee or officer, and a copy of same will be placed in his/her personnel file. This letter will clearly state the starting salary (either in hourly wage or annual salary), hours of work, probationary period (if any), and termination provisions. Any special conditions of employment (e.g., a take-home vehicle) shall be set out in the text of the appointment letter. The appointment letter shall also specify that the terms of employment include required adherence to all policies and procedures in the Employee Policy Manual, as they may be amended from time to time by the Council. The failure of the appointment letter to address any matter stated above shall not operate to revoke or limit the authority of the Town with regard to the terms and conditions of employment. The employee or officer shall sign a statement acknowledging his/her receipt of the Employee Policy Manual, a clear understanding of the policies contained therein: and, that the employee or officer agrees to comply with the policies.

### **3.6 Confidentiality of Personnel Records**

All official personnel files are maintained in the Town Office. These files include application, payroll and benefit information, inquiries and responses, evaluations, results of physical examinations, reference checks, disciplinary actions and commendations. All such employee records shall remain confidential and shall be secured in such a way as to prevent unauthorized access. Requests for access to personnel records shall be governed by the provisions of the Government Data Collection and Dissemination Practices Act, Va. Code § 2.2-3800 et seq. and the Virginia Freedom of Information Act, Va.

Code § 2.2-3700 et seq . Routine access to employee personnel files is limited to the Town Manager, Town Treasurer, supervisors or elected officials who are legitimately involved in personnel decisions, and persons to whom the employee has given written permission. Information in personal records is also subject to dissemination in response to judicial or administrative subpoena or prospective employer inquiry. Each employee has a right to review his or her personnel file.

Any employee or official of the Town who is authorized to review or process information in personnel records is bound by this policy of confidentiality, and shall not divulge or discuss such information with any unauthorized persons. Those violating this policy will be subject to discipline.

## **4.0 EMPLOYEE COMPENSATION**

The total compensation of employees consists of the regular salary and applicable overtime pay for full-time employees, the employer's contributions to employee benefits, holiday pay, and various forms of leave with pay.

### **4.1 Hours of Work**

- 1) The Town Manager shall establish the hours of work for all Town of Lovettsville employees. The standard scheduled workweek for which salary is paid consists of (40) hours, generally Monday through Friday. This does not preclude the establishment of specified schedules other than (40) hours in a given workweek for any employee if approved by the Town Manager.
- 2) Employees shall have a paid 30-minute meal break. Flexible work scheduling may be used for the purpose of extending a meal break with the employee's start time being advanced or end time being extended as approved by his supervisor.

### **4.2 Pay and Classifications**

#### **A. Charter (Appointive) Officers**

Charter (appointive) officers serve in positions of extraordinary trust and confidence, identified in the Town of Lovettsville Charter as the following:

- 1) Town Manager
- 2) Town Attorney
- 3) Town Clerk
- 4) Town Treasurer

Charter (appointive) officers serve at the pleasure of the Town Council although they may report to the Town Manager.



## **B. NON-CHARTER POSITIONS**

**Non-charter positions include but are not limited to the following:**

- 1) Town Planner/Zoning Administrator
- 2) Project Manager
- 3) Maintenance Workers
- 4) Utility Operators

Non-charter positions may be classified as full time or part time, and may be reclassified from time to time as deemed appropriate by the Town Manager. Non-charter employees shall serve a probationary period, as provided in Section 3.2 before achieving non-probationary status.

**Temporary or Contract Employees:** Temporary or Contract Employees serve in accordance with the limitations of their letter of appointment.

## **C. Compensation Plan**

The compensation plan (when adopted) for employees of the Town of Lovettsville shall consist of:

1. A classification system for all classified jobs.
2. A pay grade that sets a salary range for each classified position.

The rates of pay for each employee within a pay grade shall be set by the Town Manager or Town Council. The normal entrance rate of pay for new employees shall be at the lower end of the pay grade for the position.

The compensation plan may be amended by motion of the Town Council or by the Town Manager within the limits of appropriations by the council.

Flexible work scheduling may be considered within the standard workweek, Monday through Friday, so long as the standard hours in a workweek, normally 40, are not altered.

Some examples are:

- Arrive earlier in the morning and leave earlier in the afternoon.
- Arrive later in the morning and leave later in the afternoon.
- Work four 10-hour days.
- Work four 9-hour days and one 4-hour day.
- Work some other similar permanent or seasonal scheduling option(s)
- Add time to meal break and arrive earlier and leave later.

Other temporary or occasional flexible work schedules may include some combination of altered work start and stop times to allow

employees to have medical appointments or take care of personal business during work hours without being charged leave. The Town Manager may approve requests for flexible work schedules or compressed workweeks.

If an employee is unable to report for work or expects to be late, the employee must contact the Town Manager as soon as possible but no later than the beginning of his or her scheduled work period, giving the reason for his absence or tardiness. Paid leave may or may not be approved. If an employee has difficulty reaching the Town Manager, he should leave a message reporting his absence but continue to attempt to make contact with the Town Manager. The responsibility to notify the Town Manager about absences or about tardiness always rests with the employee.

Hours of work, schedules, and duty assignments of short duration of individual employees or work units may be altered under authorization of the department head or his designee within the established workweek and schedule of the agency as conditions warrant.

#### **D. Performance Appraisals**

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

#### **E. Performance Increases**

The Town of Lovettsville promotes excellence in its workforce. Salary increases within budget constraints may be given to that end. Each employee's performance will be reviewed annually, and based on satisfactory performance and contributions to the organization, pay increases may be given. In exceptional circumstances an employee's pay may be increased in less than a year for meritorious service or enhanced responsibilities. Pay increases are not automatic or guaranteed.

#### **F. Overtime**

Employees who are not exempt under the Fair Labor Standards Act (non-exempt) will be paid at the rate of time and a half for all hours actually worked in excess of forty (40) hours a work week. Unless authorized to do so beforehand, employees should not work over forty (40) hours during a workweek. For authorized overtime, employees may be offered compensatory time off at the same rate of time and a half for all hours actually worked in excess of forty (40) hours a work week.

Exempt employees who are required to work beyond normal hours or on weekends and holidays may be given compensatory time off at the discretion of the Town Manager.

**G. Bonuses**

The Town Manager may grant a bonus to an employee to recognize superior service to the Town of Lovettsville.

**H. Retirement**

The Town of Lovettsville participates in the Virginia Retirement System for all employees eligible for retirement benefits pursuant to the rules and policies of VRS.

**4.3 Employee Benefits**

**General Policy**

The following is a list of benefits currently offered by the Town. The Town reserves the right to alter benefits as business conditions necessitate and as allowed or required by law. Copies of all plan documents are available for review in the Town Manager's office.

**A. Workers' Compensation**

In accordance with the Virginia Workers' Compensation Act, the Town provides insurance for all employees covered by the Act to pay for medical and lost wages expense which result from an on-the-job injury, disability, or death.

**B. Health Insurance**

Full-time employees, as defined in Section 2.1, are eligible to participate in the health insurance plan, or plans, made available to them by the Town.

The Town shall pay the cost of health care insurance for its employees according to the following schedule:

Full time employee only	100% of the health care premium
Full time employee and spouse or one dependent	85% of the health care premium
Full time employee and family	80% of the health care premium

Retirees from the Town, who have worked for the Town for at least 10 years, meeting the requirements for retirement under the Virginia Retirement System are eligible to participate in the Town's health insurance program. Such retirees shall receive a \$100 per month benefit paid by the Town toward the cost of the health insurance premium until age 65. All remaining costs are paid by the retiree.

### **C. Retirement Benefits**

The Town is a member of the Virginia Retirement System (VRS). All full-time and part-time officers or employees of the Town working more than twenty-four hours per week are required to enroll in the system and, thus, are entitled to all benefits offered by the Plan in accordance with the date of their employment with the Town. Any officer or employee who is over 65 years of age may elect not to participate in the retirement plan. If he/she is covered by VRS, he/she may elect to cease making contributions at age 65.

Individual members contribute 5% of their annual base salary to VRS. This contribution is paid by the member. The Town, as the employer, makes additional annual payments to VRS to assist in funding the Plan. This payment by the Town is determined actuarially by VRS.

VRS offers several alternative methods of receiving retirement benefit payments. These options are outlined in the Handbook for Members which is provided by VRS directly to members. The amount of the retirement benefit is based on three factors: the employee's average final compensation, years of service credit, and age.

Retirement benefits are not automatically paid. The employee must file the appropriate forms with the VRS at least ninety (90) days in advance of the effective date of retirement. Temporary and contract employees are not eligible for retirement benefits.

### **D. Deferred Compensation Retirement Plan**

The Town has partnered with ICMA-RC to provide a 457 Deferred Compensation Plan. Employees can elect to make voluntary, pre-taxed contributions to the 457 plan. The Town will match employee contributions up to \$15.00 per pay period.

### **E. Life Insurance**

The Town provides group life insurance through VRS for all eligible full-time and part-time charter officers and non-probationary employees. This coverage, which includes coverage for accidental death, natural death, and dismemberment, is available to VRS-enrolled personnel only. Information on the amount of each benefit may be obtained at the Town Office.

VRS makes available "Optional Life Insurance" to employees electing to purchase the coverage. The employee is responsible for the full cost of the "Optional Life Insurance". Detailed and specific information on the "Optional Life Insurance" Program may be obtained at the Town Office.

### **F. Social Security – FICA**

All Town employees are covered by the Federal Insurance Contributions Act (FICA), otherwise known as Social Security. After a qualifying number of work years, Social Security will provide an income in the event of retirement, disability or death.

Identical contributions to Social Security are made by both the employee and the Town. The amount contributed is a percentage of your earnings up to a maximum level of salary, as set by Congress each year. The employee's portion will be deducted automatically from his/her paycheck.

If an employee is disabled or nearing retirement, he/she should contact a Social Security office in the vicinity. Benefit payments are not made automatically by the federal government. An employee needs to file an application in advance.

#### **G. AFLAC**

All Town employees may purchase AFLAC coverage. This coverage is not paid for by the Town, but payment will be deducted pre-tax from the employee's paycheck.

### **4.4 Holidays**

The Town of Lovettsville follows the holiday schedule established by Loudoun County. Full-time and part-time salaried employees shall be granted time off for these days without charging the time against leave balances. The following list of holidays are typically recognized (but subject to change by Loudoun County):

New Year's Day	January 1
Jackson-Lee Day	Floating Holiday
Martin Luther King, Jr.	3 <sup>rd</sup> Monday of January
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 <sup>st</sup> Monday in September
Columbus Day	2 <sup>nd</sup> Monday in October
Veteran's Day	November 11
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Day after Thanksgiving	4 <sup>th</sup> Friday in Nov.
December 24 <sup>2</sup>	December 24 (1/2 day)
Christmas Day	December 25

When an employee is required to work on one of these holidays, compensatory time off will be given at a rate of two (2) times the hourly rate for every hour worked on the holiday. Holidays falling on Saturday or Sunday shall be taken on the Friday or the Monday respectively as announced by the Town of Lovettsville.

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<sup>2</sup> One-half day.

The Lovettsville Town Council, at their discretion, may recognize additional holidays that are not recognized by Loudoun County.

## 4.5 Leave

### A. Annual Leave

Full-time employees will accrue paid annual leave for personal purposes at the following rates and shall be used on an hour for hour basis.

<-3 years of service	10 work days
4-5 years of service	12 work days
6-15 years of service	15 work days
16-20 years of service	18 work days
21 + years of service	20 work days

Annual leave shall be approved in advance by the Town Manager. Leave is not available at all times: the Town Manager has a primary obligation to insure that the Town of Lovettsville's service to the citizens is carried out.

Each employee may accumulate a maximum of 240 hours of annual leave. Annual leave above that amount shall expire and may not be accumulated or used.

Upon separation, an employee shall be entitled to payment for all unexpired credited annual leave based on the employee's current rate of pay at time of separation. In the event of the death of an employee, the employee's estate shall be entitled to payment for any unused balance of annual leave allowances at the time of death. Probationary employees are not entitled to payment of any unused annual leave.

### B. Sick Leave

Sick leave shall accrue at the rate of one day per month, and, when taken, shall be used on an hour for hour basis. Sick leave shall be used for:

- 1) Illness or injury incapacitating the employee and preventing the employee from performing assigned duties, doctor, or dental appointments during working hours. Personal sick leave is charged on an hour-for-hour basis for all employees and is not considered an entitlement.
- 2) Medically-necessary care of family members, such as spouse, child, parents, siblings, or in-laws, living in the same household or immediate family members living outside of the same household.

An employee away from work for medical conditions which require absence in excess of one week is required to submit to the Town Manager a written statement from the attending physician or health care provider, stating the earliest approximate date of return to duty and advising on the ability of the employee to perform the essential

functions of his or her job with or without reasonable accommodations. The Town Manager has the prerogative of requiring a physician's or health care provider's letter with the above content prior to an absence of one week if in his or her judgment this information is necessary. Medical information and the personnel needs of the Town will be considered in determining the holding of the employee's position or placement in another position for which the employee qualifies. All medical information will be kept confidential and will be made a part of a file separate from the employee's personnel file.

Exceptions to this policy may be considered on a case-by-case basis and approved by the Town Manager. Sick leave is charged on an hour-for-hour basis for all employees and is not considered an entitlement.

Upon separation, an employee shall be entitled to payment for all credited sick leave based on 25% of the employee's current rate of pay at time of separation. In the event of the death of an employee, the employee's estate shall be entitled to payment for any unused balance of sick leave allowances at the time of death. Probationary employees are not entitled to payment of any unused sick leave.

#### **C. Compensation Time**

Employees who are not eligible for overtime pay but who are authorized to work in excess of their regular workday shall accumulate compensation time leave. Compensation time leave is compensation for directed work in excess of 40 hours per week which must be accomplished in order to maintain a level of service authorized by the Town Council, Town Manager, or as specifically mandated by State Code or regulations. Employees must make every attempt to minimize the need for work in excess of 40 per week by adjusting work schedules when possible. The Town Manager may prevent employees from working extra hours if abuses of the compensation time leave are suspected.

Compensation time leave shall be taken before annual leave. Employees may elect to use compensation time leave instead of sick leave.

Employees may accumulate a maximum balance 60 hours of compensation time.

Compensation time may only be taken after verification of adequate staff coverage for the tasks for which the employee is responsible.

Unused compensation time is not paid out at time of resignation or termination.

#### **D. Parental Leave**

Parental Leave is leave granted for pregnancy, childbirth or related medical conditions associated with birth, adoption or placement of foster child. Employees shall receive the equivalent of five working days paid leave for each occurrence. Additionally, employees may use any

combination of Sick Leave, Annual Leave, or Compensatory Leave if additional time off is desired. Additionally, Parental Leave without pay may be granted to an employee up to a period of two (2) months, during which the Town will continue to pay for medical and retirement benefits, however annual or sick leave will not be accrued. At the end of that period, the employee shall be entitled to return to work at the same pay grade which she or he vacated. Total Parental Leave, or any combination of Parental Leave, Parental Leave Without Pay or Leave Without Pay shall not exceed 12 weeks without approval from the Town Manager.

**E. Military Leave**

The Town shall afford its employees serving in the uniformed services of the United States or the reserve forces of the United States or the Commonwealth of Virginia the benefits of the Uniformed Services Employment and Re-Employment Rights Act of 1994 and any other similarly applicable statute.

**F. Jury/Court Duty Leave**

An employee will be given time off without charge to leave or loss of pay for performing jury duty, or when subpoenaed as a witness to appear before a court, public body or commission. The period of such leave shall be only as necessary for the performance of the activity, plus any necessary travel time.

**G. Civil Duty Leave**

An employee will be given time off without charge to leave or loss of pay for (a) serving as a blood donor, or (b) performing emergency civilian duties in connection with national defense. The period of such leave shall be only as necessary for the performance of the activity, plus any necessary travel time.

**H. Bereavement Leave**

Any employee who suffers a death in his or her immediate family (mother, father, husband, wife, partner, child, brother or sister, or resident of his or her household), or a death of an immediate family member of his or her spouse, will receive three days of paid bereavement leave. Said three days will be considered to be regularly scheduled work days.

**I. Emergency Weather Plan**

Employees are generally required to arrive at work during their regular assigned hours under all weather conditions unless the Loudoun County Government is closed or if the Town Manager closes the Town Government. Employees failing to report to work during bad weather or snow fall shall have the hours missed deducted from annual leave except in those instances where the Town Manager has declared the emergency



weather plan to be in effect. Under extreme weather conditions which make travel to and from work extremely hazardous, the Town Manager may close the Town Office and discontinue all non-emergency functions until weather and travel conditions improve. Essential personnel will be required to work their assigned shifts.

Essential Employees required to work when the emergency weather plan is in effect will receive compensatory time or overtime pay at the rate of 1½ (1.5) times their regular hourly rate. Employees directed not to work during the emergency weather plan will not receive any deduction in pay or leave during this period.

#### **J. Leave Without Pay**

The following are the situations for which an employee may be on leave without pay status.

To be eligible to take leave without pay, an employee or officer must have worked for the Town for twelve (12) months and must have worked at least 1,250 hours within the twelve (12) months preceding the start of the leave. Employees or officers who meet these requirements are eligible for leave without pay. An employee may take up to six weeks off.

Leave without pay may be taken:

- 1) To care for an employee's child after birth or for the placement with an employee of a child for adoption or foster care, provided that the leave is requested and used within twelve (12) months of the birth, placement, adoption or foster care.
- 2) To care for an employee's spouse, child, or parent who has a serious health condition<sup>3</sup>.

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#### **<sup>3</sup> Serious Health Condition Defined**

*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 an incapacity lasting more than three consecutive days and involving continuing treatment by a health care provider. Continuing treatment involves two or more treatments (or one treatment when the condition is such that continuing follow-up is or will be required) by a healthcare provider, pregnancy, prenatal care, or other chronic or long-term serious health conditions.*

#### **Qualifications for Serious Health Condition**

*To qualify for leave due to the serious health condition of a family member, the family member must be incapable of self-care. To qualify for leave due to the serious health condition of the employee, the employee must be unable to work at all or unable to perform any of the essential functions of the employee's position.*

#### **Employers Requirements**

*A chronic or long-term health condition or pregnancy does not require a visit to the health care provider for each absence; however, a statement by the health care provider that the absence was due to the chronic condition or pregnancy may be requested by the Town at its discretion.*

- 3) When the employee is unable to work because of a serious health condition.
- 4) Other circumstances in the employee or officer's personal life that upon the consideration of the Town Council and/or Town Manager would merit the necessity for leave without pay.

Failure on the part of the employee to report to work at the expiration of approved leave without pay may be cause for disciplinary action, up to and including dismissal.

#### Extended Leave without Pay

When special circumstances require an extended leave, the Town Manager has the authority to grant an employee leave without pay provided that the operations of the Town of Lovettsville's program(s) will not be adversely affected.

#### **K. Disciplinary Leave without Pay**

An employee who is absent from work without prior approval shall be subject to loss of pay for the duration of the absence and may be subject to disciplinary action which may include dismissal. If extenuating circumstances exist for the unauthorized absence, due consideration will be given.

## **5.0 EMPLOYEE TRAINING AND TRAVEL**

It is the policy of the Town of Lovettsville to encourage employees to obtain training designed to develop the employee's value to the organization. Leave with partial pay or leave without pay may be available under the Education Leave provisions.

The cost of training and related expenses undertaken at the direction of the Town Manager shall be paid in full by the Town of Lovettsville. For training requested by an employee, the employee may receive reimbursement of tuition costs if (1) the training was approved in advance by the Town Manager and (2) the employee shows successful completion of the course.

### **5.1 Education Leave – For pursuit of courses of study**

#### **Policy**

It is the policy of the Town of Lovettsville to encourage employees to obtain training designed to develop the employee's value to the organization. Leave with partial pay or leave without pay may be available.

#### **Leave at the discretion of Town Manager**

Education leave is discretionary and is normally taken with partial pay or without pay. When an employee can demonstrate that the pursuit of the educational program will have an immediate and discernible benefit to the

Town of Lovettsville, leave with full pay may be granted by the Town Manager. The conditions of such leave shall be subject to a case by case determination based on factors which include the nature of the education or training, length of the absence, work record of the employee, work requirements at the time of the request, and value of the education or training to the Town of Lovettsville.

### **Who Pays for Training?**

The cost of training and related expenses undertaken at the direction of the Town Manager may be paid in full by the Town of Lovettsville. In such case, the hours of training count as hours worked. For training requested by an employee, the employee may receive reimbursement of tuition costs if (1) the training was approved in advance by the Town Manager and (2) the employee shows successful completion of the course. If the training was not required by the Town of Lovettsville, the hours do not count as hours worked.

## **5.2 Travel**

The Town is committed to providing its employees and citizens serving in an appointed/elected capacity with the opportunity to seek further training which is beneficial to the Town. It is the intention of the Town to adequately compensate and reimburse those individuals during travel periods based on the following policy.

### **A. Approval Process:**

All seminars, courses, meetings, etc. must be related to the performance of the traveler's assigned duties or employee professional development goals, as approved by the Town Manager. The monies requested must be approved by the Town Manager prior to attending the program. Failure to obtain approval when traveling could result in the individual not being reimbursed for travel expenses.

All hotel reservations, conference registrations and other items should be paid in advance by the Town whenever possible. This payment will be made by check and will be completed prior to the traveler's arrival.

### **B. Expenses:**

The individual shall be reimbursed for the cost of meals and incidental expenses by the Town, upon the presentation of receipts, except that the Town will not reimburse the individual for alcoholic beverages.

The individual shall be reimbursed for round trip mileage when he/she uses his/her personal vehicle to attend approved travel and training. Reimbursement shall be calculated from the Town Office at the gas allowance rate established by the IRS for that period. Road tolls and parking fees are also included as a reimbursable item.

Unless otherwise authorized by the Town Manager, the Town will only pay for a single room rate for hotel rooms for travel and training exceeding one

day and/or at a location that exceeds 125 miles one way from Lovettsville. If a double room is desired, the individual will pay the difference between the single and double room rate. If two employees and/or officials share a double room, the double room rate is allowable.

No expenses incurred by a traveling spouse, family or guest shall be covered by the Town.

See Addendum \_\_ for the complete policy on official travel

## **6.0 HEALTH AND SAFETY**

### **6.1 Workers' Compensation**

Workers' Compensation provides benefits for an employee in the event of certain occupational illnesses, injuries, or deaths.

**For additional information, see W/C Addendum.**

### **6.2 Occupational Safety and Health**

The Town of Lovettsville is committed to providing our employees with a safe and healthful work environment. To accomplish this goal, all employees and their Town Manager must make diligent efforts to promote safety. This process is ongoing and requires periodic review. Safety audits are undertaken to determine the necessity and feasibility of providing devices, work practices, policies, or other safeguards to make the workplace safe and healthful. We also provide training for our employees regarding workplace hazards and the proper and safe methods to use in performing their job tasks.

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

Safety rules and regulations will be issued or modified from time to time and will be effective immediately upon communication. General safety rules and regulations will be distributed to employees.

### **6.3 Accident Reporting and Investigation**

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

#### **A. Employer's Responsibilities**

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

## **B. Employees Responsibilities**

The employee shall:

- 1) Report all injuries, regardless of severity, to the Town Manager or his designee immediately but no later than 24 hours, or before medical treatment is sought, whichever comes first.
- 2) Report and, if possible, correct all unsafe conditions or acts;
- 3) Take all standard safety precautions to prevent injury;
- 4) Follow all safety rules.

## **7.0 USE OF TOWN VEHICLES AND EQUIPMENT**

It is the policy of the Town that Town-owned vehicles will only be used for official Town business and purposes that can reasonably and directly be related to an employee's assigned duties and responsibilities.

### **Requirements:**

Whenever feasible, employees will use a Town vehicle in the performance of their official duties. If a Town vehicle is not available, the employee may receive reimbursement for using his/her private vehicle at the current mileage reimbursement rate authorized by the United States Internal Revenue Service.

All employees of the Town operating vehicles must maintain a valid state driver's license at all times. Any suspension or revocation of an employee's driver's license must be reported to the Town at once. An employee without a valid driver's license shall not operate any Town vehicles until their license is restored. Employees who drive Town vehicles must grant to the Town the authority to inspect their personal driving records at any time.

Unless otherwise specified within this policy or with the express permission of the Town Manager, all Town owned vehicles must remain on Town premises when not in use for official duties.

Town vehicles should not be left running or unlocked when someone is not physically in the vehicle. When parking, employees should turn off the vehicle and remove the keys. Employees must keep the keys on their person at all times.

Employees operating a Town vehicle must report any accident or damage to that vehicle immediately to the Town Manager. The Town Manager shall then be responsible for completing a review of the incident within twenty four hours of the incident.

### **Take Home Vehicles – Regular Basis**

Certain Town employees may be authorized by the Town Manager to take home a Town vehicle on a regular basis. The criteria used to determine the eligibility will be:

Potential for emergency call back.

Potential for use outside the normal workday.

No take-home vehicle may be authorized without prior approval of the Town Manager.

Assignment of a take-home vehicle shall be limited to those individuals living within a 25-mile radius of the Town Office, unless specifically authorized by the Town Manager. If an employee lives further than 25 miles from the Town, he or she will be responsible to refund the Town for the additional miles at a reimbursement rate of ½ the IRS mileage reimbursement rate.

Employees assigned take-home vehicles are subject to the appropriate tax liability associated with the benefit on a quarterly basis.

### **Take-Home Vehicles – Occasional Basis**

Employees not assigned take-home vehicles may take a vehicle home under the following situations if approved by the Town Manager and if a vehicle is available:

- a. When it is logical for the employee to travel directly from home to a meeting or conference the next day.
- b. In circumstances where it is in the best interest of the Town that an employee have the use of a vehicle.

## **8.0 ELECTRONIC COMMUNICATIONS**

### **8.1 Internet**

#### **A. Provision of Internet**

The Town of Lovettsville may provide electronic, digital and wire communications equipment for business purposes. The use of this equipment should not be for personal use. Messages received, sent, and stored on this equipment will be subject to monitoring from time to time and in the course of this monitoring may be read for content. Employees should be aware that there are stored records of all communications. There should be no expectation of privacy in any communications received, sent, or stored on equipment or service provided by the Town of Lovettsville.

## **B. Employees Access**

The Town of Lovettsville may provide unlimited 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. Therefore, the Town of Lovettsville may establish an Internet account that may be accessed by employees.

## **C. Passwords and E-mail Addresses**

Employees may be provided with passwords and e-mail addresses to enable them to use the account; these addressees and passwords are not provided to make employees' usage confidential or private. E-mail records are business records of the Town of Lovettsville. The usage of the Internet is subject to the same code of conduct which applies to all other actions in the workplace and using the Town of Lovettsville's Internet account in a manner that violates any rules or regulations constitutes grounds for disciplinary action, up to and including discharge. The electronic use, transmission, and storage of messages, files, images, and sounds are subject to monitoring by the Town of Lovettsville.

Employees must not share their passwords with any other individuals, including other employees or outsiders. Nor is it appropriate to attempt to subvert network security either by accessing the Internet without using your password or by seeking to discover other passwords to gain access. Employees are representatives of the Town of Lovettsville when using the Town of Lovettsville's Internet account. Accordingly, they are expected to act and to communicate professionally on the Internet, not to engage in any commercial or illegal activities, or to use the account for personal business.

## **D. Employer Access**

The Town of Lovettsville will have access to a log of all usage, including a list of employees who have used the Internet and the sites they visited. The Town of Lovettsville may monitor this usage from time to time, and employees found to be abusing usage or using the Internet inappropriately will be subject to disciplinary action.

## **8.2 Town Phones (land line)**

The Town provides telecommunications equipment (landlines) for business purposes. Excessive personal calls during the work day are discouraged as they can interfere with employee productivity and be distracting to others. The use of Town phones should be avoided for personal use. In no event shall Town phones be used to make personal long distance calls, 900 number calls or any other type of personal call that results in a charge to the Town's telecommunications account. Messages received, sent, and stored on this equipment will be subject to monitoring from time to time. There should be no expectation of privacy in any communications received, sent, or stored on equipment provided by the Town.

### **8.3 Cellular Phone Use Policy**

This policy outlines the use of personal cell phones and Mobile Internet Devices at work and the safe use of Town cell phones or Mobile Internet Devices by employees while driving.

#### **A. Personal Cellular Phones/Mobile Internet Devices**

While at work, employees are expected to exercise the same discretion in using personal cellular phones and mobile Internet devices as is expected for the use of Town phones. Excessive personal calls during the work day, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are encouraged to make any personal calls on non-work time where possible and to ensure that friends and family members are aware of Town phone use policy. The Town will not be liable for the loss of personal cellular phones or mobile Internet devices brought into the workplace.

#### **B. Personal Use of Town-Provided Cellular Phones/Mobile Internet Devices**

Where job or business needs demand immediate access to an employee, the Town may issue a business cell phone or mobile Internet device to an employee for work-related communications. Employees in possession of Town equipment such as cellular phones or mobile Internet devices are expected to protect these devices from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce these devices for return or inspection.

#### **C. Safety Issues for Cellular Phone and Mobile Internet Device Use**

All employees are expected to follow applicable state or federal laws or regulations regarding the use of cell phones or mobile Internet devices at all times whether hand-held or not. Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone or mobile Internet device for business use are expected to refrain from using their phone while driving. Use of a cell phone or mobile Internet device while driving is not required by the Town. Safety must come before all other concerns.

Employees who are charged with traffic violations resulting from the use of their phone or mobile Internet device while driving will be solely responsible for all liabilities that result from such actions.

### **8.4 Consent to Monitoring**

Employees will be required to consent to the monitoring of communications sent, received and stored on equipment provided by the Town of Lovettsville or an electronic, wire, or digital services provided by the Town of Lovettsville is a requirement for employment by the Town of Lovettsville.



## **9.0 ALCOHOL AND DRUG FREE WORKPLACE**

### **9.1 Employee Responsibilities**

- 1) No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
- 2) Any employee convicted under a federal or state statute regulating controlled substances shall notify the Town Manager within five days after the conviction.
- 3) No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
- 4) No employee shall be impaired by alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
- 5) No employee shall represent the Town of Lovettsville in an official capacity while impaired by alcohol, illegal drugs, or medication.
- 6) No employee, using medication that may impair performance, shall operate a motor vehicle or engage in safety sensitive functions while on duty for the Town of Lovettsville.
- 7) If an employee is using a prescription or non-prescription medication that may impair performance of duties; the employee shall report that fact to the Town Manager.
- 8) An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the Town Manager.

### **9.2 Disciplinary Action**

Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or non-prescribed use of medication, appropriate employee disciplinary action will be taken, up to and including termination.

### **9.3 Drug & Alcohol Testing**

In order to achieve a drug-free work place, employees in, and applicants for, safety sensitive positions may be required to participate in all of the following alcohol and controlled substances testing:

- 1) When an applicant for a safety-sensitive position has been extended a conditional offer of employment but before beginning work.
- 2) When there is a reasonable suspicion to believe that the employee is in an impaired state.
- 3) When the employee has been involved in an on duty accident or has endangered others in the workplace.

- 4) On a random basis for safety sensitive positions.
- 5) As a condition for return to duty after testing positive for controlled substances or alcohol.
- 6) As part of follow-up procedures to return-to-duty related drug or alcohol violations.

## **10.0 EMPLOYEE CONDUCT**

### **10.1 General Standards**

Employees of the Town shall abide by the standards of conduct listed below. Employees who fail to abide by these standards shall be subject to disciplinary action up to and including dismissal.

- 1) Employees shall perform their duties in compliance with safety standards required by the Occupational Safety and Health Administration (OSHA).
- 2) Employees shall not use any equipment or facilities owned by the Town except while performing assigned duties for the Town, unless specifically authorized by the Town Manager.
- 3) Employees shall conduct themselves in a courteous and professional manner at all times. Employees shall not use language or gestures, which would reasonably be deemed offensive by the general public.
- 4) Employees shall not dispense special favors or privileges to anyone or accept favors which might be construed by reasonable persons as having the potential to influence the performance of Town duties.
- 5) Employees shall not make private promises of any kind binding upon the duties of the position assigned.
- 6) Employees shall not solicit or accept anything of value in return for performing or refraining from performing an official act.
- 7) Employees shall not use, possess, or be under the influence of any intoxicant (alcohol, drugs, or any other substance which could impair performance) while performing Town duties, nor while on Town property or in Town vehicles.
- 8) Employees shall not conduct themselves in such a way, whether during work hours or not, that brings disrepute to the Town. Doing so may subject the employee to disciplinary action, up to and including immediate termination.

### **10.2 Conflict of Interest**

Employees are expected to represent the Town in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to

their supervisor or Town Manager. Employees shall not engage in, directly or indirectly either on or off the job, any conduct, which is disloyal, disruptive or damaging to the Town.

Employees and their immediate family shall not accept gifts, except those of nominal value, or any special discount or loans from any person or firm doing, or seeking to do business with the Town.

Town employees or agents are prohibited from participating in the selection, award, or administration of any third party contract or sub agreement supported by Federal funds if a real or apparent conflict of interest would be involved. Town employees shall conduct themselves in accordance with the prescribed general standards of conduct and conflicts of interest pursuant to state code.

Any conflict or potential conflict of interest must be disclosed to the Town in accordance with provision the State and Local Government Conflict of Interests Act, Chapter 31 of Title 2.2 of the Code of Virginia. Failure to do so shall result in disciplinary action, up to and including termination.

### **10.3 Punctuality**

It is the policy of the Town of Lovettsville to require employees to report to work punctually and to work all scheduled hours and any required overtime. Excessive tardiness and poor attendance disrupts workflow and customer service and shall not be tolerated. The Town expects employees to be at work and ready to perform their job responsibilities at the time of their appointed start time. Employees should account for travel and personal delays when preparing for the work day.

### **10.4 Dress and Grooming**

The Town expects employees to be well groomed, clean, and neat at all times.

Work attire should complement an environment that reflects an efficient, orderly, and professionally operated organization. For each location, the Town takes into consideration what is considered acceptable attire and grooming by the general public. Town Office staff shall not wear denim, collarless shirts (for males), sneakers, or other casual articles of clothing, unless specifically authorized by the Town Manager. The Town Manager has the authority to make the ultimate decision as to what is acceptable. Proper work attire includes clothing that covers the back, shoulders, and midriff. For example, sleeveless blouses and T-shirts may be acceptable for certain positions, but tank tops, undershirts, and shorts are not.

Employees are expected to come to work with clean nails, teeth, hair, shoes, body, and clothes. Just as the cleanliness of Town property is of the utmost importance, so is each employee's personal appearance.

Hair. While employees may have a variety of hair styles and colors, extreme styles or colors are not acceptable. At all times an employee's hair must be kept neat and clean.

Beards. Facial hair must be trimmed and shaped.

Colognes/perfumes. Heavy use of colognes or perfumes is not acceptable. Employees should be considerate of the fact that co-workers and customers may have allergies to fragrances.

## 10.5 **Smoking**

Smoking is not permitted in any building or vehicle owned or controlled by the Town of Lovettsville.

## 10.6 **Store Credit, Credit Card Use, Petty Cash**

The credit card program is intended as an alternative method for procuring goods and services and for eliminating the need for advanced payment for travel/training. The purpose of this policy is to provide a procedure for the use of credit cards for small dollar purchases in accordance with the Town's Purchasing Ordinance (Town Code Chapter 20).

### a) **Card Issuance, Cancellation and Changes**

Credit cards shall be issued to individuals who have been delegated appropriate purchasing authority by the Town Manager. The cards will be issued in the name of the designated individual, with the Town of Lovettsville's name and account number embossed on the front. The cards will be kept in the Town's safe at all times. Prior approval of the Town Manager is required each time the cardholder wishes to use the card.

### b) **Spending Limits**

The Town Manager, in agreement with the Town Council, will establish spending limits, including (1) spending limits per transaction and (2) spending limits per card for the Town's credit cards. Payments for purchases may not be split in order to stay within the same transaction limit.

### c) **General Requirements Associated With Credit Card Use**

In order for spending limits to be monitored and purchasing activity reconciled to the monthly credit card statements, cardholders must maintain a log of purchases made with each credit card. The purchasing log shall include the date of the purchase, the vendor's name, the amount of the purchase, the budget code and the individual details of the purchase. A new purchasing log must be established at the beginning of each new billing cycle. To use the card, the cardholder must:

### d) **Inform the vendor that the Town is tax exempt.**

Be sure there is no sales tax applied to any purchase.  
The Town of Lovettsville is exempt from sales tax, but must pay meals and lodging taxes.

- e) Retain all documents pertaining to the purchase.

When the vendor delivers the order, documentation of the purchase, such as sales receipt or packing slip should accompany the order. Detailed receipts must be retained for all purchases made on the credit card and must list the individual items purchased. This documentation must be kept on file for reconciliation with the monthly credit card statement and purchasing log. If the employee does not have documentation of the transaction, he/she MUST contact the vendor to get a duplicate receipt. If the purchase cannot be documented, the employee will be responsible for paying for the purchase from his/her own personal funds.

- f) Enter the purchase information in the cardholder's purchasing log sheet.

The Town Treasurer will forward the monthly credit card statement to the card holder(s). The cardholder will verify the accuracy of the statement and return the statement, purchasing log sheet and credit card receipts to the Town Treasurer within three (3) working days. Any discrepancies in the monthly statement and the purchasing log should be noted in the purchasing log and reported to the Town Treasurer immediately.

- g) Returns, Purchases & Disputed Items

In most cases, disputes should be resolved directly between the cardholder and the vendor who supplied the goods and services.

- h) The following guidelines must be used when returning an item:

If an item needs to be returned for any reason, the cardholder should send the item back to the vendor in the agreed upon manner.

The vendor should issue a credit for items that are returned.  
**CASH REFUNDS ARE NOT PERMITTED.**

The vendor should issue documentation of the return, such as a credit receipt. All documentation pertaining to returns must be kept on file for reconciliation with the monthly credit card statement.

If an issue with the vendor cannot be resolved, the cardholder will notify the Town Treasurer who will contact the card vendor and ask for an investigation of the dispute on the Town's behalf.

- i) Business Meals

Business meals purchased with the Town credit card must be for a particular public purpose and only include attendees necessary to the business at hand. The purchases must be documented with the original receipt showing the following:

- Itemized cost, including tax and tip (tip not to exceed 20%)
- Name and location of restaurant
- Names of persons included in the meal purchase
- Reason for meal expense

j) Travel Expenses

Credit cards may be used for travel related expenses, in accordance with Section F of this Chapter. Credit cards may be used for fuel for approved vehicular trips, with amounts charged being deducted from the amount owed to the employee upon completion of the trip. Original receipts for all travel-related purchases must be attached to the purchasing log.

k) Lost or Stolen Credit Cards

The cardholder is responsible for the safety and security of the credit card. The cardholder shall notify the bank who issued the card, as well as the Town Manager and/or the Town Treasurer immediately if a credit card is lost or stolen.

l) Items Not Approved for Purchase Using a Credit Card

Town credit cards may not be used for the following purchases under any circumstance:

- 1) Personal Purchases
- 2) Cash Advances
- 3) Personal Services
- 4) Self-entertaining activities, including but not limited to movies, sporting events, etc.
- 5) Alcoholic beverages
- 6) Tips in excess of 20% on meal purchases
- 7) Meals for spouses, family members or partners
- 8) Purchases made by anyone other than the authorized cardholder
- 9) Purchases that have not received approval of the Town Manager

m) Cardholders Responsible for Credit Card Charges

Cardholders are personally responsible for any credit card charges which violate this policy and for any expenses that are not supported by a receipt for the purchase.

n) **Improper Use of Credit Card**

The Town Manager will investigate all reports of employee misuse or personal use of the Town credit card. Failure to comply with applicable procedures shall result in the card being immediately and permanently canceled. Improper use of the credit card may result in immediate disciplinary action, up to and including termination.

## **10.7 Political Activity**

An employee shall not be coerced to support a political activity, whether funds or time are involved.

An employee shall not engage in political activity on work premises during work hours.

An employee shall not use Town of Lovettsville-owned equipment, supplies or resources, and other attendant material (CDs, paper, computer online and access charges, etc.) when engaged in political activities.

An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.

An employee shall not use the employee's title or position while engaging in political activity.

**State law reference(s) – § 15.2-1512.2**

## **11.0 DISCIPLINE**

### **11.1 Employee Conduct**

Town employees are expected to conduct themselves in a professional and courteous manner, as representatives of the Town of Lovettsville. Employees are expected to avoid any action, which might result in giving preferential treatment to any organization or person, losing independence or impartiality of action, or adversely affecting the integrity of the Town of Lovettsville.

### **11.2 Disciplinary Actions**

If an employee's work performance or behavior is deemed unsatisfactory, the following kinds of disciplinary action may be taken, depending upon the circumstances: oral coaching/warning, written warning, suspension, demotion, or termination. Other types of discipline may be used in addition to those listed.

The following are examples of misconduct that may result in discipline. The list is not inclusive and other conduct may be subject to disciplinary action:

- 1) Conviction of a felony or of a misdemeanor involving moral turpitude and other criminal acts such that continued performance of duties is compromised;
- 2) Willfully falsifying Town of Lovettsville records (including time records, leave records, job applications, or pay or reimbursement vouchers);
- 3) Gross negligence with Town of Lovettsville property or misuse of Town of Lovettsville property;
- 4) Violating any workplace rule;
- 5) Performing official duties in a rude and discourteous manner, threatening co-workers, or using physical violence while on duty;
- 6) Violating any lawful official regulation or order or willfully failing to obey a proper direction of the Town Manager;
- 7) Using or being impaired at work by intoxicants, drugs, or alcohol;
- 8) Grossly neglecting duty or continually being unable or unwilling to render satisfactory performance;
- 9) Taking property of the Town of Lovettsville for one's personal use, for sale to another or for a gift to another;
- 10) Inducing, or attempting to induce, an officer or employee in the service of the Town of Lovettsville to commit an unlawful act or to act in violation of any lawful or official regulation or order;
- 11) Accepting a bribe, gift, token, money, or other thing of value intended as an inducement to perform or refrain from performing any official acts, or engaging in any action of extortion or other means of obtaining money or other things of value through his/ her position in the Town of Lovettsville;
- 12) Failing to report for work or being absent without prior notice to the Town Manager;
- 13) Unsatisfactory attendance, excessive absences, or excessive tardiness.
- 14) Harassing other employees or the public.
- 15) Violating the Town of Lovettsville's drug free workplace rules.

### **11.3 Notification**

Prior to imposing disciplinary action, including termination, the supervisor shall inform the employee of the reason for the discipline and the employee shall have the right to comment on the discipline. However, the supervisor may have the employee removed from the workplace prior to giving an opportunity to comment if the employee's continued presence poses a safety danger or is disruptive to the workplace.



## **12.0 TERMINATION OF EMPLOYMENT**

### **12.1 Resignation**

To resign in good standing, an employee must give at least two weeks advance notice. If special circumstances exist, the notice requirement may be waived by the Town Manager. Failure to give the required advance notice will result in forfeiture of compensation for accrued leave, other than compensatory leave for non-exempt employees. Failure to return to work at the expiration of an approved leave of absence shall be interpreted as a resignation.

### **12.2 Lay-off**

The Town of Lovettsville reserves the right to dismiss/lay-off employees for lack of available work or funds. In such cases the employees affected will be given a minimum of two weeks advance notice. If circumstances make advance notice impracticable, the employee shall be paid the equivalent of two weeks' pay.

### **12.3 Termination for Inability to Perform**

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

## **13.0 EQUAL EMPLOYMENT OPPORTINUTY**

### **13.1 Policy Statement**

It is the policy of the Town of Lovettsville to provide equal opportunity in employment and to administer employment policies without regard to race, color, religion, sex, age, national origin, political affiliation or disability. This policy applies to every aspect of employment practices including, but not limited to the following:

- a) Recruiting, hiring, and promoting in all job classifications without regard to race, color, religion, sex, age, national origin, political affiliation, or disability, except where such a factor can be demonstrated as a bona fide occupational qualification.
- b) All decisions for hiring or promotions shall be based solely upon each individual's qualifications for the position to be filled.
- c) Other personnel actions such as compensation, benefits, transfers, layoffs, training, and assignments, will be administered without regard to race, color, religion, national origin, sex, age, political affiliation, or disability.

## 13.2 No-Harassment/No-Discrimination Policy

The Town of Lovettsville will not tolerate any form of harassment or discrimination. In accordance with Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, our No-Harassment/No-Discrimination Policy prohibits harassment, discrimination or intimidation of others based on age, sex, color, race, creed, religion, national origin, ethnicity, disability, political affiliation, marital status, military/veteran status, status in any other group protected by federal or local law or for any other reason.

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 because of their age, sex, color, race, creed, religion, national origin, ethnicity, disability, political affiliation, marital status, military/veteran status, or status in an other group protected by federal, state or local law.

Sexual harassment includes unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature; as well as behavior, remarks, jokes or innuendos that intimidate, ridicule, demean or belittle a person on the basis of their gender; regardless of whether the remarks are sexually provocative or suggestive of sexual acts.

Harassment occurs when one or more of the following occurs:

1. Submission to and/or tolerance of the unwelcome conduct is explicitly or implicitly made a term or condition of a person's employment.
2. Submission to, tolerance of, and/or rejection of the unwelcome conduct is a basis for employment decisions.
3. The unwelcome conduct substantially interferes with a person's work performance and creates an intimidating, hostile, or offensive work environment.

**YOU HAVE THE RESPONSIBILITY TO BRING ANY FORM OF HARASSMENT OR DISCRIMINATION TO OUR ATTENTION.**

All employees are responsible for helping assure that we avoid harassment and discrimination in the workplace. If you experience any problem of this sort, become aware of any other employee experiencing a problem of this sort, or have knowledge of any form of harassment or discrimination, sexual or otherwise, you must immediately report it to the Town Manager. If you believe that it would be inappropriate to discuss the matter with the Town Manager, or you are uncomfortable discussing the matter with the Town Manager, you may elect to bypass the Manager and report the matter directly to the Mayor.

All claims of harassment or discrimination will be investigated thoroughly and promptly without consequence to the employee experiencing or reporting the conduct. We will endeavor to keep complaints, investigations, and resolutions confidential to the extent possible; however, we cannot compromise our obligation to investigate complaints. The employee who brought the

complaint will be provided information on the outcome of the investigation within the limits of confidentiality. A non-employee who subjects an employee to harassment in the workplace will be informed of the Town of Lovettsville's policy and appropriate actions will be taken to protect the employee from future harassing conduct.

### **13.3 Retaliation**

Retaliation is illegal and contrary to the policy of the Town of Lovettsville. Employees who bring complaints of discrimination or who identify potential violations, witnesses interviewed during the investigation, and others who may have opposed discriminatory conduct are protected from retaliatory acts.

If an employee believes that he or she is being retaliated against, a written or verbal report shall be immediately made to the Town Manager. If you believe that it would be inappropriate to discuss the matter with the Town Manager, or you are uncomfortable discussing the matter with the Town Manager, you may elect to bypass the Manager and report the matter directly to the Mayor.

Those who are found to be acting in a retaliatory manner will be disciplined for such conduct.

## **14.0 TOWN MANAGER ADMINISTRATION**

The Town Manager shall enforce these policies and procedures through administrative methods.

## **15.0 MODIFICATION OF POLICIES**

These policies do not constitute a contract of employment. The policies as a whole, or individually by section, may be modified, amended, or rescinded at the sole discretion of the Town of Lovettsville without notice.