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| **EMPLOYEE POLICY AND PROCEDURES MANUAL**  **Town Mayor**  Mayor Nathaniel O. Fontaine  **Town Council** |
| Vice Mayor Chris Hornbaker |
| Councilmember Buchanan Smith |
| Councilmember Tony Quintana |
| Councilmember Joy Pritz |
| Councilmember David Earl |
| Councilmember Renee E. Edmonston  **Town Manager** |
| Jason Cournoyer |
| **Revised February 3, 2022** |

# Message from Town Manager

Dear Employees,

In this Employee Procedures and Policy Manual, you will find the Town of Lovettsville’s formal policies and procedures as an overall guide for Town employment. Every day we provide services to residents, workers, and visitors in an efficient, effective, and equitable manner to build upon our strong community values. We do this by incorporating open communication, customer service, personal responsibility, and integrity into our everyday work.

As a Town of Lovettsville employee, you are also representative of our Town and how we do business. With your title and employment, it is my expectation that you will comply with the policies and procedures set forth in this manual. I expect that it is with sound judgement and good stewardship that you will deliver services to Town residents and each other.

Thank you for providing your very best to our Town every day.

Sincerely,

Jason L Cournoyer

Town Manager

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# PURPOSE OF THIS MANUAL

The Town of Lovettsville has established the Employee Policy and Procedures Manual (“Manual”) to provide a uniform system of administering personnel; and to guide the compensation and equitable conditions of employment for Town staff. The policies set forth in this manual are based upon merit principles, equitable and total compensation, open competition in hiring and advancement, and equal employment opportunities.

The Town policies in the Manual provide reasonable expectations for employee conduct and guidelines for managing personnel. Compliance with these policies and procedures are in the best interest of the Town and its employees. The Town of Lovettsville reserves the right to modify, amend, or rescind the policies within the Manual as deemed necessary and appropriate for the Town and staff. An employee’s continued employment is agreement with such revisions and changes.

This Manual is not and shall not be construed as an explicit contract. It shall not modify any existing “at will” status of any Town of Lovettsville unit, department, or employee. It 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 who have written contracts signed by the Town Manager or Mayor, if the contract does not purport to extend employment for a period greater than 12 months.

It is policy of the Town of Lovettsville to strive for safety as priority in all activities and operations. This includes maintaining proper hygiene and well-being. Employees must ensure public spaces and workstations are free of ALL hazardous conditions and comply with the health and safety laws applicable to the Town.

This Manual is not all-inclusive of the policies and practices governing employment. Employee policies cannot anticipate every circumstance or question. This manual is a practical guide for addressing the Town's most significant employment policies, procedures, and programs. Anything non-conclusive in the Manual is to be addressed with the Town Manager. The Town Manager implements and enforces the policies stated in this Manual.

Employees are responsible for keeping informed of changes to Town policies. The Town Manager is responsible for maintaining a complete and current set of employment policies and for bringing these policies to the attention of all employees. Each department head shall also maintain a copy of the Manual that is accessible to employees. Should there be any questions concerning these guidelines or need for further information about any employment topic, employees shall consult their supervisor or the Town Manager.

The Employee Policy Manual and all rules and regulations adopted pursuant hereto shall be binding to all Town employees. Though held to the same general standards, independent contractors, the Town Attorney, members of the Town Council, and Advisory Boards and Commissions are exempt from these policies and procedures, except where stated in policy. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated. The Town Manager may modify or make exceptions in special or unusual circumstances to the policies and procedures when it is in the best interest of the Town.

**Signed Receipt of the Employee Policy Manual is required**. Employees are required to sign a statement acknowledging their receipt and review of the Employee Policy Manual. By signing, employees agree to abide by the Town’s policies and procedures as a condition of employment. Failure or refusal to sign is grounds for disciplinary action. Employees are referred to the Acknowledgement Form at the beginning of the Manual or provided by Supervisor or Town Manager. **Employees are responsible for providing their signed Acknowledgement Form to the Town Manager.**

## Mission Statement

It is the mission of the Town of Lovettsville to provide a safe, economically viable, and well-planned community for residents, businesses, and visitors. We are dedicated to supporting our local heritage and environment. We promote community service, volunteerism and cooperation and partner with regional stakeholders to improve the quality of life for all. Lovettsville is a place where people enjoy small town events, respect one another, and participate as active citizens.

## Ethical Contributions

The Town and all its employees are examples for the community at large. The Town expects employees to hold themselves and others to the highest practical ethical standards. Employees are expected to act responsibly and make decisions in accordance with basic public service principles and values that achieve positive results. These principles and values include:

* + Honesty and Transparency
  + Seek No Personal Gain
  + Treat Everyone Fairly
  + Build the Community Responsibly

It is important to always consider the way the Town achieves results. Employees shall seek advice and guidance when there is doubt about the appropriate action or decision. Advice and guidance can be sought from Supervisors, Department Heads, Charter Employees, and the Town Manager.

Elected officials are exempt from some provisions stated in this employee manual, however, the Town holds all employees and officials to the same standards of conduct. The Town measures leadership by the amount of each employee’s participation in the stated principles and values. Employee contributions help build the community and fulfill the Town’s mission.

## Town Manager Administration

The Town has one Mayor elected in the even number year every two years and a Town Council comprised of six at large members elected for staggered terms every four years. The Mayor and Council appoint the Town Manager as the Chief Administrative Officer who provides strong experience and professionalism while implementing Town policies and operations.

As the Chief Administrative Officer, the Town Manager has the following Human Resource authority:

* + 1. To oversee efficient operations of the Town
    2. To assign duties and functions to employees of the Town
    3. To appoint, supervise and discipline or remove all department heads and all subordinate officials and employees of the Town for the appropriate administration of public affairs of the Town, except Council appointed officials
    4. To enforce the policies and procedures as set forth in this manual.

The Employee Policy and Procedures Manual (EPM) itself and its policies are not a contract of employment. It provides rules and guidelines for employees and managers to reference during their work. Any of these policies and procedures may be modified, amended, or rescinded through the Town Council. The Town Manager shall enforce these policies and procedures through administrative methods.

# RECRUITMENT AND SELECTION PRACTICES

## 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. Selection shall be based on the competence and best-qualified person available at the salary offered for the position. The Town supports merit and performance principles for all employment decisions, including selection, promotion, and re-assignment (See Section 8.0 Employee Performance Pay of this manual).

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 also carry out open competition to fill any vacancy.

The Town shall only accept applications for open and available positions. The Town shall advertise job openings for a period of at least two weeks for all part-time or full-time positions, unless the Town Manager concludes that a different process will yield a more advantageous result.

Such advertisement shall be: (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 Hall, and (3) such other means as may be appropriate at the time, including Town newsletters, the Town website, 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 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 for Town business, will be required to sign a release permitting the Town Office to obtain their driving records. Failure to provide such release will result in disqualification.

Employment decisions shall be managed by the Town manager and handled in a manner consistent with the Virginia Conflicts of Interest Act (Va. §2.2-3100).

## Hiring Authority

The Town Manager has complete authority for hiring, promoting, and discharging all Town employees in accordance with these policies. The Town Manager has the responsibility and authorization for administering the personnel system established by these policies. At the sole discretion of the Manager, positions may be filled on a fulltime, part-time, or temporary basis.

1. **Charter Positions**

Charter Officer Positions include the Town Manager, Town Attorney, Town Clerk, and Town Treasurer.

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

The Mayor appoints the recommendation and Town Council may either adopt the Town Manager's recommendation or request that the full Town 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 who assigns the Town Manager oversight of the positions. Charter Officer employees are subject to dismissal at any time.

1. **Non-Charter Positions**

Non-charter employment decisions shall be determined by the Town Manager and handled in a manner consistent with the Virginia Conflicts of Interest Act (Va. §2.2-3100).

## Letter of Appointment

A letter of appointment, approved by the Town Manager, shall be provided for every hired employee or officer. A copy of the appointment letter will be placed in the employee’s personnel file. The 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 the terms of employment and adherence to all policies and procedures in the Employee Policy Manual. Even those that are amended by the Town 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 regarding the terms and conditions of employment. The employee or officer shall sign a statement acknowledging receipt of the Employee Policy Manual, a clear understanding of the policies contained therein: and, that the employee or officer will comply with these polices.

## Employment at Will

Virginia is an at will state and at will status applies to all employees during their employment at the Town of Lovettsville. These policies shall not constitute an express or implied employment contract or any right to continued employment. The Town’s policies and procedures may be changed at any time so long as they comply with Federal, State and Local employment laws and regulations.

## Probationary Period

All new full-time and part-time employees shall serve a 6 (six) month probationary period. During this period employees must show that they are 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 “at will” status of the employee does not change. The status “at will” applies to all employees during their employment.

During the employee’s probationary period, they are not eligible for merit increases, COLA increases, or promotions. Transferred, promoted, or demoted employees are required to serve a new probationary period of six (6) months. This probationary period is imposed for the purpose of evaluating the employee’s suitability for the new position. Employees that fail to complete satisfactorily this probationary period may be restored to their former position, may be placed on additional probationary period, or may be dismissed with the approval of the Town Manager.

## Medical Examination & Random Drug Screening

Prior to being employed by the Town, all applicants may be required to submit to a complete medical examination to include drug and alcohol screening for the purposes of determining physical fitness for the position. The Town will pay for said examination, and the test and results belong to the Town, but will be considered confidential information pursuant to the provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The Town Manager may, at his/her discretion, release the results to the employee, though there is no such requirement to do so. The Town reserves the right to require a medical examination to include drug and alcohol screening at any time during the employment and for any reason; including, but not limited to, when it becomes evident through an employee's actions that his or her physical condition may be negatively affecting the ability to perform the duties and responsibilities of the position.

## References and Background Checks

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 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 for Town business, will be required to sign a release permitting the Town Office to obtain their driving records. Failure to provide such release will result in disqualification.

## Confidentiality of 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 or designee, Town Treasurer, Supervisors, Elected Officials and persons to whom the employee has given written permission.

Under Virginia Law (§2.2-3100), the Mayor and any Town Council members are entitled to access personnel records of Town officers and employees when related to their duties as the elected policymakers of the Town. 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 to 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.

## Reduction in Force

The Town Manager may call for a reduction in force. In determining which employees shall be laid-off, the Town Manager shall consider length of service, performance evaluations and each employee’s specific benefit to the Town. This review shall include all employees assigned to the position class affected by the reduction in force. Upon completing the review, the employees shall be ranked in the order in which they will be laid-off.

Each employee laid-off shall be given a written notice at least two (2) weeks prior to the effective date of the termination. The notice shall include the reasons for the lay-off, the effective date, and any other information deemed necessary by the Town Manager.

Employees laid-off from the Town service may be eligible for continuation of certain benefits and should discuss their eligibility with the Town Manager. See Chapter 16.

# EQUAL EMPLOYMENT OPPORTINUTY

## 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 age, sex, color, race, creed, religion, national origin, ethnicity, pregnancy, childbirth or related medical conditions (including lactation), disability, political affiliation, marital status, military/veteran status, or status in any other group protected by Federal, State ([VA 2.2-3905](https://law.lis.virginia.gov/vacode/title2.2/chapter39/section2.2-3905/)), or local law or for any other reason. This policy applies to every aspect of employment practice including, but not limited to the following:

1. Recruiting, hiring, and promoting in all job classifications without regard to race, color, religion, sex, gender, age, national origin, political affiliation, pregnancy, childbirth, or disability, except where such a factor can be demonstrated as a bona fide occupational qualification.
2. All decisions for hiring or promotions shall be based solely upon individual qualifications for the position to be filled.
3. Other personnel actions such as compensation, benefits, transfers, layoffs, training, and assignments, will be administered without regard to race, color, religion, national origin, sex, gender, age, pregnancy, childbirth, disability, veteran status, or political affiliation.
4. See the Town’s No Harassment/No Discrimination Policy. (Section 17.0 of this manual)

# EMPLOYEE CLASSIFICATION

## Classifications and Definitions

1. **Exempt Employee** – an employee who occupies a position which is exempt (not eligible) from the overtime pay as detailed in the provisions of the Fair Labor Standards Act (FLSA) due to executive, administrative or professional capacity. Full-time, part-time, and temporary employees may be exempt.
2. **Non-Exempt Employee** – an employee who receives hourly wages, is subject to wage and hour laws and included in the overtime pay provisions of the Fair Labor Standards Act (FLSA) including entitlement of an additional one-half their “regular rate” of pay for each hour they work over the regular scheduled 40 hours per seven days. 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 standard of (40) forty 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 amount of time that is less than (40) forty hours per week. Note: Part-time employees regularly working more than 32 hours per week are eligible for VRS retirement benefits.
5. **Probationary Employee –** a full-time or part-time employee who has worked for the Town for less than six (6) months.
6. **Temporary or Contract Employees –** Employees who are hired for a prescribed length of time, until the occurrence of a certain event (e.g., the return of an employee from sick or maternity leave), or to perform a specific task or tasks.

# EMPLOYEE BASE COMPENSATION STRUCTURE

Employees shall be compensated based on a total compensation package consisting of salary, applicable overtime pay for full- time employees, the employer's contributions to employee benefits, holiday pay, various forms of leave with pay, and vehicle usage and vehicle allowance. Any comparison made regarding compensation to employees of other jurisdictions shall be made based on “total compensation” and not on salary alone.

## Hours of Work

The Town Manager shall establish the hours of work for all Town of Lovettsville employees. The standard work week schedule for which salary is paid consists of forty (40) hours, generally Monday through Friday from 8:30am-4:30pm, and shall have a paid 30-minute meal break. This does not preclude the establishment of specified schedules other than forty (40) hours in each workweek for any employee if approved by the Town Manager.

## Flexible Schedule

Flexible work scheduling may be used for the purpose of extending the duration of a meal break with the employee’s start time being advanced or end time being extended, as approved by the Town Manager.

Flexible work scheduling may be considered within the standard workweek, Monday through Friday, so long as the standard (40) hours in a work week 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.
* Work at home shall be pre-approved by the town manager, to accomplish specific projects or tasks, or while recovering from illness or injury.

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. Requests for flexible work schedules must be approved in advance by the Town Manager and are contingent upon adequate office coverage.

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. Failure to comply with this policy will negatively impact the employee’s performance evaluation and may lead to disciplinary action if recurrent.

## 5.4 Overtime and Compensatory Leave

Employees who are not exempt under the Fair Labor Standards Act shall be paid at the rate of time and a half for all hours 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, non-exempt employees may be offered compensatory leave at the same rate of time and half for all hours 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 leave at the discretion of the Town Manager.

## 5.4 On Call Schedules

Each utility employee will be required to serve in an emergency On-Call position with the Town. The operator who is On-Call will be the first point of contact for all water and wastewater emergencies and is expected to be the first responder to these callouts.

Employees who are On-Call must:   
1. Carry their Town issued mobile phone with them at all times.   
2. Be available to respond to Town utility emergencies within one hour of receiving a call.   
3. Be sober at all times to respond to emergencies

## 5.5 Telecommuting

Telecommuting is a alternative work arrangement available for temporary weather-related conditions and other unusual circumstances, as approved in advance by the Town Manager.

Telecommuting is implemented to decrease absenteeism and improve productivity for the benefit of the Town. Telecommuting is neither appropriate for all Town employees nor entitled or guaranteed to employees. The Town Manager shall authorize and approve telecommuting at his/her discretion for employees who are eligible.

Employee eligibility includes:

1. Work must be of a nature that tasks can be successfully performed away from the office.
2. Work shall be generally independent in nature
3. Work can be quantified by output and performance rather than time spent on the job.
4. Ability to have internet service, connectivity to all Town drives via the Town’s virtual private network (VPN) and a dedicated adequate workspace.

Employees that telecommute shall demonstrate dependability, care of work time and productivity, and self-motivation. All telecommuting employees shall communicate regularly with supervisors and co-workers during the normal workday of 8:30am-4:30pm, or as otherwise approved by Town Manager or Supervisor.

## 5.6 Payroll and Timesheets

Payroll is scheduled on a bi-weekly basis for the first full week of the month to the second full week. It is paid every two weeks. Timesheets schedules are bi-weekly and shall be submitted to the Supervisor or Town Manager.

Timesheets include all work hours, accrued annual leave, sick leave, compensatory leave, holiday and overtime. It also includes hours deriving from used compensatory and leave time. Timesheets are due by the Monday following the last day of the pay period. Timesheets are expected to be filled out completely, accurately and shall be approved by the Town Manager.

## 5.7 Compensation Plan

The Compensation Plan shall be updated with the Budget on a 3-5-year basis for recruiting quality employees and maintaining competition in the region. The plan includes an official job title for each position, a salary range for each position, and a description for how movement occurs along the salary range.

The rates of pay for each employee within the salary range shall be recommended by the Town Manager and set by vote of the Town Council. The initial rate of pay for new employees shall be at the lower end of the salary range for the position or the salary and hourly rates may depend on qualifications.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Salary Range\*** | | | **Hourly Rates** | | |
| **Job Title** | **Minimum** | **Midpoint** | **Maximum** | **Minimum** | **Midpoint** | **Maximum** |
| Town Clerk | $50,000 | $66,250 | $82,500 | $24.04 | $31.85 | $39.66 |
| Treasurer | $60,000 | $79,500 | $99,000 | $28.85 | $38.22 | $47.60 |
| Project Manager | $45,000 | $59,625 | $74,250 | $21.63 | $28.67 | $35.70 |
| Town Engineer | $65,000 | $86,125 | $107,250 | $31.25 | $41.41 | $51.56 |
| Planning Director | $70,000 | $92,750 | $115,500 | $33.65 | $44.59 | $55.53 |
| Customer Service/ Accounts Payable | $45,000 | $59,625 | $74,250 | $21.63 | $28.67 | $35.70 |
| Utilities Director | $65,000 | $86,125 | $107,250 | $31.25 | $41.41 | $51.56 |
| Utilities Supervisor | $55,000 | $72,875 | $90,750 | $26.44 | $35.04 | $43.63 |
| Chief Operator | $45,000 | $59,625 | $74,250 | $21.63 | $28.67 | $35.70 |
| Wastewater Operator | $42,000 | $55,650 | $69,300 | $20.19 | $26.75 | $33.32 |
| Water Operator | $42,000 | $55,650 | $69,300 | $20.19 | $26.75 | $33.32 |
| Water/ Wastewater Trainee | $39,250 | $52,006 | $64,763 | $18.87 | $25.00 | $31.14 |
| Planning Director (PT) | $35,000 | $46,375 | $57,750 | $33.65 | $44.59 | $55.53 |
| Instrumentation Technician (PT) | $20,800 | $23,920 | $27,040 | $20.00 | $23.00 | $26.00 |
| Maintenance Worker (PT) | $20,800 | $23,920 | $27,040 | $20.00 | $23.00 | $26.00 |

\*Salary range does not reflect overtime.

The Compensation Plan may be amended by motion of the Town Council within the limits of appropriations by the Town Council and possible budget constraints.

The Compensation Plan shown includes an official job title for each position, a salary range, description. and movement along the salary range.

The pay scale in the compensation chart provides a salary range within specific job titles. The salary range has a minimum, midpoint, and maximum pay scale which is used as the basis for placing employees within those salary ranges. Employees will be eligible for annual salary increases based on the Cost-of-Living Adjustment and Performance Pay described in Section 8.4 of the Manual.

# EMPLOYEE BENEFITS

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

#### **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.

#### **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 |

The employee has the option to reject health care benefits if the employee can obtain coverage from another provider, Medicare, or spouse’s health care plan. In any event, once employees become eligible for Medicare health care, benefits will be reduced to a secondary status and the benefit schedule will change to 20% for that employee reaching retirement age.

Employees who retire from the Town and have worked full-time 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. Town retirees shall receive full benefit paid by the Town toward the cost of the health insurance premium for the retired full-time employee until the retired employee becomes eligible for Medicare benefits. All remaining costs are paid by the retiree.

#### **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 thirty-two hours per week on a consistent basis (every week for a full month) 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 five percent 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.

#### **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 a 457 plan. The Town will match employee contributions up to $15.00 per pay period.

#### **Life Insurance**

The Town provides full paid group life insurance coverage 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, in the amount equal to double his/her annual salary rounded up the next thousand-dollar amount. In cases of accidental death, the insurance doubles. 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.

#### **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 an employee’s 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.

#### **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.

#### **Long-term and Short-term Disability Benefits**

The State Mandate (Chapter 11.1 of Title 51.1 of the Code of Virginia) for Long-term and Short-term Disability (LTD/STD) went into effect on January 2014 for members of the Virginia Retirement System. Previously, employees had options for income replacement resulting from non-work-related disabilities (e.g., sick leave or supplemental insurance such as AFLAC). The General Assembly determined that all employees under VRS must have short-term disability coverage for non-work-related disabilities. The Town of Lovettsville is committed to ensuring that its employees are covered.   
Short Term Disability Benefits begin on the 7th day of disability due to an accident or illness. Up to that point, employees must use their sick and annual leave days for days not worked. If an employee is receiving Short Term Disability benefits, their accrued sick days will be charged based on the percentage of pay being reimbursed per day. For example, an employee receiving Short Term Disability benefits at 60% of his or her pay will be charged 4.8 hours of sick leave per day (8 hours \* 60% = 4.8 hours) until the number of sick days accumulated is equal to 5 days. Employees can also use full accrued sick days and/or annual leave days while on Short Term Disability to ensure that they receive 100% of their pay during this time. For details about the percentage of pay reimbursed based on months of service and the maximum benefit days, please see the Town of Lovettsville insurance contract for Short Term Disability benefits. All employees who will be out for more than 7 business days due to an injury or illness are required to use their Short-Term Disability benefits unless they have received a waiver from the Town Manager.

Long Term Disability benefits begin after a certain number of calendar days of the initiation of the disability and after Short Term Disability benefits are depleted. Please see the Town of Lovettsville insurance contract for Limited Term Disability benefits to determine the number of calendar days needed and the monthly percentage pay.

#### **Fitness Benefits**

The Town of Lovettsville recognizes that unhealthy lifestyles can be costly to the Town as they may result in chronic illness that leads to the loss of productivity due to absence from work and/or reduced performance while at work, as well as increased insurance costs. In an effort to promote the health and well-being of its employees, the Town will offer if approved in the budget, a fitness benefit to all full-time employees. Under this program, eligible employees shall receive reimbursement up to $30 per month for membership to a gym or other fitness program as evidenced by the production of a signed membership contract or other proof of participation to the Town Manager. Reimbursement shall be subject to applicable receipt of payment including taxes.

Nothing in this section shall be construed to mean that the employee’s use of the gym or participation in a fitness program is intended to occur during normal work hours or are to be counted as paid working hours. All such use/participation is intended to occur during an employee’s off-duty hours.

# LEAVE AND OTHER ABSENCES

#### **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.

Hired -3 years of service (0-36 months) 3.08 hours per pay period (10 days a year)   
4-5 years of service (37-60 months) 4 hours per pay period (13 days)   
6-10 years of service (61-120 months) 5 hours per pay period (16.25 days)

10-15 years of service (121- 160 months) 6 hours per pay period (17.5 days)

16-20 years of service (161-240 months) 7 hours per pay period (20.4 days)

20+ years of service (241 months +) 8 hours per pay period (26 days)

Use of annual leave shall be approved in advance by the Town Manager. The Town Manager or Town Council, as deemed appropriate, has the discretion to award additional annual leave workdays to an individual employee as a result of promotions and/or benefit negotiations in order to attract or retain the best available talent for town service. Leave is not available at all times; the Town Manager has a primary obligation to ensure that the Town of Lovettsville's service to the citizens is carried out.

Each employee may accumulate a maximum of 280 hours of annual leave. Annual leave above that amount shall expire December 31st of each year and will not be used. Annual leave may be used in lieu of sick leave. All un-used annual leave will be rolled into employee sick leave.

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.

#### **Sick Leave**

Sick leave shall accrue at the rate of approximately one day per month (3.692 per pay period). When taken, sick leave 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 absent from work for medical conditions in excess of three days is required to provide 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 can require a physician’s or health care provider’s letter prior to an absence of three days. Per the American Disabilities Act, the Town will provide reasonable accommodations to the employee. The Town may either hold the employee’s position or consider placement into 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 paid 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 paid 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.

If an employee has used all their sick leave, compensatory leave and then annual leave can be used, in that order.

#### **Compensatory Leave**

Employees who are not eligible for overtime pay but who are authorized to work in excess of their regular workday shall accumulate compensatory leave. Compensatory 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 compensatory leave are suspected.

Employees may elect to use compensatory leave instead of sick leave and/or annual leave. Accrued compensatory leave is not limited; however, the use of compensatory leave is limited to 80 hours per calendar year. Unused compensatory leave is not paid out at time of resignation or termination.

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

#### **Holiday Leave**

The Town of Lovettsville adopts a Town Calendar each fiscal year which generally follows the holiday schedule established by Loudoun County. Full-time and part-time salaried employees shall be granted paid time off for these days without charging the time against leave balances. Part-time employees will be paid for 4 hours on Holidays that fall on days they are normally scheduled to work per the Town Manager or designee.

When an employee is required to work on one of these holidays, compensatory leave 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.

The Lovettsville Town Council, at their discretion, may recognize additional holidays that are not recognized by Loudoun County; however, the Town does not recognize Loudoun County’s floating holiday.

#### **Family Medical Leave Act (FMLA) Leave**

The Federal Family and Medical Leave Act (FMLA) of 1993 requires that all eligible employees are provided protected FMLA leave annually. Employees who take FLMA leave are entitled to be restored to the same job or equivalent job at the conclusion of their leave. In addition, FMLA leave cannot result in the loss of any employment benefit accrued before the leave began.

The Town will maintain healthcare coverage on the same conditions that would have been provided had the employee not taken leave, and the healthcare premiums shall be deducted from the employee’s paycheck while on FLMA leave. If employee has unpaid FLMA leave, the employee’s healthcare premiums will be collected by the Town on a pre-tax basis upon the employee’s return from FLMA leave. The Town will make multiple healthcare premium deductions per pay period (not to exceed 2) until the balance of unpaid premiums is paid. If the employee fails to return to work, the employee must reimburse the Town for all health care benefits paid by the Town during the period of unpaid FLMA leave.

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.

The method used to determine the employee’s the FMLA leave eligibility will be a “rolling” 12-month period for each time an employee takes FMLA leave, the remaining leave entitlement would be the balance unused for the preceding 12 months. Please refer to the U.S. Department of Labor’s Fact Sheet #28H for examples: ([www.dol.gov](http://www.dol.gov)).

1. ***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 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.

1. ***Military Care Giver Leave***

Any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty”; or twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember’s spouse, son, daughter, parent, or next of kin.

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.

#### **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.

#### **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. A copy of the jury duty notice must be furnished to the Town Manager.

#### **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.

#### **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. Three days will include regularly scheduled workdays and shall be non-chargeable to the employee.

#### **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 or receive an exception to this policy as approved by the Town Manager and Town Council, 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[[1]](#footnote-1).
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.

1. ***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.

1. ***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. Employees directed not to work during the emergency weather plan will not receive any deduction in pay or leave during this period. Essential personnel will be required to work the hours necessary as determined by the Town Manager.

Essential Employees (except the Town Manager) required to work when the emergency weather plan is in effect will receive compensatory time or overtime pay at the rate of two (2) times their regular hourly rate for hours worked, plus their regular rate of pay for any remaining hours if they do not work a full eight (8) hour shift. For example, if the Town Manager determines that essential employees will work six (6) hours during a weather event, these essential employees will receive six (6) hours of overtime or compensatory time pay at the rate of two (2) times their regular hourly rate, plus two (2) hours of regular pay at the regular hourly rate. If the Town Manager determines that essential employees will work twelve (12) hours during a weather event, these essential employees will receive twelve (12) hours of overtime or compensatory time pay at the rate of two (2) times their regular hourly rate only.

# EMPLOYEE PERFORMANCE PAY

It is the policy of the Town of Lovettsville to encourage a performance culture where town employees and the organization are accountable in achieving the performance goals established by the Town Council and Town Manager. Financial Bonuses to employees are contingent on achieving performance goals (individual, team, and organizational), improving employee’s knowledge and skills, and providing innovation to the Town’s business processes and/or procurement.

## Performance Management/Measurements

The work of each employee will be evaluated annually by the Town Manager. The performance appraisal shall be the basis for determining any merit increase in salary. The Town Manager will meet with the employee to discuss the employee’s annual 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, he or she may prepare comments to be attached to the supervisor’s appraisal report. The Town Manager shall review the performance appraisals of all Town employees and will have the Performance Appraisals are confidential records that are not available for review or distribution to any other individual or group. They are to be maintained in a secure file in the office of the Town Manager.

In the Town of Lovettsville, success is determined by achieving the goals set by Town Council which reflect a combination of the public will and the professional and long-term perspective of the Council. The Town Manager will establish an annual work plan based on Council’s goals and will translate these goals into key programs, projects, and/or tasks for the Town Staff to implement. Along with other measures, each employee will be evaluated based on the following foundational criteria described in section 8.2 of this manual.

## Performance Criteria

#### **Performance Criterion #1- Job Title Specific Duties**

Each employee will have a specific job title(s) with corresponding job description(s) and tasks designated by the Town Manager. The employee’s work ethic is a major factor in determining how well the employee meets this criterion. Factors include dedication to meeting deadlines, managing projects within budget, willingness to work extra hours and put in the time to get jobs done, accept tasks with a positive attitude, and take initiative. All employees will be treated as professionals; perform the work, accept Town Manager and Town Council direction; often putting Town priorities first is a critical criterion to meet the standards of excellence or outstanding.

#### **Performance Criterion #2- Teamwork**

In the Town of Lovettsville teams are often more productive and effective than a group of employees working individually in a siloed environment. The size of our organization also makes teamwork a requisite for success. Each employee is expected to provide support to other Town employees by going above and beyond to respond to questions and service support. Showing a willingness to work with one another and support one another at times when team members need help.

#### **Performance Criterion #3- Support to the Town Manager, Town Council, and Town Residents**

Town Employees are required to follow the direction set by the Town Manager, who follows the direction set by Town Council. Employees must ensure that they respond to all Town Manager requests in a timely fashion and provide service support to the Town Council. Also, the priority of all employees including the Town Manager, is to respond to service requests and inquiries from town residents. All employees will be evaluated for their willingness to take initiative and their customer service dedication and their commitment to the chain of command.

#### **Performance Criterion #4- Innovation**

Employees who go above and beyond their required tasks and can innovate new processes, techniques, systems, and/or technology that saves time, resources, and/or money or improves efficiencies/effectiveness for the Town will be rewarded. Employees who identify less costly items/services for procurement will also be recognized.

#### **Performance Criterion #5- Professional Development**

It is the policy of the Town of Lovettsville to encourage employees to obtain training and/or education designed to develop the employee's value to the organization. Employees who take the time to learn (either in a formal setting or self-study) knowledge and skills that improve their capacity to perform their jobs or improve as professionals will be recognized.

## Performance Evaluation

Performance Evaluation will be conducted first by Supervisors and then by Town Manager of each employee at least once a year, with a goal to complete an annual evaluation by the employee’s hiring anniversary date each year. These performance evaluations shall be documented in writing and placed in the employee’s personnel file. Procedures for the performance evaluation program shall be published by the Town Manager.

Member of the Town Council will do an annual evaluation of the Town Manager in written form and will discuss the findings of the reports with the Town Manager in closed session at the close of a regular Council meeting. The evaluations will be done by all Council Members on a standard form and the review will be conducted the first general meeting in November. Original copies of the evaluations are to be placed in the Town Manager’s personnel file following the evaluation.

At the beginning of the Fiscal Year, the Town Manager will develop individualized work plans for each employee, subject to adjustments during the Fiscal Year as requirements change (especially after the Annual Town Council Retreat is held). These work plans will list job tasks and goals. On a monthly basis, the Town Manager will meet with all employees, except Utility Operators who will be counseled by the Utility Supervisor, to discuss progress on completing priority tasks, overall performance, and any actions that need to be taken to improve performance.

At the end of the Fiscal Year, each employee will have their final evaluations with the Town Manager to determine performance pay. The Utility Supervisor will advise the Town Manager on evaluations for Utility employees; however, the Town Manager will meet with each Utility Operator and determine their final performance.

## Performance Pay

Each employee shall be provided a Cost-of-Living Adjustment (COLA) increase annually. The COLA increase will be recommended by the Town Manager as part of the annual budget process and approved by the Town Council along with the budget.

In addition to the COLA, each employee will be eligible for an annual performance pay increase as approved by Town Council which will be applied at the time of the employee’s annual evaluation and effective on the employee’s hiring anniversary date.

Any proposed Cost-of-Living Adjustment (COLA), performance and/or other planned or unplanned salary adjustment which results in a salary increase exceeding 150% of the approved average salary adjustment rate for an individual employee shall be approved by the Town Council.

Employees’ performance will be rated on a scale of one (1) to five (5) for each of the five (5) criteria outlined in Section 8.2 of this manual. An average of all scores will be calculated for the five (5) criteria. This average will equate to the performance pay increase to be applied to the employee’s current salary.

There will be a salary range developed and reviewed annually by the Town Manager for each official job description and title as defined in Section 5.7 of this manual. Employee salaries will always fall within the salary range for each specific job title.

## Pay Adjustments for Higher Operator License

The Town encourages its Utility employees to seek higher licensing. Therefore, the Town will compensate operators with the following annual salary adjustments (beginning in the following Fiscal Year) for obtaining the class of operator’s licenses shown below for both water and wastewater while employed by the Town:

|  |  |
| --- | --- |
| Class IV | Minimum of $500 or 1.25% to increase annual salary (whichever is more) |
| Class III | Minimum of $1,000 or 2.00% increase annual salary (whichever is more) |
| Class II | Minimum of $1,500 or 2.00% increase annual salary (whichever is more) |

# EMPLOYEE TRAINING, EDUCATION, AND TRAVEL

It is the policy of the Town of Lovettsville to encourage employees to obtain training and/or education 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.

The cost of education related to work towards an undergraduate or post-graduate degree or certificate may be partially or fully reimbursed by the Town of Lovettsville at the discretion of the Town Manager and/or Town Council, within the limits of funds appropriated annually for such purposes. The Town will offer this support as an incentive benefit, professional development tool, and/or to support human capital development within the organization.

## Training or Education Leave – For Pursuit of Courses of Study

It is the policy of the Town of Lovettsville to encourage employees to obtain training and/or education designed to develop the employee’s value to the organization.

1. **Training**

When an employee can demonstrate that the pursuit of a training program will have an immediate and discernible benefit to the Town of Lovettsville, leave with full pay may be granted by the Town Manager.

1. **Training Stipend**

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. The employee may receive reimbursement of training 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.

1. **Education Leave**

Education leave is discretionary and hours of schoolwork during or outside of Town business hours will not be counted as worked hours. The conditions of such leave for education purposes shall be subject to a case-by-case determination based on factors which include the nature of the courses of study, length of the absence, work record of the employee, work requirements at the time of the request, and value of the training to the Town of Lovettsville.

**1. Education Stipend**

The cost of education and related expenses may be partially or fully reimbursed by the Town of Lovettsville. Reimbursement of education costs are contingent on:

(1) the coursework being approved in advance by the Town Manager and/or Town Council,

(2) the employee showing successful completion of the course, and employee must earn a grade of “B” or better. Courses taken on a pass/fail basis require a passing grade.

(3) the coursework is credit towards an undergraduate degree, post-graduate degree or certification administered by an accredited institution.

(4) Reimbursement is limited to in-state tuition rate and may not exceed $2,500 per fiscal year, per employee. Reimbursement will be made for tuition fees only. There will be no reimbursement for laboratory fees, textbooks, supplies, transportation, parking, registration, etc. Audited courses will not be approved.

(5) An employee who receives an education stipend/ reimbursement is expected to remain in regular, full-time employment with the Town for a minimum of two years following completion of the course, degree, license, or certification subject to the stipend/ reimbursement. If an employee voluntarily terminates employment, or if the employee is terminated for cause, the employee must reimburse the Town as follows:

* + - 1. Employee remains employed less than 12 months after completion: 100% repayment
      2. Employee remains employed 12-24 months after completion: 50 % repayment

## 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.

#### **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.

#### **Expenses**

The individual shall be reimbursed for the cost of meals (up to $50 per day) and incidental expenses by the Town, upon the presentation of receipts, except that the Town will not reimburse the individual for alcoholic beverages.

No reimbursement for meals will be provided for travel within 60 miles of the Town of Lovettsville nor within Loudoun County unless an overnight stay is required or otherwise approved by the Town Manager.

The individual shall be reimbursed for round trip mileage when he/she uses their 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.

# HEALTH AND SAFETY

## Designation for Director of Town Emergency Management

The Town Manager is designated as the Director of Emergency Management. The Town Manager designee followed by the Mayor are designated as the Emergency Interim Successor if the Town Manager is unable to fulfill his duties during the emergency (Town Ord. 2020-03-0005).

## Emergency Service

The Town provides mass updates and alerts through the Everbridge system managed by Alert Loudoun County. Everbridge sends notifications through smartphones and tablets. It is useful for mass communications of events and utility notifications. In Emergency situations, each Town employee has a responsibility to perform necessary duties as assigned by the Town Manager or designee to provide services to the residents of the Town of Lovettsville. This responsibility includes service outside normal working hours or in special circumstances outside normally assigned duties. When circumstances require and the Town Manager declares a State of Emergency, all Town employees must contact the Town Manager for assignment.

## Occupational Safety and Health

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

Employees are expected to give their full skill and attention to the performance of duties using the highest standard of care and good judgment. Employees are also expected to always follow safety rules and regulations, including using appropriate protective clothing and equipment, attending all training sessions related to their job, and following the directions of supervisory personnel. If there are any health and safety concerns affecting an employee’s work environment, please inform a supervisor or the Town Manager immediately.

Safety Standard Operating Procedures will be issued or modified from time to time and will be effective immediately upon communication. OSHA standards posters shall be posted in all Town buildings.

## Accident Reporting and Investigation

All job-related injuries or illnesses shall be reported to the Town Manager or designated representative immediately, regardless of severity. In the case of serious injury, employee 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 the employee 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. Employee Responsibilities**

The employee shall:

* + 1. Report all injuries, regardless of severity, to the Town Manager or 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; and
    3. Take all standard safety precautions to prevent injury; and
    4. Follow all safety rules and worker’s compensation rules per standard operating procedures

# 0 USE OF TOWN EQUIPMENT, Credit Cards, AND TECHNOLOGY

## 11.1 USE OF TOWN VEHICLES

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

1. **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 their 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. Any suspension or revocation of an employee’s driver’s license must be reported to the Town Manager or designated representative immediately. An employee without a valid driver’s license shall not operate any Town vehicle until their license is restored. Employees who drive Town vehicles must provide the Town the authority to inspect 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. When vehicle is in official use seat belts **must** be worn by the driver and passengers.

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. At all times, employees must keep the keys with them and on their person.

Employees operating Town vehicles must immediately report any accident or damage the vehicle to the Town Manager or designated representative. The Town Manager, or designated representative, shall then be responsible for completing a review of the incident within twenty-four (24) hours of the incident.

1. **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:

* + 1. Potential for emergency call back.
    2. Potential for use outside the normal workday.
    3. 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.

1. **Take-Home Vehicles – Occasional Basis**

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

* 1. When it is logical for the employee to travel directly from home to a meeting or conference the next day.
  2. In circumstances where it is in the best interest of the Town that the employee has use of a vehicle.

1. **Take Home Vehicles – Utility Department**

In order to provide for the rapid and efficient response of utility personnel to Town utility emergencies, the Town will provide vehicles for employee use. Any utility staff member may take a Town vehicle home with them during times when they are the appointed on-call responder for utility emergencies or for all utility employees who are expected to report when severe weather is forecasted.

Employees are permitted to use the vehicle for their personal use, up to 25 additional total miles beyond the most direct route from the Town to the employee’s residence for each day that the employee is assigned the take-home vehicle. Employees may use the vehicle to make stops on the way to their home that are reasonable and appropriate (example: stopping by the store or gym that is no more than 10 miles round trip in excess of the most direct route from the Town to the employee’s residence). The Town vehicle may not be used for personal use once the employee reaches his or her residence, except for those operators who are in possession of a vehicle while they are On-Call.

A log shall be required for each On-Call vehicle use as an evidence-based measure for economic benefit, vehicular use, and emergency reporting. The log shall be accessed via any smartphone device by photographing the vehicles QR code when entering the Town vehicle. The log is to be filled out and completed for each Town Vehicle use. The log is to include the vehicle id number, mileage (location to location) and reason for use. The log will be managed by the Utility Supervisor who will serve as the fleet manager.

No mileage reimbursement is provided by the Town for operators that choose not to take a Town vehicle.

## 11.2 Store Credit, Credit Card Use, Petty Cash

The credit card program is intended for all Town staff, elected officials, and appointed officials that may use Town credit, credit cards or petty cash for any reason. The credit card program is an alternative method for procuring goods and services. 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).

* + 1. **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. Any financial cards are to always be kept in the Town’s safe. Prior approval of the Town Manager is required each time the cardholder wishes to use the card.

* + 1. **Spending Limits**

The Town Manager, in agreement with the Town Council, will establish spending limits, during the annual budget along with the authorization form

* + 1. **General Requirements Associated with Credit Card Use**

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:

* + - 1. **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.

* + - 1. **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.

* + - 1. **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.

* + - 1. **Returns, Purchases & Disputed Items**

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

* + 1. **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.

* + - * 1. The vendor should issue a credit for items that are returned. CASH REFUNDS ARE NOT PERMITTED.
        2. 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.

* + 1. **Business Meals**

Business meals purchased with the Town credit card must be for a 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
    1. **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.

* + 1. **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.

* + 1. **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
   * 1. **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.

* + 1. **Improper Use of Credit Card**

The Town Manager will investigate all reports of any 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.

## 11.3 Internet and Electronic Communications

#### **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 during 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. Employee 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 a designated 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 may monitor internet usage from time to time, and employees found to be abusing usage or using the Internet inappropriately will be subject to disciplinary action.

## 11.4 Social Media Policy

To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, Town staff may participate in social media formats to reach a broader audience. The Town encourages the use of social media to further the goals of the Town, where appropriate and with the proper computer security safeguards. The Town Council and the Town Manager have an overriding interest and expectation in deciding who may "speak" and what is "spoken" on behalf of the Town of Lovettsville on social media sites. More information can be found in the Town’s Social Media Policy ([09-05-19-Lovettsville Social Media Policy (lovettsvilleva.gov)](https://www.lovettsvilleva.gov/wp-content/uploads/2019/09/09-05-19-Lovettsville-Social-Media-Policy-ADOPTED.pdf).

This policy establishes guidelines for the use of social media. For purposes of this policy, social media activity includes all types of postings on the Internet, including, but not limited to:

* + - 1. Social networking sites, such as Facebook, LinkedIn, Instagram, LinkedIn, etc;
      2. Blogs and other on-line journals and diaries; bulletin boards and chat rooms; microblogging, such as Twitter; and
      3. Postings of video or audio on media-sharing sites, such as YouTube, Tik Tok, and Flickr.
      4. Social media activity also includes permitting, or failing to remove, posts by others whenever the employee can control the content of posts, such as on personal page or blog.

* + - 1. All official Town presences on social media sites or services are considered an extension of the Town’s information networks. The Town Manager will review staff requests to use social media sites for official town business; and shall maintain a list of all approved sites.
      2. Staff that use social media for official business are responsible for complying with applicable federal, state, and local laws, regulations, and policies. This includes adherence to established laws and policies regarding copyright, records retention, Freedom of Information Act (FOIA), First Amendment, privacy laws and information security policies established by the Town. The Town’s Social Media outlets shall not be used for political activities.
      3. Wherever possible, links to more information should direct users back to the Town’s official website for more information, forms, documents, or online services necessary to conduct business within the Town.

D. Employees representing the Town government via Social Media outlets must always conduct themselves as representatives of the Town of Lovettsville. Employees that fail to conduct themselves in an appropriate manner shall be subject to the Disciplinary Procedures outlined in the Town Employee Policy Manual.

E. The Town Manager or designee will monitor content on any Town social media sites to ensure adherence to the Social Media Policy for appropriate use, message and branding consistent with the goals of the Town ([09-05-19-Lovettsville Social Media Policy (lovettsvilleva.gov)](https://www.lovettsvilleva.gov/wp-content/uploads/2019/09/09-05-19-Lovettsville-Social-Media-Policy-ADOPTED.pdf).

F. Violation of these standards may result in the removal of access of the social media outlets, as well as disciplinary action against the employee responsible for the violations. The Town Manager retains the authority to remove information.

G. Only authorized employees may speak on behalf of the Town on social media sites.

H. The Town’s policies with respect to non-discrimination, anti-harassment, sexual harassment, and retaliation apply to social media usage.

I. Official use of social media is intended to enhance communications between the Town of Lovettsville and various stakeholders, citizens, businesses, visitors, and members of the public in relation to the Town’s goals and objectives. Town of Lovettsville authorized social media administrators should utilize social media tools to:

• Promote Town events and tourism.

• Provide timely information to the public about Town-related meetings, operations, and services.

• Communicate directly to the public during emergencies.

Note: Social Media will not be a sanctioned platform for Town Policy Discussions by Town of Lovettsville Employees unless approved by the Town Manager.

1. The Town supports the use of social media advertising to boost posts and to increase awareness of events; however, all advertisements must be approved in advance by the Town Manager. Each department or event is responsible for paying for its own social media advertising, unless otherwise authorized by the Town Manager.
2. Existing and Creating a Town-related Social Media Site: The creator/administrator of each existing site should provide the Town Manager with the names of those authorized to administer and publish to the site(s) and the associated user identifications/passwords. The Social Media Policy provides a form to be filled out and submitting to the Town Clerk and can be found at this link: [09-05-19-Lovettsville Social Media Policy (lovettsvilleva.gov)](https://www.lovettsvilleva.gov/wp-content/uploads/2019/09/09-05-19-Lovettsville-Social-Media-Policy-ADOPTED.pdf).
3. Town pages shall be listed as Verified through the platform host. Sites shall be open to the public and group chat functions shall not be utilized by any authorized members of the group, page or committee for discussion. Official Town Sites:

• Facebook: The Town of Lovettsville

• Instagram: Town of Lovettsville

• Twitter: Town of Lovettsville (@funlovetsville)

1. Comments/Posts from Users Citizens have the right to voice their opinions on the Town’s social media sites; user-generated comments may be rejected, removed, or hidden only when the content violates the Town’s social media Public Comment Policy (Attachment 2), in accordance with applicable law. There shall be no censorship of any material, comments, or posts without the written consent of the Mayor or Town Manager, who may consult with and shall inform the appropriate committees of jurisdiction. If the user inquiries about why their social media comment or post was deleted, refer them to the Town of Lovettsville’s Social Media Public Comment Policy: [09-05-19-Lovettsville-Social Media Policy (lovettsvilleva.gov)](https://www.lovettsvilleva.gov/wp-content/uploads/2019/09/09-05-19-Lovettsville-Social-Media-Policy-ADOPTED.pdf).

Breach of this policy by Town staff may result in disciplinary action as outlined by the Town of Lovettsville Employee Policy Manual. In the case of elected or appointed officials, Committee or Commission members, the Town Council may direct the Town Manager to remove the Member as an administrator, editor, or moderator. If an employee, elected or appointed official, or Committee or Commission member who is listed as an administrator, editor, or moderator on an official Town social media site is no longer employed by the Town or serving in office, that person must be immediately removed as an administrator, editor, or moderator on the social media site(s) in question.

## 11.5 Town Phones (land line)

The Town provides telecommunications equipment (landlines) for business purposes. Excessive personal calls during the workday 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.

## 11.6 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.

#### **Use of 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 workday, 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.

#### **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.

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

All employees are always expected to follow applicable state or federal laws or regulations regarding the use of cell phones or mobile Internet devices, 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.

1. **Use of Personal Device for Town Business**

Employees who use personal devices for official Town of Lovettsville business have no expectation of privacy or confidentiality in any information or communication created or stored on their personal device. Unless exempted by law, regulation, or protected as attorney-client privileged communication, all text messages, instant messages, or other forms of communication are considered public records subject to the Freedom of Information Act. Any employee shall forward those messages to their Town email account to allow for preservation in accordance to the Freedom of Information Act and Virginia law retention schedule.

#### **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.

# 12.0 EMPLOYEE CONDUCT

## 12.1 General Standards

Employees of the Town shall, at minimum, 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. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment; they are for purpose of illustration only and are not intended to be all inclusive:

* + - 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 always conduct themselves in a courteous and professional manner. 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.
      9. Fraud, theft or inappropriate removal or possession of property or town data.
      10. Insubordination or other disrespectful conduct.
      11. Unauthorized absence during the workday.
      12. Unsatisfactory performance or conduct.
      13. Dishonesty, furtiveness, deception or any other less than candid behavior or response to supervisor inquires.
      14. Stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or serious malfeasance of work.
      15. Rude, obnoxious, disdainful or subversive behavior.
      16. Improper use of leave privileges.
      17. Failure to report for duty at the assigned time and place.
      18. Failure to follow the chain of command to address work related issues.
      19. Violation or breach of these Policies or any other policies or procedures of the Town.

## 12.2 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 disrupt 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 workday.

## 12.3 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 collarless shirts (for males) 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.

* 1. 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.
  2. 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.
  3. Hair. While employees may have a variety of hair styles and colors, extreme styles or colors are not acceptable.
     1. At all times an employee's hair must be kept neat and clean.
     2. Beards. Facial hair must be trimmed and shaped.
  4. 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.

## 12.4 Smoking

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

# 13.0 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.

## Political Activity

1. An employee shall not be coerced to support a political activity, whether funds or time are involved.
2. An employee shall not engage in political activity on work premises during work hours.
3. An employee and elected officials 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.
4. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
5. An employee shall not use the employee’s title or position while engaging in political activity.

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

# 14.0 DISCIPLINE

## 14.1 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.

## 14.2 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.

## 14.3 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.

# 15.0 TERMINATION OF EMPLOYMENT

## 15.1 Notice and Exit Interview

The standard notice is at least two weeks in advance of the employee’s exit or termination. At the time of notice, at the discretion of the Town Manager, there shall be an exit interview conducted by the Department Head or Town Manager. The interview is held to learn more about the decision to exit/terminate employment and what the employee like/disliked about their job. The exit interview is intended to be a professional review that can improve the Town’s organization and reduce employee turnover. It is expected that employees are honest and cordial in the exchange of feedback. Exit interviews can be conducted in person, over the phone, or through an online survey.

There are different reasons for exiting or terminating employment, including:

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.

* + 1. **Reduction in Force**:

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.

* + 1. **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 Americans with Disabilities Act (Title I).

# 16.0 ALCOHOL AND DRUG FREE WORKPLACE

## 16.1 Employee Responsibilities

1. No employee shall manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
2. Any employee convicted under a federal or state statue 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.

## 16.2 Disciplinary Action

Illegal use or abuse of alcohol, controlled substances, and/or non-prescribed use of medication is a serious violation of the law and the Town’s Alcohol and Drug Free Workplace. If there is proven evidence of such violation appropriate employee disciplinary action will be taken, up to and including termination.

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

In order to achieve a drug-free workplace, employees may be required to participate in all the following alcohol and controlled substances testing:

1. When an applicant for a 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.
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.

# 17.0 NO HARRASSMENT/NO DISCRIMINATION

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, pregnancy, childbirth, disability, political affiliation, marital status, military/veteran status, status in any other group protected by federal or local law or for any other reason.

## 17.1 Harassment

Harassment includes, but is not limited to, any form of verbal, non-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 another group protected by federal, state or local law.

Sexual harassment includes:

* unwelcome sexual advances
* requests for sexual favors
* behavior, remarks, gestures, jokes or innuendos
* verbal, non-verbal, or physical conduct of a sexual nature
* Anything that intimidate, ridicule, demean or belittle a person based on 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:

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

All employees are responsible for helping ensure that harassment and discrimination never occurs in the workplace. If an employee experience’s any problem of this sort, becomes aware of any other employee experiencing a problem of this sort, or has knowledge of any form of harassment or discrimination, sexual or otherwise, the employee must immediately report it to the Town Manager. If the employee believes that it would be inappropriate to discuss the matter with the Town Manager, or the employee is uncomfortable discussing the matter with the Town Manager, the employee 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.

## 17.2 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 employees believe that it would be inappropriate to discuss the matter with the Town Manager, or employees are uncomfortable discussing the matter with the Town Manager, employee 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.

# 18.0 CHAIN OF COMMAND

The Town has an "open door" policy. Employees should feel that they can discuss anything with supervisory personnel. Each Supervisor shall make themselves available to listen to employees.

At the same time, employees should recognize that differences of opinion will occur in the workplace.

Employees will direct concerns, comments, criticisms, suggestions, etc., to their immediate Supervisor. Supervisors will receive, evaluate, and address issues that are brought to their attention.

If an employee feels that they have been dealt with unfairly (as opposed to a simple disagreement), they may, through their immediate Supervisor, request a meeting with the Town Manager.

Supervisors will schedule a meeting between the employee and the town manager to discuss the issues relating to the employee. Employees shall not go out of or "jump" the Town's chain-of-command unless specifically authorized to do so by the Town Manager. Employees shall not directly or indirectly discuss any employee matter or personnel issue with Council Members unless specifically authorized to do so, in writing, by the Town Manager. Council Members are requested to contact the Town Manager regarding any employment matter brought to their attention prior to discussing the matter with the employee.

The only exceptions to these prohibitions are:

1. If the employee has reason to believe that a crime or immediate threat to safety has been or will be committed.
2. If the employee believes a serious and material breach of these Policies has been or will be committed.
3. If the employee feels that he or she is or has been the victim of illegal discrimination, harassment or retaliation in violation of this policy or believes that any other employee is a victim of such harassment, discrimination or retaliation.
4. If the employee has reported a serious and material breach of these Policies to the Town Manager, from whom he or she has not received a response from the Town Manager within a reasonable time.
5. If an employee has evidence of criminal activity, material breach of town policies, illegal discrimination, harassment or retaliation to them or any other employee by the Town Manager.

**INFORMATION REGARDING A SERIOUS AND MATERIAL BREACH OF TOWN POLICIES, ILLEGAL DISCRIMINATION, HARASSMENT OR RETALIATION SHALL BE BROUGHT TO THE ATTENTION OF THE TOWN MANAGER IMMEDIATELY.**

1. ***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.*  [↑](#footnote-ref-1)