



CHESTERFIELD COUNTY NEW EMPLOYEE ORIENTATION

County Policies and Administrative Procedures

Chesterfield County Personnel Policies

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CODE OF ETHICS

CODE OF ETHICS Section 1-4 (Personnel Policies)

The first priority of the county is to provide a working environment where trust is valued. To achieve this trust, the county requires truthfulness and integrity among fellow employees. Employees have a responsibility to encourage honesty, integrity and ethics. The county will reward those employees who consistently demonstrate ethical behavior and who courageously identify the unethical behavior of others. The county will take disciplinary action up to and including dismissal if an employee's behavior exhibits a lack of integrity or ethics.

Lying, cheating, and stealing are always unethical behavior. The following types of behaviors are also unethical and will result in disciplinary action:

1. Deceiving others by misrepresenting or withholding information;
2. Putting pressure on another employee to act unethically;
3. Failing to accept responsibility for actions by passing blame to others or allowing others to unfairly take blame;
4. Failing to honestly honor agreements or promises;
5. Subverting group decisions through action or inaction;
6. Feigning lack of memory or understanding to avoid following group decisions;
7. Using a position of authority in an unfairly coercive manner;
8. Failing to follow internal procedures or rules in order to achieve a self-need rather than a group need;
9. Harming public authority or trust.
10. Engaging in on-duty or off-duty conduct which harms the reputation or integrity of the County in the community.

Other behaviors may be unethical, and this list of behaviors is not intended to be an all-inclusive list.

EQUAL OPPORTUNITY

NON-DISCRIMINATION AND EQUAL OPPORTUNITY Section 1-5 (Personnel Policies)

Chesterfield County's Personnel Policies and Administrative Procedures have been adopted to ensure fair and consistent personnel practices. Chesterfield County shall provide Equal Opportunity to employees, applicants and citizens on the basis of fitness and merit, without regard to race, color, religion, national origin, political affiliation, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, or disability in accordance with applicable Federal and State Equal Opportunity Laws.

In addition, Chesterfield County prohibits discrimination against employees on the basis of military duty, affiliation or status.

Non-Discrimination/Equal Opportunity shall apply in all program areas including but not limited to recruitment, hiring, promotions, compensation, benefits, transfers, work assignments, performance evaluations, disciplinary actions, demotions, terminations, training programs, educational, social and recreational programs and use of County facilities.

All Chesterfield County Personnel Policies and Administrative Procedures shall be administered in accordance with this Non-Discrimination and Equal Opportunity clause. Any person covered by this policy who believes a provision of the policy has been violated may make a complaint to their department director, if applicable, or to the Department of HR. The department director or HR will take necessary action to investigate complaints.

Chesterfield County prohibits retaliation against any employee who lodges a good faith complaint of discrimination, or who participates in any related investigation. The County recognizes that making false accusations of discrimination in bad faith can have serious consequences for those who are wrongly accused. The County prohibits deliberately making false and/or malicious discrimination allegations, as well as deliberately providing false information during an investigation. Anyone who violates this policy is subject to disciplinary action, up to and including separation.

GIFTS AND GRATUITIES

ACCEPTANCE OF GIFTS AND GRATUITIES Section 8-1 (Personnel Policies)

An employee shall not accept or solicit gifts, gratuities, money or loans from organizations, business concerns, or individuals with whom the employee, on behalf of the county, has an official relationship. These limitations do not apply to the acceptance of items of negligible value when such acceptance promotes legitimate county goals and is received during the performance of official county business. It is particularly important, however, that inspectors and employees who have administrative or operating authority to approve or disapprove or otherwise affect a procurement transaction guard against relationships which might create the impression of or be construed as evidence of favoritism, coercion, unfair advantage, or collusion.

HARASSMENT

HARASSMENT Section 8-7 (Personnel Policies)

Harassment, which affects the work environment, is prohibited by Chesterfield County, because it erodes morale and interferes with an employee's ability to perform job duties. The County prohibits all forms of harassment, based on race, color, religion, national origin, sex, age or disability. Harassment includes conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile work environment. Harassment may occur at the workplace, or away from the workplace, and may occur during or after hours, if the conduct impacts an employee's work environment.

All employees are responsible for maintaining a safe and non-hostile work environment for themselves and those around them. Supervisors are responsible for promoting a work environment free from harassment and for investigating and taking appropriate action when they become aware that harassment has occurred.

Any person covered by this policy who is being subjected to harassment should tell the offender to stop the behavior, unless they are uncomfortable doing so. If they are unable to tell the offender to stop or if the conduct reoccurs after the offender has been told to stop, the person shall make a complaint to their supervisor, department director or HR. Any employee who has violated the policy will be subject to appropriate disciplinary action, up to and including termination.

Retaliation against an individual for reporting harassment or for participating in a harassment investigation is prohibited.

LEAVE AND HOLIDAY POLICY

CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES



Department:	Human Resources	Policy Number:	6-1
Subject:	Leave/Holidays (Full-Time Employees)	Supersedes:	09/01/2020
		Date Issued:	01/01/2021

I. INTRODUCTION

This administrative procedure establishes policies and procedures governing leave benefits offered to full-time employees. Part-time employees may be eligible for Part-Time Leave (PTL) and civil leave as outlined in Administrative Procedure 6-11 or Family Medical Leave as outlined in Administrative Procedure 6-20.

II. DEFINITIONS

- A. **Close Family Member** – For purposes of Bereavement Leave and the Nepotism policy, close family member is defined as follows: Close family members shall include the employee’s parents, spouse, children, son/daughter-in-law, brothers, sisters, brother/sister-in-law, grandparents, and grandchildren or the spouse’s parents, children, son/daughter-in-law, brothers, sisters, brother/sister-in-law, grandparents and grandchildren. Close family members shall also include any other relatives of the employee that reside in the employee’s household.
- B. **Paid Time Off (PTO)** – A leave plan that combines annual leave, sick leave and floating holidays into one leave category. Other leave categories are also available.
- C. **Retiree** – A full-time employee who retires directly from the county and immediately begins to collect a retirement benefit from VRS. This includes disability retirees whose retirement applications are approved retroactive to their separation date.
- D. **Traditional Leave Plan** – A leave plan that provides separate categories of leave for annual leave, sick leave and floating holidays. Other leave categories are also available.

III. CATEGORIES OF LEAVE THAT APPLY TO THE TRADITIONAL LEAVE PLAN ONLY

A. Annual Leave

Annual leave requests will be granted within the preference of the employee if the request does not conflict with the needs or objectives of the department. The decision of department management as to when leave may be taken is final. Once annual leave is being taken, an employee may not use sick leave during such annual leave period unless the employee is confined by written order of a physician. Seniority and the operational needs of the department may be considered when preparing leave schedules. Paid leave and overtime work shall not be scheduled concurrently. Annual leave requests (excluding medical) that are greater than 30 consecutive calendar days should only occur in rare instances and must be approved in advance by the Director of Human Resources (Director of HR). This policy also applies to employees who are resigning or retiring from County employment. Employees who are resigning or retiring from County employment may not take more than 30 consecutive calendar days of leave prior to their resignation or retirement date, unless approved in advance by the Director of HR. Employees are not permitted to return to

the workplace for short periods of time in order to break up the 30 consecutive days or to start a new 30 day leave cycle. Departments with 24-hour operations may work with HR to implement internal policies that are consistent with limiting extended leave for non-medical reasons.

Annual leave allowance shall be accrued for each completed pay period of service at the following rates:

Years of Full-Time Service	Accrual Hours Per Pay Period	Accrued Hours per Year	Carryover Maximum
0 – 5 years	4	96	192 hours
5 – 10 years	5	120	240 hours
10 – 20 years	6	144	288 hours
20 + years	7	168	320 hours

Upon separation, employees are paid for accumulated annual leave up to the maximum balance stated above. Accrual rates and maximum balance will vary for public safety and other departments that maintain 24-hour operations. For a complete list of leave accrual schedules refer to Accounting Administrative Procedure 1-4, Payment of Compensation to County Personnel.

Annual leave is accrued during 24 pay periods each calendar year. Annual leave is not accrued on the third paycheck of the month, which occurs two times a year. An employee who is in leave without pay status for any portion of a pay period will not accrue leave for that pay period.

At the end of each year, all annual leave in excess of the maximum balance, which is unused by the end of the pay period which includes December 31, is forfeited. In unique circumstances, at the request of the department director, annual leave above the maximum may be carried over into the new leave year with approval by the Director of HR. It is the employee’s sole responsibility to monitor their annual leave balances. Any notices received from management are a courtesy and do not relieve the employee of their responsibility to monitor their leave balance. Full-time Chesterfield County Schools’ employees being hired into a full-time County Government position with a break in service of 30 days or less between the two positions will be given credit for all completed years of full-time school service, for the purpose of establishing the employee’s annual leave accrual.

B. Sick Leave

Sick leave is a privilege and any abuse will result in disciplinary action. There is no limit on sick leave accrual. All full-time employees accrue sick leave at the rate of five hours for each completed pay period of service. Sick leave is accrued through 24 pay periods during the year. Sick leave is not accrued on the third paycheck of the month, which occurs two times a year. For 24-hour employees, sick leave accrual is 7.5 hours each pay period. (Employees working 24-hour workdays shall be charged two 12-hour days leave for each 24-hour workday taken.) An employee who is not in a paid status for a complete pay period does not accrue sick leave for that pay period.

Sick leave may be used only if the employee is unable to work due to 1) medical or mental health illness or injury incapacitating the employee; 2) exposure to a contagious disease such that presence on duty would jeopardize the health of fellow workers or the public; 3) a medical, mental health, or dental appointment for examination or treatment.

An employee who is unable to work due to illness is responsible for contacting his supervisor prior to the scheduled work start time on the day of absence and will be expected to report on his status on a regular basis as established by the supervisor. Employees must provide a statement from a licensed health care provider when they use more than five consecutive days of sick leave. Once sick leave is taken, an employee may not change it to annual leave. When a substitute is required, the employee must report his absence at least two hours before the designated reporting time. Any non-exempt employee who fails to comply with this provision may be charged with leave without pay.

If an employee is unable to work due to illness, the county will place the employee on sick leave status if the employee has accrued sufficient sick leave hours. In the event sick leave hours do not cover the period of absence, additional absence will be charged to annual leave hours. Employees who are on FMLA leave may choose to go on leave without pay after exhausting all sick leave. Guidelines for FMLA leave are outlined in Administrative Procedure 6-20.

When all accrued sick and annual leave hours have been exhausted and the employee is unable to return to work because of a medical condition, the employee must obtain a physician's statement explaining the nature of the medical condition and the date which the employee should be able to perform regular duties. Based on this information, and other information that may be required by the county, the department director will make a decision, depending upon the needs of the department, whether the employee will be placed on leave without pay and the position will be held for the employee, or whether the employee will be separated from county employment.

Prior to returning to work after an extended disability, an employee must submit a statement from the physician certifying that the employee can fulfill all of the responsibilities of the position.

An employee may, at any time, be required by management to furnish a written statement by a licensed health care professional if unable to work, regardless of the length of illness.

Employees separated from county employment will not be paid for accrued sick leave, except when retiring from county service as described below.

Employees who retire in accordance with definition II.C will be paid for their unused sick leave balance at a rate of \$2.00 per hour. There is no cap on the amount of compensation that an employee may receive for unused sick leave. Because of their higher accrual rate, 24-hour employees will be paid out at two-thirds of that rate.

If an employee dies while in county service and they were eligible for unreduced benefits through VRS, a sick leave payout will be made to the employee's estate the same as if they retired.

C. Family Sick Leave

Each calendar year an employee may use up to four days (32 hours) of accrued sick leave for an illness, injury or medical appointment of the employee's child, spouse, or parent, including those who do not reside in the employee's home, or any relative residing in the employee's home. The name and relationship of the family member must be indicated on the leave request form. Family sick leave must be approved by the employee's supervisor and is not considered an entitlement. If the employee is eligible for the Family Medical Leave Act (FMLA), refer to Administrative Procedure 6-20.

Such leave may be used through the pay period covered by the last pay date of the calendar year. For 24-hour employees, 48 hours each year may be used for family illness.

When an employee uses a sick leave day for family illness, the employee's sick leave balance is reduced one day as if the leave taken was for the employee's illness.

Family sick leave does not accrue beyond a calendar year but is carried over to the next year as regular sick leave. The employee may use up to four days sick leave in each successive year for family illness.

D. Adoption/Surrogacy Leave

A full-time non-probationary employee may use up to 20 consecutive workdays or 160 consecutive work hours, whichever comes first, of sick leave for the purpose of caring for a newly and legally adopted child or child born through surrogacy. For 24-hour employees, one day equals 12 hours. Adoption/Surrogacy Leave must be coordinated with the Family and Medical Leave Act.

To request Adoption/Surrogacy Leave, the employee must submit a request in writing to their department director for approval. The request is to include the amount of leave requested, starting and ending dates, an explanation of the request and evidence of legal adoption (if applicable). The request is then forwarded to the Director of HR for final approval.

E. Floating Holidays

Full-time employees will have the opportunity to use 2 floating holidays of 8 hours each per calendar year. Floating holiday leave may be used through the pay period covered by the last pay date of the calendar year.

All holidays, including floating holidays, are 8 hours in length, regardless of work schedule. Floating holiday leave cannot be carried over from one calendar year to the next. Employees separating from county employment will not be paid for unused floating holidays.

IV. PAID TIME OFF

PTO is a single category of leave to be used in lieu of traditional annual leave, sick leave, and floating holiday categories. The following categories of leave are available to employees in the PTO plan: bereavement leave, civil leave, standard holidays, military leave and professional development leave. These categories are defined in Section V below.

Hours accrued in the PTO plan may be used for any purpose when scheduled in advance or at times when unforeseen circumstances cause an unscheduled absence. When properly scheduled, PTO can be used for vacations, personal or family business, illness, family illness, doctors' appointments, and other reasons. PTO requests (excluding medical) that are greater than 30 consecutive calendar days should only occur in rare instances and must be approved in advance by the Director of HR. Employees are not permitted to return to the workplace for short periods of time in order to break up the 30 consecutive days or to start a new 30 day leave cycle. Also, employees may not take more than 30 consecutive calendar days of leave if they are not returning to work following their extended leave. Departments with 24-hour operations may work with HR to implement internal policies that are consistent with limiting extended leave for non-medical reasons.

PTO cannot be used until accrued and must be approved in advance for planned absences. For unplanned absences, employees must follow department procedures for supervisor approval. Paid leave and overtime work shall not be scheduled concurrently.

All new full-time employees hired on or after September 3, 2011, are automatically enrolled in the PTO plan. Periodically, the county holds an open enrollment period so that employees in the Traditional Leave Plan may convert to the PTO Leave Plan. Employees who elect to convert to the PTO plan are allowed to reserve their sick leave balance for future use as defined in Policy 6-28. The Sick Leave Reserve (SLR)

reflects the number of sick leave hours at the time of transfer. Once an employee transfers to the PTO plan, sick leave hours no longer accrue and the employee is no longer eligible for the Traditional Leave Plan.

Part-time employees hired into full-time status are automatically enrolled in the PTO plan. Part-time leave balances will be converted to PTO hours.

Effective January 1, 2021, all full-time new hires (including rehires and employees with a status change from part-time to full-time) are granted 40 hours of PTO leave. The leave is granted in the second pay period after the new hire’s effective/start date. All full-time employees hired prior to January 1, 2021, will be granted 40 hours of additional annual or PTO leave. This is a one-time grant of leave. The granted leave is not available for use until it is added to the employee’s leave balance and cannot be used retroactively. Employees on the executive leave plan are not eligible for the 40-hour grant. This leave is in addition to the leave accrual schedule outlined below. Once the leave is added to the employee’s annual or PTO balance, all rules related to annual and PTO will apply. Leave carryover limits for CY2022 will increase by 40 hours to accommodate employees who may not be able to bring their balances under the maximum during CY2021. Leave carryover limits will revert to the established limits effective January 2023.

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

Years of Full-Time Service	Accrued Hours per Pay Period	Accrued Hours per Year	Carryover Maximum
0 – 5 years	7	168 hours	248 hours
5 – 10 years	8	192 hours	272 hours
10 – 15 years	9	216 hours	296 hours
15 – 20 years	10	240 hours	320 hours
20 + years	11	264 hours	344 hours

Accrual rates and maximum balances will vary for public safety and other departments with 24-hour operations. For a complete list of PTO leave accrual schedules, refer to Accounting Administrative Procedure 1-4, Payment of Compensation to County Personnel.

PTO is accrued during 24 pay periods each calendar year. PTO is not accrued on the third paycheck of the month, which occurs two times a year.

At the end of each year, all PTO leave in excess of the maximum balance, which is unused by the end of the pay period which includes December 31, will roll over into a Sick Leave Reserve bank. In unique circumstances, at the request of the department director, PTO leave above the maximum may be carried over into the new leave year with approval by the Director of HR. It is the employee’s sole responsibility to monitor his PTO balance. Any notices received by management are a courtesy and do not relieve employees of the responsibility to monitor PTO balances.

Full-time employees of Chesterfield County Schools hired into a full-time County Government position with a break in service of 30 days or less between the two positions will be given credit for all completed

years of full-time Chesterfield County school service for the purposes of establishing the employee's PTO accrual rate. Accrued sick leave will be transferred into the employee's Sick Leave Reserve (SLR).

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

A full-time employee separated from the county in good standing or due to a reduction in force, who is reemployed full time within five years, shall be given credit for previous service solely for the purpose of accruing PTO and shall be credited with previously accrued sick leave, which will be converted to SLR.

When employees have exhausted all of their PTO, they may be placed in a leave-without-pay status.

During the time employees are in a leave-without-pay status, they will not accrue PTO leave unless they are on military leave without pay.

PTO is counted as hours worked for the purposes of calculating overtime pay.

Upon separation or retirement, employees are paid for accumulated PTO leave at their regular hourly rate up to the maximum allowable balance. Employees who retire in accordance with definition II.C. will be paid for their SLR at \$4.00 per hour. The maximum amount of SLR payout at retirement is \$15,000. The standard conversion rate will be applied to the leave balances of Fire and EMS personnel. If an employee dies while in county service and they were eligible for unreduced benefits through VRS, an SLR payout will be made to the employee's estate the same as if they retired.

PTO leave requests may be granted if the request does not conflict with the needs or objectives of the department. The decision of department management as to when PTO leave may be taken is final.

Seniority and operational needs of the department may be considered when preparing leave schedules.

Unscheduled PTO leave should be kept to a minimum whenever possible by planning and scheduling absences. Employees must provide a statement from a licensed health care provider when they use more than five consecutive days of unscheduled leave due to illness or injury. An employee may, at any time, be required by management to furnish a written statement by a licensed health care professional if the employee is unable to work due to illness or injury, regardless of the length of time of absence. When an unforeseen need for PTO occurs, employees must notify the appropriate supervisor prior to the start of the shift and will be expected to report on their status on a regular basis as established by the supervisor. Failure to notify the supervisor of an absence or excessive unscheduled leave is considered grounds for counseling and/or disciplinary action.

It is recommended that employees maintain sufficient PTO hours to cover the elimination period and to supplement any anticipated short-term disability, as defined in HR Administrative Procedure 6-28.

V. CATEGORIES OF LEAVE THAT APPLY TO BOTH THE TRADITIONAL LEAVE PLAN AND THE PTO LEAVE PLAN

- A. **Family Medical Leave Act (FMLA)** – All full-time and part-time employees who have worked at least one year for Chesterfield County and have worked 1,250 hours for the County during the previous twelve months are eligible for FMLA leave under the provisions outlined in Administrative Procedure 6-20.
- B. **Maternity Leave** – Maternity leave will be granted consistent with the county's PTO, sick leave, Family Medical Leave Act, annual leave and leave without pay policies.
- C. **Bereavement Leave** – In the event of the death of a close family member, an employee shall be granted up to 24 hours leave with pay per occurrence, with a maximum of six days that can be used

through the pay period covered by the last pay date of the calendar year. For 24-hour employees, an employee shall be granted up to 36 hours with pay per occurrence. Close family member is defined in Section II.

- D. **Civil Leave** – An employee shall be granted leave with pay when performing jury duty or when required by proper authority to be a witness in legal proceedings, provided such call to duty is reported in advance to the employee’s department director. An employee shall not, however, be granted such leave to attend a trial as a party unless required to do so by the county. An employee shall also be granted leave with pay, up to their entire scheduled work shift, when serving as an officer of election, provided such service is reported in advance to the employee’s department director.

If jury duty time or officer of election service ends prior to the end of the employee’s regularly assigned work hours, the employee will be required to report to work as soon as possible after jury duty or officer of election service has ended. However, no employee who is summoned and appears for jury duty or officer of election service for four or more hours including travel time in one day, shall be required to start any work shift that begins at or after 5:00 p.m. on the day of his appearance for jury duty or begins before 3:00 a.m. on the day following the day of his appearance for jury duty.

Fees received for jury duty will be considered allowance for miscellaneous expenses (meals, parking and travel) associated with jury service. Pay received for officer of election service will be considered allowance for miscellaneous expenses and extended hours on Election Day. Employees do not have to submit these fees or pay to Chesterfield County.

- E. **Executive Leave** – County executives and department directors are eligible for an Executive Leave program. Newly hired/promoted executives are granted a one-time credit of ten PTO or annual leave days on the effective date of their appointment. The accrual rate for newly hired/promoted executives will increase by one hour at the time of their appointment. For more information about the executive leave plan refer to Accounting Administrative Procedure 1-4.

F. **Military Leave**

1. **Military Leave with Pay** – Upon presentation of a copy of final orders, an employee who is a member of an officially-recognized reserve or national guard unit shall be entitled to 15 workdays (120 hours) of military leave for training purposes or active duty and shall be paid regular pay. These 15 workdays can be used through the pay period covered by the last pay date of the calendar year. For 24-hour employees, one day equals 12 hours for military leave purposes. For part-time employees that are eligible for benefits, military leave will be paid in proportion to their respective work schedule. Temporary employees are not eligible for military leave.
2. **Advance Notice** – An employee who is leaving to perform military service must provide advance written notice to his/her immediate supervisor (including the best approximation of the expected dates of the leave), unless it would be unreasonable to provide notice at that time or s/he is precluded by military necessity from providing notice. Employees should also submit leave request forms indicating the type of leave the employee wants to take i.e., military leave without pay, military leave with pay, PTO, annual leave, floating holiday or an appropriate combination of leaves. When available, employees must provide a copy of their military orders to their supervisor. The employee may make arrangements with Payroll to continue health and dental benefits while on military leave without pay.
3. **Military Leave Without Pay for Reservist Called to Active Duty**

- a. An employee who is called to active duty may be placed on military leave without pay when military leave is exhausted. Employees may use any accrued PTO, annual, floating holiday or PTL (for eligible part-time employees) before being placed on military leave without pay. During military leave without pay, PTO, or annual leave and sick leave will accrue as outlined below. These employees will be afforded reemployment rights if required conditions are met.
 - b. Effective for all deployments that commence on or after July 1, 2007. Leave plans for all full-time employees placed on military leave without pay will be changed to the standard county leave plan (CO-County). This will ensure that all employees on military leave without pay accrue leave at an equitable rate. Accruals are based on years of service. The duration of PTO or annual and sick leave accrual may not exceed two years cumulatively for any employee. This two-year period is not retroactive and will begin July 1, 2007.
4. ***Voluntary Enlistment in the Uniformed Services of the United States*** – Employees that plan to serve for up to five years in the uniformed services shall be placed on a military leave of absence status. Employees may use their PTO, annual leave, floating holiday or part-time leave (PTL) before being placed on military leave of absence status. These employees will not accrue PTO, annual, sick, or floating holiday leave while in military leave of absence status. These employees will be afforded reemployment rights if required conditions are met.
5. ***Basic Provisions and Requirements for Reemployment***
- a. Chesterfield County shall reemploy military service members if they meet the following criteria consistent with Federal law:
 - (1) The employee must have given notice to their department that he or she was leaving the job for service in the uniformed services, unless giving notice was precluded by military necessity or otherwise impossible or unreasonable;
 - (2) The period of service must not have exceeded five years;
 - (3) The person must not have been released from service under dishonorable or other punitive conditions; and
 - (4) The person must have reported back to the job in a timely manner or have submitted a timely request for reemployment.
 - b. Restoration timelines are based on the duration of military service. The time limits for returning to work are as follow:
 - (1) Less than 31 days service: The employee must request reemployment by the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight-hour rest period. If this is impossible or unreasonable, then as soon as possible. Whenever an employee returns from federally funded military duty and the required eight-hour rest period overlaps such employee's scheduled work shift, the employee must receive paid military leave to the extent of the overlap. This leave is in addition to the 15 days of military leave for training or active duty.

- (2) 31 to 180 days: The employee must request reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
 - (3) 181 days or more: The employee must request reemployment no later than 90 days after completion of military service.
 - c. The employee shall be returned to the previous position, if vacant, or a comparable vacant position with the same rights and privileges as if the employee had not entered the military service. This means that when it comes to PTO or annual leave accrual or eligibility for service awards and retirement, an employee's months of service will include periods of military service.
 - d. Generally, employees selected to fill vacancies created by persons on military leave shall be employed on a provisional basis. Department directors may waive this provision if they believe there will be a comparable vacancy available upon the departing employee's return from military service.
- 6. ***Supplemental Pay and Benefits*** – Under special circumstances the County Administrator may authorize the County to pay active duty full-time and eligible part-time employees the difference between their military pay and their County pay. In addition, active duty employees may also elect to continue in county sponsored health and dental, optional life and long-term disability plans, paying the same premiums as active employees. Duration of this supplemental pay and/or benefits may not exceed two years cumulatively for any employee. This two-year period is not retroactive and will begin July 1, 2003. When reservists are unable to return to work due to an active duty related injury, the County Administrator may extend the two-year supplemental period.

G. Professional Development Leave

Employees with greater than five (5) years of continuous full-time service to the county may be granted professional development leave for the purpose of continued development in position-related studies. An employee may use accumulated PTO, annual leave or leave without pay for this purpose, if approved.

The following criteria should be considered when granting professional development leave:

- 1. Length of service (must be more than 5 years of continuous full-time service to be eligible)
- 2. Performance level (present and past evaluations)
- 3. The value of the development to county and departmental operations

All requests for professional development leave must be submitted in writing by the department director to the Director of HR and must be approved by the County Administrator. Under normal circumstances, the employee will be entitled, upon return from professional development leave, to be restored to the same job classification held by the employee when leave commenced. However, restoration is not guaranteed should there be an economic downturn or reorganization while the employee is out on professional development leave.

H. Leave Without Pay/Dock

- 1. When an employee has exhausted all applicable leave, it is up to the department director to approve or deny leave without pay (LWOP). If the department director determines that it is in the best interest of the department to fill the position, the incumbent may be terminated.

2. If an employee is in leave without pay status on July 1, the employee will receive the merit increase for the fiscal year upon return to work. If the leave without pay status is for more than 30 days (except for FMLA or military leave without pay status), the merit increase will be prorated to exclude the amount of time the employee is in leave without pay status. The employee's merit date remains July 1.
3. If an employee is in a leave without pay status (except for FMLA or military leave without pay) for more than 30 days, their leave accrual date will be adjusted to exclude the amount of time the employee is in leave without pay status.
4. Employees will not be compensated for holidays while on leave without pay.
5. An employee's health care benefits will remain the same as if they were in an active status for the first 30 days of leave without pay. If an employee's disciplinary suspension is for less than 30 days, but lasts more than 30 calendar days due solely to their work schedule, his/her health care benefits will continue throughout the suspension period.
6. For purposes of determining retirement benefits, leave without pay shall be accounted for as determined under Virginia Retirement System provisions.
7. Exempt employees are salaried and shall be paid for the full pay week including any holiday that occurs during that week. However, the FMLA allows for partial day docking of exempt employees in FMLA status when leave balances are exhausted. An exempt employee, who is not in FMLA status, with no leave balance may be docked in full day increments only.
8. HR shall be notified by completion of a Personnel Action Form when an employee is in a nonpaid status for an entire pay period. In situations where an employee is in nonpaid status for less than an entire pay period, the department should maintain the appropriate documentation and report time not worked through time reporting as a "dock" leave status. If an employee is in a nonpaid status on the last day of the pay period and is not expected to return on the first scheduled day of the next pay period, the department should contact Accounting-Payroll with questions as to how much dock/unpaid time needs to be reported.
9. If an employee is not in FMLA or Military leave status, they must exhaust all paid leave before being placed in leave without pay status.

I. **Leave Donations**

1. ***Eligibility Requirements***

County employees may be permitted to donate annual leave, part-time leave, or PTO leave to full-time and benefits eligible part-time employees who are unable to work due to their own serious health condition, the serious health condition of an immediate family member (spouse, parent, son or daughter), the birth of a son or daughter, or to care for a newly and legally adopted child, or to care for a child born through surrogacy. Serious health condition and immediate family member are defined in the Family & Medical Leave Act procedure (6-20). Employees receiving donated leave must provide a medical certification from a licensed health care provider to their department before using the donated leave. If an employee receives donated leave for the birth of a child, donated leave will only cover the period that the employee is physically incapacitated, as determined by the health care provider.

Employees are only eligible for donated leave if they are not eligible for workers' compensation wages.

Donated leave may only be used for qualifying circumstances. If qualifying circumstances change, other leave may be applicable.

Recipients in Traditional Leave Plan

Recipients enrolled in the traditional leave plan, who are out of work because of their own serious health condition, shall exhaust all sick, comp-time, part-time, floating holiday leave and have an annual leave balance of 40 hours or less before using donated leave.

Recipients who are out of work due to the serious health condition of an immediate family member shall exhaust all family sick (if applicable), comp-time, part-time, and floating holiday leave and have an annual leave balance of 40 hours or less before using donated leave. Recipients who are out of work due to the adoption of a child or child born through surrogacy shall exhaust the 120 hours of sick leave allowed for adoptions and all comp time, part-time, floating holiday leave and have an annual leave balance of 40 hours or less before using donated leave.

Recipients enrolled in the traditional leave plan, who are out of work for their own serious health condition, may use up to 10 workweeks of donated leave in a 12-month period. Donated leave used to care for an immediate family member, the birth of a son or daughter or to care for a newly and legally adopted child or to care for a child born through surrogacy is limited to four workweeks over the 12-month period. Eligible part-time employees may not use donated leave in an amount exceeding their normal scheduled hours per week.

Recipients in PTO Plan

Employees enrolled in the PTO plan are eligible to receive donated leave for their own serious health condition, the serious health condition of an immediate family member (spouse, parent, son or daughter), the birth of a son or daughter, or to care for a newly and legally adopted child, or to care for a child born through surrogacy.

Recipients enrolled in the PTO plan, who are out of work because of their own serious health condition, shall exhaust all comp-time, and have a PTO balance of 40 hours or less before using donated leave. Donated leave shall be used to supplement STD benefits. Effective January 1, 2020 donated leave may be used after the STD benefits are exhausted. Recipients who are out of work due to the serious health condition of an immediate family member, the birth of a son or daughter, or to care for a newly and legally adopted child, or to care for a child born through surrogacy, shall exhaust all comp-time and have a PTO balance of 40 hours or less before using donated leave.

Effective January 1, 2020, recipients enrolled in the PTO leave plan, who are out of work for their own serious health condition, may use up to 10 workweeks of donated leave in a 12-month period. Donated leave used to care for an immediate family member, the birth of a son or daughter, or to care for a newly and legally adopted child or to care for a child born through surrogacy is limited to four workweeks in a 12-month period.

Donated leave may not be used to satisfy the STD elimination period; employees who exhaust all available leave balances prior to the elimination period being satisfied will be placed on LWOP until eligible for STD pay.

Communication/Solicitation – An employee experiencing a personal or family health situation (“Recipient”) shall not solicit leave donations through email, flyers, or memos.

Employees wanting to donate leave (“Leave Donors”) may be notified of a need by word-of-mouth or may become aware of the need because they work closely with the recipient.

2. ***Procedure***

Leave Donors shall submit a Leave Donation Web Form to their department director indicating the Recipient’s name and department, the reason for the donation, and the number of hours they want to donate. The Leave Donation Web Form is available in the In Focus system. Leave must be donated in eight-hour increments (i.e., 8, 16, 24, etc.). The donation must not cause the Leave Donor’s balance to fall below 40 hours of annual leave, 40 hours of PTO leave, or 20 hours of part-time leave. The department director shall review the request to ensure these criteria are met and, if approved, forward to HR. The Leave Donation Web Form will be electronically routed to the Recipient’s director (if in another department) to ensure they are supportive and then to HR for approval.

After HR approves the Leave Donation Web Form, it is electronically routed to Payroll. Payroll shall subtract donated leave from the Leave Donor’s annual leave, part-time leave or PTO balance and make available to the Recipient.

Before placing employees in donated leave status, the department must contact payroll to determine if a Personnel Action Form is needed. Donated leave may not be taken the same pay period in which it is added to the Recipient’s leave balance but may be taken the following pay period. When donated leave is used, the Recipient (or department) shall designate the leave as donated leave. Donated leave must be used within 12 months from the date first used. If after 12 months all donated leave has not been used, the unused donated leave is forfeited. In cases where the recipient did not use any donated leave, the donated leave will be refunded to the donors in the exact number of hours donated.

3. ***Benefits***

Leave Donation Recipients will not accrue annual leave, sick leave, or PTO while in donated leave status. Recipients in donated leave status are not eligible to receive pay for holidays.

Employee deductions will continue to be deducted from the employee’s paycheck. County contributions will continue as long as the employee has sufficient donated leave to remain at 100% of their pay. If the pay is not sufficient to cover the benefit deductions, Payroll will contact the employee to set up payment arrangements.

Periods in Leave Donation status are not considered creditable compensation for retirement calculations by the Virginia Retirement System (VRS). Therefore, contributions to VRS will be discontinued when an employee is in Leave Donation status.

Donated leave will not be paid out at termination. Donated leave may not be used past the end of the pay period in which HR receives notification of approval of VRS disability retirement. If approved, long term disability benefits will not begin until donated leave is exhausted.

J. **Standard Holidays**

HR will publish a list of holidays each year, based on the schedule adopted by the Board of Supervisors.

Non-exempt employees must be full-time and in paid status the day before and the day after a holiday to be paid for the holiday.

Non-exempt employees, who are required to work on a scheduled holiday, shall be paid in accordance with Administrative Procedure 6-17, Fair Labor Standards Act Compliance.

County employees in departments that follow the State's holiday schedule shall use annual leave, compensatory time, floating holidays or PTO for hours in which they do not work when County offices are open, but State offices are closed. If employees do not want to use leave when the State is closed, subject to supervisor approval, they may elect to work their regular schedule.

K. Chesterfield County Employee Medical Center

Employees are not required to use leave for non-occupational health appointments (minor non-work related injury or illness) at the Employee Medical Center. As with any time away from the work site during work hours, supervisor approval is required.

L. Community Service Leave

The County awards full-time employees up to 24 hours of paid community service leave per calendar year. Community service leave must be used during an employee's regular work schedule unless approved by his or her supervisor. Department directors also may allow part time employees to use community service leave on a prorated basis.

M. Parental Leave (Policy will take effect January 1, 2020)

1. ***Purpose***

The purpose of the policy is to establish guidelines for the consistent administration of paid parental leave. This policy on parental leave works in conjunction with Administrative Procedure 6-20, Family and Medical Leave Act (FMLA). This policy will take effect January 1, 2020.

2. ***Policy***

Each calendar year, eligible employees may use up to two weeks (80 hours) of parental leave for activities related to the care and well-being of their newborn or adopted child, foster care placement, or sick parent. Two weeks equates to 80 hours for the general workforce and 112 hours for 24-hour staff. The 80 or 112 hours of parental leave may be used only once per child. Paid parental leave shall be taken in conjunction with the FMLA.

3. ***Eligibility***

To be eligible for paid parental leave, County employees must meet the eligibility criteria for FMLA.

They must:

- a. Be employed by the County for at least twelve (12) months. The twelve (12) months need not be consecutive. That means any time previously worked for the same employer (including seasonal work) could, in most cases, be used to meet the 12-month requirement.
- b. Have worked a minimum of 1,250 hours of service during the 12-month period immediately preceding the commencement of leave.

- c. Meet the FMLA criteria for one or more of the four (4) paid parental leave categories below.

4. ***Types of Paid Parental Leave***

a. Paid Maternity Leave for Birthing Mothers

- (1) All eligible full-time employees shall be granted two (2) weeks of paid maternity leave within a 12-month period.
- (2) All benefits eligible part-time employees will receive two (2) weeks paid maternity leave proportionate to the average number of hours worked per week during the past twelve (12) months.
- (3) The use of paid maternity leave must be continuous and cannot be used intermittently.
- (4) Short Term Disability: Parental leave may be used to supplement reduced income replacement disability benefits following the birth of a child and/or may be accessed after the STD benefits related to the birth cease.
- (5) Parental leave must be used within three (3) months of the birth of a child, adoption or foster care placement.

b. Paid Bonding Leave

- (1) After the birth of a child, the full-time, non-birthing parent will receive two (2) weeks of paid bonding leave within a 12-month period for bonding and care of a newborn.
- (2) All benefits eligible part-time employees will receive two (2) weeks paid bonding leave proportionate to the average number of hours worked per week during the past twelve (12) months.
- (3) The use of paid bonding leave must be taken continuously and cannot be used intermittently.
- (4) Parental leave must be used within three (3) months of the birth of a child.

c. Paid Surrogate, Adoption or Foster Care Placement Leave

- (1) After the surrogate birth, adoption or placement of a child, full-time parents will receive two (2) weeks of paid parental leave (for bonding) within a 12-month period.
- (2) All benefits eligible part-time employees will receive two (2) weeks paid surrogate birth, adoption or foster care placement leave proportionate to the average number of hours worked per week during the past twelve (12) months.
- (3) The use of paid bonding leave must be taken continuously and cannot be used intermittently.
- (4) Parental leave must be used within three (3) months of surrogate, adoption or foster care placement.

d. Paid Leave for Employee's Parents

- (1) All eligible full-time employees will receive two (2) weeks of paid sick parent leave within a 12-month period to care for a parent with a serious health condition as defined in the Family and Medical Leave Act.

- (2) All benefits eligible part-time employees will receive two (2) weeks paid sick parent leave proportionate to the average number of hours worked per week during the past twelve (12) months.
- (3) Paid sick parent leave may be taken continuously or intermittently.

5. ***Use of Paid Parental Leave***

- a. Paid parental leave must be used in conjunction with the eligible employee's Family Medical Leave and will be applied towards the Family Medical Leave Act's eligible hours.
- b. Limitations/Restrictions - Paid parental leave will be based on the employee's FMLA eligibility balance. For example: If a full-time employee only has a remaining FMLA balance of one week of FMLA leave the employee would only be eligible for one week of paid parental leave.

6. ***Procedures***

- a. Employees shall submit a written request for parental leave at least thirty (30) calendar days prior to the anticipated leave begin date or as soon as practicable.
- b. To qualify for Parental leave, employees are required to submit the FMLA Certification of Health Care Provider form and other applicable FMLA forms to their department.



CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

Department: Human Resource Management
Subject: Privacy of Information

Policy Number: 6-4
Supersedes: 09/01/15
Date Issued: 06/30/16

I. PURPOSE

The purpose of this policy is to establish a process for developing and implementing specific policies to protect the privacy of personal information. This policy also addresses the county's obligations under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Among other provisions, HIPAA requires that the county provide specific measures to ensure the security and privacy of Protected Health Information (PHI) that the county obtains about certain individuals. This policy sets forth the county's policy and procedure for ensuring compliance with the security and privacy requirements imposed by HIPAA. This policy is divided into two parts.

Sections III - V pertain to privacy of Personal Information. Sections VI – VIII pertain to HIPAA privacy compliance. Departments that do not meet the definition of a HIPAA Business Associate or HIPAA Covered Entity need only comply with Sections III - V. Departments meeting the definition of a HIPAA Business Associate or HIPAA Covered Entity must comply with all sections of this policy.

II. DEFINITIONS

- A. **HIPAA** - Health Insurance Portability and Accountability Act of 1996
- B. **HIPAA Business Associate** –Internal county departments conducting business on behalf of HIPAA Covered Entity Departments that involves the disclosure or use of protected health information (PHI). Such departments include Accounting, IST, County Attorney, Human Resource Management, Internal Audit, Risk Management and the Treasurer.
- C. **HIPAA Covered Entity Department** - The departments of Mental Health Support Services, Fire & EMS and HRM, to the extent that it administers the county's self-insured health plan, are considered Covered Entities under HIPAA because these departments transmit protected health information (PHI) electronically.
- D. **Non-Record Document** – Includes, but is not limited to, working papers, drafts, rough notes, research used to formulate a final record copy of a document, duplicate copies of a public record, carbon paper and unused pre- printed forms.
- E. **Personal Information** – For the purpose of this procedure, personal information shall include the social security number, date of birth, home address, personal telephone numbers, personal e-mail addresses, bank account numbers and credit card account numbers of a person.
- F. **Protected Health Information (PHI)** - PHI as defined by HIPAA. Individually identifiable health information created or received by a HIPAA Covered Entity that relates to the past, present or future physical or mental health of a patient, and the provision of health care to the patient or payment for the provision of health care to the patient.

III. POLICY

This policy is implemented in order to protect personal information that is created, received and maintained during its regular course of business. Additionally, this policy sets forth the county's policy and procedure for ensuring compliance with the security and privacy requirements imposed by HIPAA.

IV. RESPONSIBILITIES

Human Resource Management - The Department of Human Resource Management (HRM) has overall responsibility for assuring that all county departments are in compliance with Sections III-V of this policy related to privacy of personal information.

Internal Audit – The Department of Internal Audit, in coordination with the department of Information Systems Technology, has responsibility for investigating data breaches involving personal information and making recommendations to ensure such breaches do not re-occur.

Information Systems Technology (IST) – The Department of IST, in coordination with the department of Internal Audit, has responsibility for investigating data breaches involving personal information and making recommendations to ensure such breaches do not re-occur. IST, in coordination with Risk Management, Internal Audit and Police, as necessary, is responsible for maintaining an Incident Response Plan for responding to, containing and mitigating data breaches of electronic information.

Risk Management - The Department of Risk Management has overall responsibility for assuring that the county departments that are HIPAA Covered Entities or HIPAA Business Associates are in compliance with the sections of this policy related to HIPAA security and privacy requirements. The Department of Risk Management, in coordination with IST, is responsible for investigating data breaches involving personal information and Protected Health Information and making recommendations to ensure such breaches do not re-occur.

V. REQUIREMENTS APPLICABLE TO ALL DEPARTMENTS

It is the responsibility of Chesterfield County departments to develop privacy of information policies and procedures. Specific privacy policies and procedures must be developed at the department level because departments conduct their business operations using different methods based on the nature of their work. The department director shall take into account the most efficient and effective methods for ensuring the protection of personal information while promoting consistency in the management of personal information throughout the department.

HRM will be available to assist departments in developing departmental procedures. HRM shall provide training as needed for departmental staff assigned responsibility for drafting departmental policies and procedures related to privacy.

The policies and procedures shall address the following privacy requirements:

- a. Training - The policies shall address training of all employees who are likely to have access to personal information. At a minimum, training shall be provided to all employees for newly developed privacy policies, to new employees during new employee department orientation, and to all employees whenever significant changes are made to privacy policies.
- b. Safeguards - Policies shall address administrative, technical and physical safeguards that protect the privacy and security of personal information the county creates, receives, maintains or transmits from unauthorized use or inadvertent disclosure to persons other than the intended recipient. Measures taken will relate directly to the structure and activities of the department.
- c. Processes and Systems – Policies shall require an evaluation of all processes and automated systems to ensure personal information that is requested of customers is done so in accordance with

applicable federal and state law. This may include a review of third party contractor privacy practices. The County Attorney's office is available to assist departments with this evaluation.

- d. Access – Policies shall limit or restrict access to personal information by employees and other requestors of information. If access to personal information is authorized, access shall be limited to the “minimum necessary” information required to fulfill a need or request. Verification of the identity and authority of requestors for personal information shall be required prior to disclosure of the requested information.
- e. Review and Correction of Personal Information - Policies will afford persons appropriate controls over their personal information maintained by the department. Such controls shall include the person's right to review, correct or amend their personal information.
- f. Disposal of Personal Information - Policies shall address the proper disposal of non-record documents, as defined in Section II of this procedure that contain personal information. Disposal shall include shredding of non-record documents that include personal information.

VI. REQUIREMENTS FOR HIPAA COVERED ENTITY AND HIPAA BUSINESS ASSOCIATE DEPARTMENTS

- A. HIPAA's requirements shall apply only to certain components of county operations that handle PHI. The County is a hybrid HIPAA Covered Entity. Some components of county government handle PHI while other components do not. The health care components to which HIPAA requirements shall apply are the Department of Mental Health Support Services (MHSS), the Department of Fire & EMS (Fire & EMS) and HRM, to the extent that it administers the county's self-insured health plan. Other departments are subject to HIPAA requirements only to the extent that such departments perform HIPAA covered functions or activities on behalf of Covered Entity departments. When departments perform HIPAA-covered functions or services on behalf of Covered Entity departments, such departments are considered under HIPAA to be “HIPAA Business Associates.” Such departments include Accounting, IST, County Attorney, Human Resource Management, Internal Audit, Risk Management and Treasurer.
- B. HIPAA Covered Entity Departments and HIPAA Business Associate Departments shall develop and implement policies and procedures to ensure appropriate staff, which have access to and handle PHI, receive training on the protection of PHI. The Departments shall be responsible for maintaining a training register to document appropriate staff have received training on the protection of PHI.
- C. HIPAA Business Associates may disclose PHI to, and permit the use of PHI by, its employees, contractors, agents or other representatives only to the extent directly related to and necessary for the performance of its duties and obligations to Covered Entity departments. HIPAA Business Associates should use appropriate safeguards to prevent use or disclosure of PHI other than as necessary and request from Covered Entity departments no more than the minimum PHI necessary to perform its duties and obligations. HIPAA Business Associates will not use or disclose PHI in a manner inconsistent with HIPAA. HIPAA Business Associates shall ensure that any agent, including any subcontractor to whom it provides PHI, agrees to the same restrictions and conditions that are imposed under this policy for the protection of PHI.
- D. HIPAA Business Associates shall notify Covered Entity departments as soon as practicable after becoming aware of an improper disclosure of PHI by HIPAA Business Associate or by a third party to which HIPAA Business Associate disclosed PHI. HIPAA Business Associates shall cooperate with Mental Health, Fire & EMS or HRM to implement procedures for mitigating the harmful effects from any improper use and/or disclosure of PHI. Upon notification by a HIPAA Business Associate of an improper disclosure of PHI, MHSS or Fire & EMS shall notify Risk Management.

- E. HIPAA Business Associates may use PHI for the proper management and administration of its department or to carry out their legal responsibilities, including without limitation use and disclosure required to comply with applicable professional standards and obligations, and other requirements of law consistent with HIPAA.
- F. HIPAA Covered Entity and HIPAA Business Associate Departments shall develop and implement policies that address the proper disposal of non-record documents, as defined in Section II of this procedure, that contain PHI. Disposal shall include shredding of non-record documents that include personal information.

VII. HIPAA ADMINISTRATION

The County Administrator has appointed a HIPAA Advisory Board, which shall be responsible for initiating and overseeing the county's compliance with HIPAA. The county's Risk Management Director shall be the county's HIPAA Privacy Official, the contact person to receive complaints about HIPAA privacy violations and provide information about the county's HIPAA policies and procedures. The Risk Management Director or designee shall chair the HIPAA Advisory Board. IST's Data Security Administrator shall serve as the HIPAA Security Official and be a member of the HIPAA Advisory Board. The HIPAA Advisory Board shall be comprised of representatives from at least the following county departments: County Attorney, Fire & EMS, HRM, MHSS, Risk Management and IST. The HIPAA Advisory Board is responsible for the following:

- A. Identification of county departments, employees and operations impacted by HIPAA
- B. Coordination and oversight of HIPAA compliance efforts by impacted departments and employees, including but not limited to the following areas:
 - 1. Training of personnel as appropriate and necessary
 - 2. Imposing appropriate administrative, technical and physical safeguards to protect the privacy and security of PHI the County creates, receives, maintains or transmits
 - 3. Imposing appropriate measures to notify the public of their rights under HIPAA
 - 4. Establishing a process and or processes for individuals to make complaints concerning a county department's policies and procedures or its compliance with such policies and procedures
 - 5. Establishing a process for individuals to access and amend their PHI
 - 6. Establishing a process for individuals to have an accounting of their PHI disclosures
 - 7. Imposing progressive discipline for breach of HIPAA procedures
 - 8. Establishing mitigation processes if a breach of HIPAA protocol occurs
- C. Determining the need for HIPAA Business Associate agreements or memoranda of understanding between county departments and between the county and third parties that ensure compliance with HIPAA privacy requirements.

VIII. HIPAA COMPLIANCE

All county departments determined by the HIPAA Advisory Board to have responsibilities under HIPAA shall cooperate and comply with all conditions imposed by Risk Management and the HIPAA Advisory Board.

EMPLOYEE DEVELOPMENT PROGRAM POLICY



CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

Department:	Human Resources	Policy Number:	6-5
Subject:	Employee Development Program	Supersedes:	09/15/2018
		Date Issued:	09/01/2020

INTRODUCTION

This Administrative Procedure provides guidelines for the administration of the Employee Development Program (EDP) and is applicable to all county employees (with the exception of employees classified as elected officials, seasonal and/or temporary and part-time paid at a fixed rate).

The Employee Development Program has five major objectives:

- A. Align individual and team behavior with the County's vision, mission and strategic plan through the use of performance factors and competencies.
- B. Provide for a consistent employee development and performance management process.
- C. Promote productivity by clarifying job expectations and monitoring employee performance.
- D. Promote communication between supervisors and employees.
- E. Provide guidance for personnel actions, such as merit increases, promotions and employee development.

The County's mission, vision, values and core competencies are the foundation for how we achieve business results. Developing and improving performance is a continuous process. The Employee Development Program provides an opportunity for the employee, with their supervisor, to assess work skills and to initiate a developmental plan for continuous improvement. Open and constructive communication is highly valued in this process.

DEFINITIONS OF TERMS

- A. **Employee Development Program** – An open communication process where the supervisor and employee mutually evaluate the employee's performance and determine methods to achieve developmental goals
- B. **Core Competencies** – A group of related, demonstrable knowledge, skills and abilities that influence the job performance of all County employees
- C. **Behavioral Statement** – A statement of measurable, job-related responsibilities that defines a performance factor or competency
- D. **Individual Development Plan** – Part of the EDP used to plan development activities, define helpful resources and people, establish timeframes and define successful results
- E. **Performance Factors** – Job specific criteria that identify how well an employee is performing in their position
- F. **Performance Improvement Plan (PIP)** – A written plan designed to clarify job expectations and outline a process to improve performance or behavior of an employee. A PIP generally will include a timeline for improvement.
- G. **Forms**

EDP-1, Employee Development Program Form: Form used for annual performance review that includes the following sections: Description of Job Performance; Overall Performance Rating; Performance Planning; and Individual Performance Plan.

EDP-2, Leadership Development Program Form: Form used for annual performance review which may be used in lieu of EDP-1 for executives, directors and senior managers.

EDP-3, Performance Report (EDP-PERF) - Form used to document both positive and negative employee performance. Copies must accompany the completed EDP form. This form may be used to document counseling but should not be used to document discipline.

PROCEDURES

A. General

Department directors are to ensure that all participants using the Employee Development Program receive the required training. New supervisors, within 30 days of employment or appointment to the new position, shall contact the Learning and Performance Center to schedule Employee Development Training for Supervisors. Supervisors will complete an EDP form on each employee at least annually, unless the employee has just completed their initial probationary period or promotional probationary period. EDP forms are due to HR by July 1. However, when necessary, supervisors may review their employees within three months before and three months after July 1. In any case, EDPs are due to HR no later than October 1. A special review may be conducted at any time during the evaluation year if there are concerns about the employee's performance.

EDP forms for employees who are not meeting performance expectations and who will not be awarded a full merit increase must be forwarded to HR no later than June 1, so they do not receive a July 1 increase they are not entitled to.

Probationary employees shall be provided an EDP form by their supervisor within three months of hire to inform them of position expectations. Employees in their initial probationary period will receive a formal performance evaluation on their first anniversary date, although feedback should be given throughout the probationary period. Employees are not eligible for a merit increase during their initial probationary period, but may be eligible for an administrative increase on July 1. Upon completing the initial probationary period, the employee will be eligible for any merit increase on July 1 of the next fiscal year. Initial probationary employees who have not met the basic performance requirements of their job during the probationary period shall not attain permanent status.

Employees in a promotional probationary period shall receive a formal performance evaluation on their first anniversary date in the new position, although feedback should be given throughout the probationary period. Employees in a promotional probationary period may be eligible for a merit increase on July 1. Promotional probationary employees who have not met the basic performance requirements of their job during the probationary period shall not attain permanent status in their current position.

For employees who had EDPs completed during the fiscal year at the conclusion of their initial or promotional probationary period, the timing of their probationary EDP will determine when their first July 1 EDP should be conducted. If the initial or promotional probationary EDP was completed between January 1 and June 30, then the supervisor does not need to complete another EDP for that employee until July 1 of the following calendar year. (For example, if John's probationary EDP was completed on April 27, 2016, then his supervisor is not required to complete another EDP for John until July 1, 2017.) If the probationary EDP was completed between July 1 and December 31, then the employee should have an EDP completed by July 1 of the following calendar year. (For example, if John's probationary period EDP was completed on September 7,

2016, at the end of his first year, then his supervisor must complete another EDP for John by July 1, 2017.) Employees completing the initial or promotional probationary period may have an evaluation period of less than or more than twelve months to synchronize the probationary evaluation with the July 1 evaluation period.

An evaluation must also be completed prior to an employee transferring or being promoted to a position in a different department. The evaluation may be in the form of a short memorandum, rather than the completed EDP form. For employees transferring to a position with similar duties in the same department, the department should coordinate the evaluation internally (e.g., both supervisors exchange relevant information in order to complete the employee evaluation).

B. County Values, Performance Factors, and Competencies

The EDP overview and form includes a listing of county values (e.g. Ethical Behavior, Customer Service) the three performance factors (Job Knowledge and Skills, Quality and Quantity of Work, and Dependability) and eight competencies (Planning and Organizing, Customer-Focused Service, Communication, Cooperation and Interpersonal Skills, Adaptability, Leadership, Continuous Learning and Diversity).

Prior to the beginning of the evaluation period and again at mid-year, the supervisor and the employee shall review county values, performance factors, competencies, behavioral statements, and job specific standards, if applicable, and make appropriate changes.

C. Documentation

Documentation is the most important factor in determining and supporting evaluation ratings. This task is the essence of sound performance management. Performance should be discussed with the employee when there are problems as well as when performance exceeds expected levels. These discussions should occur throughout the evaluation period. Documentation should be done on a timely basis with a copy of the documentation going to the employee. Copies of all documentation completed during the appraisal year shall accompany the completed EDP form when it is submitted to HR following the annual review. Letters of Commendation, disciplinary letters or any documentation discussed with the employee are considered proper documentation for inclusion.

D. Description of Job Performance and Ratings

The Description of Job Performance Section of the EDP form should summarize the employee's overall performance throughout the appraisal period, including coaching sessions, commendations, disciplinary actions, summary of reports of performance and other documentation that is available. In order to provide sufficient feedback, detailed comments should be provided.

The supervisor compiles documentation completed throughout the appraisal year that supports the achievement level. The rating process is based on a multi-dimensional evaluation of performance based on quality, frequency, and the level to which job standards and expectations are met.

There are five levels of performance:

1. **Exceptional:** Employee consistently produces work of the highest quality and job performance almost always far exceeds expectations. Employee significantly contributes to the department's efficiency and effectiveness, as well as the accomplishment of its objectives.
2. **Outstanding:** Employee consistently produces work of very good quality and job performance usually exceeds expectations. Employee regularly makes valuable contributions to the department's efficiency and effectiveness, as well as the accomplishment of its objectives.

3. **Successful:** Employee consistently produces work of good quality and job performance regularly achieves expectations, sometimes exceeding them. Employee is an important link in the efficiency and effectiveness of the department, as well as the accomplishment of its objectives.
4. **Needs Improvement:** Employee produces work of uneven quality. Job performance sometimes meets expectation, but clearly needs improvement. Employee makes marginal contributions to the efficiency and effectiveness of the department, as well as the accomplishment of its objectives.
5. **Unsatisfactory:** Employee produces work of poor quality and rarely achieves expectations on a consistent basis. Employee is a barrier to the efficiency and effectiveness of the department and to the achievement of its objectives.

Employees who fail to meet the basic performance requirements of their job will be informed of the deficiencies and be given an opportunity to improve. Employees experiencing performance or behavior issues as evidenced by a low EDP rating, disciplinary probation, or major disciplinary actions or an employee working under a Performance Improvement Plan may not be eligible for any type of salary increase. One severe incident of misconduct may warrant an employee receiving less than a full merit increase or no increase at all. If an employee is not recommended for a full merit increase, documentation supporting that decision is required and should be forwarded to HR no later than June 1.

An employee may be placed on a Performance Improvement Plan any time his/her performance is below expectations. However, employees who receive a performance rating below successful on their EDP shall be placed on a Performance Improvement Plan. Supervisors shall consult with HR when developing a Performance Improvement Plan. If the requirements of the Performance Improvement Plan are not achieved and the performance rating is not elevated then the employee should be considered for demotion, termination or other appropriate personnel action.

E. Performance Planning

The EDP form includes a Performance Planning section. The supervisor and employee shall develop three to five specific job-related performance goals in priority order. These goals should reflect what the employee should accomplish in the upcoming year given available resources and the goals and objectives of the department.

F. Individual Development Plan (IDP)

The EDP form includes an Individual Development Plan section – In this section the supervisor and employee list learning and development opportunities that will assist the employee in their current position, as well as in obtaining future career goals.

G. Annual Performance Review Process and Meeting

The supervisor will meet with the employee to discuss performance and should prepare for this meeting by following the guidelines below:

1. Prepare for and schedule an appointment at least two weeks in advance.
2. Obtain written input from others who supervised or worked closely with the employee during the evaluation period. The supervisor should also request information from the employee on their accomplishments throughout the evaluation period.

3. Discuss performance issues with departmental management prior to meeting with employee. An overall rating of Exceptional Performance must be approved by the department director prior to communicating it to the employee.
4. Provide a meeting place that is free from communication barriers.
5. Determine topic(s) employee wants to discuss.
6. Give specific feedback on any positive performance that has not already been discussed.
7. Discuss performance concerns.
8. Collaborate with the employee to develop an individual development plan to strengthen skills, knowledge or competencies and to leverage existing strengths for greater effectiveness.
9. Summarize the discussion. Discuss salary adjustments, as appropriate.
10. Set follow-up dates.

Once the appraisal is reviewed with the employee in completed form, the following steps must be followed: employees provide comments as they deem appropriate; the employee and supervisor sign and date the EDP form; the completed EDP form is forwarded to HR. A copy should be given to the employee.

H. **Administrative Review**

1. The Administrative Review is an appeals process for annual performance evaluations, which ensures that:
 - a. Proper review has taken place with all appropriate sign offs by employee and supervisor.
 - b. Employees are provided with an opportunity to make comments regarding the evaluation.
 - c. Any conflicts that may have arisen between the employee and the immediate supervisor (rater) have been addressed. This step is intended to maintain good employee relations and to prevent complaints arising from the appraisal process.
2. The Administrative Review Process shall be administered as follows:
 - a. One of the objectives of the EDP is to promote good communication between supervisors and employees. There may be differences of opinion. The employee's point of view about his/her performance can be documented on the EDP form in the space titled, "Employee Comments."
 - b. If the employee elects to appeal the EDP form, the employee may initiate an Administrative Review by submitting a memorandum entitled Request for Administrative Review of EDP to the department director with a copy to the employee's supervisor and the Director of HR Services. The employee must submit the memorandum within 10 calendar days of receiving the final EDP. If the employee reports to the director/office administrator, the memorandum would be addressed to the director/office administrator's direct supervisor. The employee must state clearly and concisely the areas of disagreement related to the EDP and outline all steps taken to resolve the disagreement. The employee must also state the remedy requested.
 - c. The department director will gather the facts and opinions of both supervisor and employee and meet with both parties to review the issues identified in the employee's request for an Administrative Review. The department director (or

designee) will attempt to resolve the issues identified in the employee's Request for Administrative Review of EDP.

- d. The department director will make a final decision regarding the remedy requested after meeting with both parties. The decision should be noted in writing and made within 15 calendar days of the initial request for an Administrative Review. The deadline for responding may be extended by agreement of both the employee and director. The employee, supervisor and Director of HR shall each be provided a copy of the written decision. The department director's decision is final and binding.

ADVERSE WEATHER AND EMERGENCY EVENTS POLICY



CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

Department:	Human Resources	Policy Number:	6-12
Subject:	Adverse Weather and Emergency Events	Supersedes:	09/01/2020
		Date Issued:	01/01/2021

I. INTRODUCTION

This policy establishes responsibilities and prescribes procedures for notifying county employees of Chesterfield County government operations during adverse weather conditions and other emergency events and anytime the county goes to Minimum Staffing. The intent of this policy is to provide guidance related to the staffing of county departments during adverse weather conditions and emergency events. Release, dismissal and absence from work during adverse weather conditions are included.

II. DEFINITIONS

- A. **Adverse Weather** – Any weather conditions that might jeopardize the safety of both county employees and the public.
- B. **Designated Staff** – Employees who are required to work when the county is closed, regardless of weather conditions or emergency events.
- C. **Emergency Events** – Any natural or man-made disaster that may jeopardize the health and safety of both county employees and the public.
- D. **Minimum Staffing** – Employees who are required to work upon appointment by the department director in order to respond to customer needs (telephone or face-to-face services determined by the department director).
- E. **Liberal Leave** – Leave taken by an employee following an official announcement that the county is open and liberal leave is in effect. An employee is expected to report to work unless adverse weather conditions prohibit safe travel. The employee shall contact his or her supervisor to advise of the expected report to work time. Any work time missed during a period of liberal leave will be deducted from an employee's paid time off (PTO) or annual leave balance. Liberal leave does not apply to designated or minimum staffing personnel.
- F. **Virtual Staffing – County Buildings Closed** – Employees who have the capability to work remotely and are required to work remotely upon appointment by the department director to provide county services during adverse weather conditions. During Virtual Staffing, county buildings are closed to the public. This designation will go into effect following a pilot test with select county departments who will be notified of their participation. Upon successful completion, this designation will be available for a countywide rollout.

III. POLICY

Unless otherwise notified by sources identified under Section VII of this administrative procedure, all personnel are to assume that Chesterfield County will be open each regular workday regardless of any weather or other emergency condition that may develop. Continuity of critical operations/services during adverse weather conditions is essential. Critical operations may include, but are not limited to: Police Department, Fire Department, Emergency Communications, Sheriff's Department, Juvenile Detention, MHSS Residential Services and Utilities emergency operations. Employees whose services are vital to these operations will be required to report to, or remain at, their work sites in emergency situations. In

addition to critical activities, departments may also be required to maintain the minimum level of staff needed to provide customer services. Under conditions of adverse weather or emergency events, designated employees and minimum staffing employees may be required to report to work when other county employees are excused. Departments are responsible for maintaining and posting a list of employees responsible for providing minimum staffing. During an adverse weather or emergency event, any employee may be classified as designated and required to report to work. These individuals will then be considered designated, must report to work and will be compensated according to Section XI.

IV. SUMMARY

County status will be provided to employees according to the county status options below. If there is no media broadcast or internal communication regarding Chesterfield County status, employees must report to work as usual and expect that all county offices will be open. If county offices are in any status other than a normal opening, that status (e.g., Late Opening at 10:30 a.m., or Early Closing at 3 p.m.) will be communicated as outlined in Section VII.B and VII.C.

- A. When county offices operate under *Closed Designated Staff* status due to adverse weather or emergency events—designated personnel only will report to work or remain at work as usual.
- B. When county offices operate under *Open Minimum Staffing* status due to adverse weather or emergency events—designated employees will report to work or remain at work as usual and employees identified to perform duties under minimum staffing conditions will report to work or remain at work as usual.
- C. When the status of county offices is *Early Closing Designated Staff* due to adverse weather or emergency events—designated employees will remain at work as usual.
- D. When the status of county offices is *Late Opening* due to adverse weather or emergency events—designated employees will report to work as usual.
- E. When the status of county offices is *Open Liberal Leave*—designated and minimum staffing personnel will report to work as usual. All other employees are expected to report to work or remain at work as usual unless adverse weather conditions or other emergency events prohibit safe travel.
- F. When the county offices are *Open Virtual Staffing – County Buildings Closed* due to adverse weather or emergency events—designated employees will report to work or remain at work as usual and employees identified as virtual staffing will work remotely.
- G. *Special Circumstances* – Special circumstances relating to employees who are otherwise absent or late on days when adverse weather or emergency events affect county operations are covered under Section VIII, Special Instructions, of this administrative procedure.

V. RESPONSIBILITIES

- A. The county administrator is responsible for making decisions regarding county operations under adverse weather and emergency event conditions.
- B. The chief of police, through the shift commander, is responsible for advising the county administrator when weather conditions or emergency events may negatively impact county operations.
- C. Department directors are responsible for:
 - 1. The selection of designated staff, minimum staffing and virtual staffing employees. (These employees will be notified of their status and their related responsibilities regarding adverse weather, and this notification will be given in advance in writing by the department director.)

2. Coordinating early closing with the county administrator to avoid confusion and promote equitable treatment of all employees.
 3. Ensuring that department coverage is sufficient to handle telephone or face-to-face customer service requirements during Minimum Staffing. (If face-to-face services are provided during normal operations, a minimal level of like services should be available under Minimum Staffing.) Departments with interrelated services should preplan coordination of services during adverse weather conditions.
 4. Ensuring that department coverage is sufficient to handle telephone and electronic customer service requirements during *Virtual Staffing – County Buildings Closed* status. Departments with interrelated services should preplan coordination of services during adverse weather conditions.
- D. Virtual Staffing employees are responsible for being aware of potential adverse weather conditions and preplan accordingly by ensuring equipment used to work remotely is taken home and fully charged in preparation for working remotely. All employees are responsible for obtaining information regarding county operations during non-duty hours by listening to any of the Public Broadcasting Systems listed in Section VII.B of this policy or calling the weather line at 748-1256. See Section VII - Notification. ***Employees should not call the county administrator’s office or any emergency communications numbers.***

VI. PROCEDURES

The Police Shift Commander will notify the county administrator when adverse weather conditions or emergency events may adversely impact county government operations, as well as public and employee safety, based on Emergency Communications Center information gathered from road condition reports from the Police Department and the current weather forecast from the National Weather Service or other appropriate sources. The decision to effect early closing, late opening or closure will be made by the county administrator. Department directors will not affect closure or reduce operations without approval of the county administrator. Any decision affecting hours of operation will be communicated as indicated below in Section VII.

VII. NOTIFICATION

- A. During normal working hours, the county administrator will notify Human Resources when adverse weather conditions or emergency events affect county operations and will advise of the type of closure, effective time and staffing requirements.
- Human Resources will contact department directors by internal email broadcast message and individual calls to departments without internal email. Emergency Communications will activate the County Administrative group test. Department directors will notify their respective employees of the change in county and departmental operations.
- B. During non-operational hours, the police watch commander will notify the county administrator of adverse weather and road conditions by 5 a.m. The county administrator will make a decision regarding the status and staffing of county operations by 5:15 a.m. and advise the police watch commander. The county administrator and chief judge of the Circuit Court should confer on adverse weather conditions and office closings. When county offices are closed or at the direction of the county administrator, Communications and Media will record the operational status message on the county employee weather line, post the message on social media, generate a countywide email, create a broadcast voicemail message, notify Chesterfield Alert and notify the following media to provide broadcast of the appropriate information.

Television: WTVR-TV 6; WRIC-TV 8; WWBT-TV 12

Radio: WRVA - 1140 AM

VIII. SPECIAL INSTRUCTIONS

- A. When the county administrator decides during non-operational hours that the status of county operations will be either ***Closed Designated Staff***, ~~or~~ ***Open Minimum Staffing or Open Virtual Staffing - County Buildings Closed***, the employees' status will be determined as follows:
1. If county operations are being fully closed (***Closed Designated Staff***), employees who are not designated will be excused from work, and full-time excused employees will not be charged leave or lose pay. Designated staffing employees who do not report to work during closed designated staffing status will be charged leave and may be disciplined.
 2. If county operations will be ***Open Minimum Staffing***, designated and minimum staffing employees must report to work; all other employees will be excused from work, and full-time excused employees will not be charged leave or lose pay. Designated and minimum staffing employees who do not report to work during Minimum Staffing status will be charged leave and may be disciplined.
 3. If county operations will be ***Open Virtual Staffing – County Buildings Closed***, designated and virtual staffing employees must work; all other employees will be excused from work, and full-time excused employees will not be charged leave or lose pay. Designated and virtual staffing employees who do not work during virtual staffing status will be charged leave and may be disciplined.
 4. When county offices are closed due to adverse weather, part-time employees who do not work any of their scheduled shift will receive no compensation for the closure day.
- B. When the decision is made during operational hours to close early, the employees' status will be determined as follows:
1. If the county operations are being fully closed (***Early Closing Designated Staff***), designated staff will remain on duty and full-time and part-time employees who are not designated will be allowed to leave work with no charge to leave or loss of pay for the remaining hours of work following closure.
 2. If county operations are open with Minimum Staffing (***Early Closing Minimum Staffing***), designated and minimum staffing employees must remain on duty and full-time and part-time employees will be allowed to leave with no charge to leave or loss of pay for the remaining hours of work following closure. Only those employees designated as minimum staffing will receive PTO or annual leave credits.
- C. When the decision is made during non-operational hours to delay the opening of county offices, the employees' status will be determined as follows:
1. If the county operations are fully closed (***Late Opening***), designated employees will report for normal hours and all other full-time employees will be excused without charge to leave or loss of pay until the county offices are scheduled to open.
 2. If the county operations are open with virtual staffing (***Open Virtual Staffing – County Building Closed***) designated employees will report to work for normal hours and virtual staffing employees will work remotely. All other full-time employees will be excused without charge to leave or loss of pay until the county offices are fully open.
 3. Part-time employees who are scheduled to work but are unable to work because of a late opening of county offices due to adverse weather will be paid for their entire shift provided they report to work at the designated opening time.

If a late opening is in effect and an employee reports later than the late opening time, the employee will be charged leave for the time between the late opening time and the time the employee actually reports for duty.

- D. If an employee elects not to report to work or remain at work due to adverse weather conditions when county offices are in *Open Liberal Leave* status, he/she will be charged PTO or annual leave or other paid leave (except sick leave) for the time period in which county offices are open. When county offices are open and in Liberal Leave status, employees who work a flexible work schedule should report to work at their normal start time. If the employee elects to use Liberal Leave, the leave taken should reflect the employees normal flex schedule.
- E. An employee who is on preapproved PTO, annual or sick leave for an entire work shift when an authorized closing occurs, will have the time charged to the authorized closing and not to personal leave balances. When an employee is on preapproved PTO, annual or sick leave during a partial shift closing, the hours of the authorized closing will not be charged to his/her personal leave balances.
- F. Employees who report to work prior to the late opening of the county offices will not be entitled to any additional compensation.
- G. In the event that county offices are closed due to adverse weather or emergency event, non-designated and non-minimum staffing employees who work a flexible schedule (instead of the standard 8:30 a.m. to 5 p.m. schedule) will be paid a maximum of eight hours for the closure day. For example, if the flex employee usually works 10 hours on Monday and the county is closed on Monday due to adverse weather, the employee would take two hours of PTO or annual leave or work two additional hours later in the week.
- H. For departments that are open to the public from 8:30 a.m. to 5 p.m., in the event that the opening of county offices is delayed due to adverse weather, non-designated staff that work flexible schedules will revert back to the standard county work schedule of 8:30 a.m. to 5 p.m. For example, if the employee's flexible schedule is from 7:30 a.m. to 4 p.m. and the county offices open at 10 a.m., the employee would report for work from 10 a.m. until 5 p.m. If the employee leaves earlier than 5 p.m., the difference in hours can be made up during the remainder of the workweek or by using PTO or annual leave.
- I. When adverse weather conditions or emergency events develop over the weekend and/or after 5 p.m. and before midnight, and thereby affect non-essential services that operate during these hours, the responsible deputy county administrator or designee will make the decision regarding operational status of these departments.
- J. When adverse weather conditions or emergency events result in a late opening or early closing, the announcement shall be made by including a specific time for opening or closing, not by a duration of time (e.g., Late Opening at 10:30 would be announced, not Late Opening two-hour delay). This avoids confusion for employees working flexible time shifts. These employees should begin their shift at the announced opening time.
- K. The county is in Liberal Leave status when county schools are closed due to adverse weather. Under these circumstances, Liberal Leave may be taken to handle critical family obligations.

IX. PLANNING AND SAFE TRAVEL TO WORK

- A. Safety of employees and the public is a primary concern during adverse weather conditions or other emergency events. It is the responsibility of each employee to arrive to work on time and in the safest way possible.

- B. Designated and minimum staffing employees are responsible for ensuring that they are at work for their scheduled shifts and should make arrangements in advance to ensure they will be at work on time and arrive in the safest way possible.
- C. Department directors should encourage advance planning for designated and minimum staffing employees to facilitate their safe travel to and from work during adverse weather.

X. COURTS BUILDING PROCEDURES

County employees working in the Circuit Court Clerk's Office, the Commonwealth Attorney's Office, Circuit Court, General District Court, and Juvenile & Domestic Relations Court will follow adverse weather procedures outlined by the chief judge of the circuit court.

XI. COMPENSATION

- A. In addition to their regular pay, all designated, minimum staffing and virtual staffing employees who are required to work, and do work during periods when county offices are closed or operating under Minimum Staffing or Virtual Staffing due to adverse weather or emergency event conditions, will be compensated with PTO or annual leave (PTL for part time employees) at the rate of one hour per hour worked up to a maximum of eight hours. This compensation will not be effective for periods of two hours or less. See adverse weather compensation examples in the Appendix.
- B. Additional PTO, annual or PTL leave will be given to all designated, minimum staffing and virtual staffing employees required to work within the 24-hour day of closure and only when the number of hours county offices are closed or operating under Minimum Staffing exceeds two hours. The 24-hour day will be from 12 a.m. through 12:00 midnight of the day county offices are closed.
- C. Only designated, minimum staffing and virtual staffing employees will receive PTO or annual leave credits for working during periods when county offices are closed or operating under Minimum Staffing or Virtual Staffing.
- D. Adverse weather hours earned must be entered on an employee's timesheet through the time reporting system using the ACCRADV code and approved by the supervisor. Once processed in payroll, the hours will be added to the employee's PTO or annual leave balance. The ACCRADV code will be activated on employee timecards only when applicable.
- E. The county administrator may authorize the payment of straight time pay or flat rate pay to exempt employees performing work in excess of their regularly scheduled hours to support an Emergency Operation Plan event.

XII. NATIONAL INCIDENT MANAGEMENT SYSTEM TRAINING

All current full-time and part-time benefits eligible employees are required to complete IS 100 and IS 700 courses, or their equivalent, as scheduled by the Emergency Preparedness Steering Committee. New employees must complete these courses within 90 days of hire. These courses are available in the Learning & Performance Center classroom and as an online course.

Appendix

Adverse Weather Compensation Scenarios

Scenario 1: Due to adverse weather, county offices open at 10:30 a.m. Designated employees must report at their regular time.

Compensation: Because county offices are closed two hours or less, there is no additional compensation.

Scenario 2: County offices are open at 8:30 a.m. Minimum Staffing. Designated and minimum staffing employees must report at their regular time. Other employees report at 10 a.m.

Compensation: Because the Minimum Staffing period is two hours or less (1.5 hours), there is no additional compensation for designated and minimum staffing employees.

Scenario 3: County offices are open at 8:30 a.m. Liberal Leave. Designated and minimum staffing employees must report at their regular time. All other employees are expected to report to work at their regular time unless adverse weather conditions prohibit safe travel.

Compensation: Because county offices are not closed and there is no late opening for non-designated and non-minimum staffing employees, there is no additional compensation.

Scenario 4: County offices are closed until 11 a.m. Designated employees must report to work at their regular time.

Compensation: Because county offices are closed more than two hours (2.5 hours), designated employees that work the day of the closing will receive up to 2.5 hours of PTO or annual leave.

Scenario 5: County offices are closed an entire workday. Designated employees must report to work at their regular time.

Compensation: Because county offices are closed eight hours, designated employees that work the day of the closing may receive up to eight hours of PTO or annual leave. For example, a designated plant operator that starts his/her shift at 8 p.m. the day of the closing would receive four hours of PTO or annual leave (8 p.m. -12 midnight). A designated group home counselor that starts his/her shift the evening before the closing day and works until 7 a.m. the day of the closing would receive seven hours of PTO or annual leave (12 midnight – 7 a.m.). A designated youth counselor that starts his/her shift at 8 a.m. the day of the closing would receive eight hours of PTO or annual leave (8 a.m. – 4:30 pm).

SEXUAL HARASSMENT POLICY



CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

Department:	Human Resources	Policy Number:	6-13
Subject:	Sexual Harassment	Supersedes:	10/15/17
		Date Issued:	09/15/18

I. POLICY

Sexual harassment in the workplace is prohibited by the County because it erodes morale and impairs employees' work ability. All employees shall be responsible for abiding by this policy and promoting a workplace that is free of sexual harassment.

To ensure employees are informed of the County's Sexual Harassment Policy and trained on their rights and responsibilities under the policy, the Learning and Performance Center will offer sexual harassment training to all new employees during new employee orientation. New supervisors, within 30 days of employment or appointment to the new position, shall contact the Learning and Performance Center to schedule Sexual Harassment Training for Supervisors. It is the department director's responsibility to ensure all new employees/supervisors receive training. Additionally, all department directors and supervisors should periodically attend refresher training on sexual harassment offered by HR quarterly and employees will receive a copy of the policy periodically.

II. IDENTIFYING SEXUAL HARASSMENT

- A. **General Guidelines** – Acts of sexual harassment shall result in disciplinary action which may include dismissal. Under this policy, sexual harassment occurs whenever unwelcome conduct of a sexual, sex-based or gender-based nature affects a term or condition of employment or creates a hostile or abusive working environment. The conduct is measured against what an objective, reasonable person, would consider sexually harassing. The complainant need not suffer any physical injury to be a victim of sexual harassment. Sexual harassment may occur by a man against a woman, a woman against a man, a man against a man or a woman against a woman. Sexual harassment may occur by or against an employee, contractor or vendor. Sexual harassment may occur at the workplace, or away from the workplace, and may occur during or after work hours, if the conduct impacts the complainant's work environment.
- B. **Supervisor Duties** – Supervisors and department directors are obligated to ensure that their employees are not subjected to sexual harassment from other employees, citizens, customers, contractors, or vendors if they know or should have known that such sexually harassing behavior was occurring.
- C. **Supervisor/Subordinate Relationships** – Romantic relationships between individuals who have supervisory relationships within their chain of command are never considered consensual. If a romantic relationship forms or develops between a supervisor and subordinate, both parties have an affirmative duty to notify their supervisor, department director or HR. Violations of this section of

the policy shall result in transfer or disciplinary action, depending on the circumstances, against one or both of the participants based on the needs of the County.

- D. **Consensual Relationships** – Employees involved in consensual relationships have an affirmative duty to notify the other party that continued non-work-related contact is unwelcome as a precondition to filing a sexual harassment complaint.
- E. **Refusal to Disclose** – The County is not obligated to force an alleged victim of sexual harassment to reveal the name of their harasser if the victim refuses to disclose the name because the victim has talked with the harasser, resolved the matter to their satisfaction and represented in writing that they do not want the County to investigate the incident. However, the manner in which the County will handle these situations will be determined only after interviewing the victim and analyzing the facts and circumstances of each case.
- F. **Retaliation** – Retaliation exists when an individual is discriminated against for reporting sexual harassment or for cooperating, giving testimony, or participating in any manner in a sexual harassment investigation, proceeding or hearing. Retaliation is prohibited under this policy. Anyone who is being subjected to retaliation shall report it pursuant to Section IV of the policy and it shall be investigated and resolved in the same manner as sexual harassment complaints.
- G. **False/Vindictive Claims** – False allegations or vindictive acts of retaliation shall constitute violations of this policy.

III. FORMS OF SEXUAL HARASSMENT

- A. One form of prohibited sexual harassment under this policy occurs when someone (1) attempts to force an individual to submit to unwelcome sexual advances; (2) requests sexual favors; or (3) engages in unwelcome verbal or physical conduct of a sexual nature when submission is made a term or condition of employment or submission or rejection is used as a basis for employment decisions, including hiring decisions and provision of job benefits or failure to submit alters a term or condition of employment or results in a tangible change in employment status. Employment decisions, terms and conditions of employment and tangible changes in employment status may include promotions, demotions, compensation, termination, performance appraisals, decisions causing a significant change of benefits, reassignment with significantly different responsibilities or disciplinary actions.
- B. Another form of prohibited sexual harassment under the policy occurs through the creation of a hostile work environment when unwelcome conduct of a sexual or gender-based nature unreasonably interferes with an individual's work performance or creates an intimidating, hostile, abusive or offensive work environment. A hostile work environment can be created when any of the following behaviors are directed at another or when a third party overhears or observes such behaviors. Even conduct that is intended to be innocent may still constitute sexual harassment if it falls within the terms of this policy.

The following are examples of behavior that may create a hostile work environment, however, generally, depending on its severity, one single isolated incident will not result in a hostile work environment but may still result in disciplinary action. The behaviors include but are not limited to:

1. Verbal harassment, insults, ridicule or acts of intimidation, aggression or abuse, based on gender
2. Unwanted, intentional touching (i.e., patting, massaging, rubbing, hugging or pinching)
3. Sexual or suggestive remarks about a person's weight, body, clothing, make-up, appearance, or hairstyle

4. Demeaning or inappropriate sex-based terms, including intimate or offensive nicknames
 5. Subjecting members of one sex to disadvantageous terms or conditions of employment to which members of the other sex are not subjected
 6. Displaying or distributing sexually suggestive calendars, magazines, pin-ups, graffiti, pictures, cartoons, posters, software, e-mail or jokes
 7. Repeated or continuing use of inappropriate gestures or profanity of a sexual nature
 8. Telling sexual jokes or making sexual remarks, including sexual innuendo or comments with a double meaning
 9. Unwelcome pressure to date or engage in sexual activities
 10. Encouraging others to make inappropriate jokes, comments or advances
 11. Commenting to a group on an individual's identification or complaint of sexual harassment
 12. Commenting to a group, teasing an individual or telling lies or spreading rumors about issues of a sexual nature
 13. Engaging in consensual sexual activity on the job
 14. Displaying or fondling one's own breasts or genitals in front of others
 15. Making facial expressions such as throwing kisses or licking lips or whistling at another in a sexually suggestive manner
 16. Asking intimate or sexually probing questions
 17. Boasting of sexual experiences or discussing sexual activities
 18. Giving sexually explicit notes or pictures or sexually offensive items to another
 19. Stalking an individual by following them, making repeated telephone calls, etc., whether during or after work hours, and either asking them for sexual favors or harassing them
 20. Requesting sexual favors, accompanied by implied or overt threats concerning an individual's employment status or benefits or promise of preferential treatment with regard to an individual's employment status or benefits
- C. A third form of sexual harassment, sexual assault, is prohibited by this policy and may constitute a crime. Substantiated allegations of sexual assault constitute grounds for immediate leave without pay of the alleged harasser pending investigation. A finding of sexual assault constitutes grounds for immediate dismissal. (Sexual assault includes but is not limited to: Unwanted kissing, grabbing, pressing against or fondling of the intimate parts of another's body or rape or forcing another to touch the intimate parts of one's body.)

IV. ENFORCEMENT PROCEDURE

- A. **Complaint Procedure** – Any person covered by the policy who is being subjected to sexual harassment should tell the offender to stop the behavior unless they are uncomfortable doing so. If they are unable to tell the offender to stop or if the conduct reoccurs after the offender has been told to stop, the person shall make a complaint to their supervisor, department director or HR. If a complaint is not made within 300 days of the sexually harassing incident, the county is not obligated to investigate but may do so if, due to the nature of the complaint or the position of the alleged offender, the county concludes that an investigation will further the county's sexual harassment policy. However, if the complainant alleges an incident against an alleged harasser that occurred within 300 days and other incidents that occurred over 300 days ago, then all such incidents shall be considered by the investigator in determining the outcome of the complaint. If a

complaint is made against a person who is not in the complainant's department, then the complainant's supervisor or department director shall notify the alleged harasser's department director to conduct the investigation or, if Subsection B applies, shall notify HR.

- B. **HR Notification** – The department director, supervisor or other person to whom a sexual harassment complaint is made shall immediately notify HR to investigate a sexual harassment complaint, regardless of whether they believe the complaint is valid, if:
1. The complainant wishes to utilize the HR complaint process
 2. The complaint is directed at a deputy county administrator or other county official, department director, or supervisor having the authority to affect the complainant's employment; or
 3. The complaint is for sexual battery
- C. **Department Level Investigation** – For the purpose of encouraging employees to report incidents of sexual harassment, a department director, supervisor or after consultation with HR, may resolve a complaint of sexual harassment at the departmental level if requested by the complainant. This procedure is not available if the complaint is within Subsection B. The department director or supervisor shall investigate all allegations of sexual harassment and shall take immediate action to notify the alleged harasser of a complaint without disclosing the complainant's name, if at all possible. They shall document in writing all conversations and actions taken to resolve the complaint. HR, the complainant and the alleged harasser shall be informed of the investigation findings. The complaint shall be resolved within 15 workdays of receipt, if practicable.
- D. **Previous Complaints** – If a department director, supervisor or other person receives a complaint from an individual who previously complained about sexual harassment, whether or not the new allegations are against the same person, or if the complaint is against a person who has previously been accused of harassment, then HR shall be notified. HR will then follow the appropriate process to investigate the complaint. If the person who receives the complaint is unsure whether a person has previously complained or previously been accused, he shall contact HR.
- E. **Complaint Involving Non-Employee** – If a complaint is filed by or against a contractor or vendor or against a customer or citizen it may be investigated by the department involved or HR pursuant to the limitations of Subsection B. If the complaint is founded against a non-employee, the investigator shall take appropriate action to ensure that the harassment ceases.
- F. **HR Investigation** – If a complainant wants HR to investigate the complaint, or if the complaint is one described in Subsection B, HR shall be contacted. A Notice of Complaint shall be issued to the alleged harasser. An HR representative shall conduct confidential, in-depth interviews with the complainant, witnesses, co-workers and the alleged harasser to gather all relevant information and shall refrain from disclosing the complainant's name, if at all possible. After interviewing all relevant parties, the HR representative, in conjunction with the County Attorney's office, shall determine whether or not sexual harassment has occurred based on the evidence gathered during the investigation. The HR representative shall suggest appropriate disciplinary actions in writing, if necessary, (i) to the alleged harasser's department director if the alleged harasser is subordinate to a department director (ii) to the appropriate deputy county administrator if the alleged harasser is a department director or (iii) to the County Administrator if the alleged harasser is a deputy county administrator or other County official or reports directly to the County Administrator. HR shall also inform the complainant of the final outcome of the investigation. HR shall maintain all documents regarding sexual harassment in a confidential manner and after resolution and statistical

analysis of a complaint, HR shall forward all records of the complaint to the County Attorney to maintain.

- G. **Accused Rights** – If accused of an act of sexual harassment, an individual: (1) shall be notified of the complaint as soon as possible, (2) shall be entitled to respond to the complaint; (3) shall receive discipline in conformance with the County’s Personnel Policies and Procedures if the charges are substantiated; and (4) shall be entitled to utilize the County’s Employee Grievance Procedure if they disagree with the disciplinary action, if eligible.
- H. **Cooperation** – All County employees are required to cooperate in sexual harassment investigations.
- I. **Impeding Investigations** – Impeding an investigation or otherwise covering up a violation is prohibited.
- J. **Confidentiality** – All participants in the investigation, including the complainant and the alleged harasser, shall be required to keep the details and results of any investigation confidential.
- K. **Violation/Discipline** – In determining whether a violation of the policy has occurred, the investigator shall consider the totality of the circumstances, the nature of the act and the context in which the incident occurred. HR will make recommendations on situationally appropriate discipline. HR and the County Attorney’s office shall be consulted if the department considers discipline that is different than the original recommendation. All violations of this policy, including violation of the retaliation, confidentiality, cooperation, impeding investigations and false/vindictive claims provisions, shall result in disciplinary action up to and including termination in accordance with the County’s Personnel Policies and Procedures. Anyone who fails to report an incident to HR pursuant to Subsections B and D or allows sexual harassment to continue or fails to take appropriate corrective action or retaliates or discriminates against the complainant, or any other individual who cooperates in the investigation, shall be subject to discipline, up to and including termination. A complainant should report such a violation to HR for investigation.
- L. **Interim Remedial Measures** – After a complaint is received, interim remedial measures may be taken to protect the individuals involved and/or to protect the interests of the County. Any remedial measure may be reversed or modified pending final resolution of a complaint.
- M. **Follow-up** – Once a complaint has been resolved, HR will follow-up with the complainant periodically to ensure that the harassment has ceased and/or no retaliation is occurring.
- N. **Files** – The supervisor or department director shall ensure that all documents and files regarding a sexual harassment investigation are maintained in a confidential manner and that access to such files is restricted. Sexual harassment files shall be maintained separate and apart from any other files containing employee information. At the time that a supervisor or department director leaves their position, all files maintained pursuant to this section shall be delivered to HR. For investigations conducted by HR, all documents, files and final reports shall be maintained in a confidential location in HR. Copies will be forwarded to the County Attorney’s office. Upon request, the department director and appropriate departmental leadership will be permitted to come to HR to review the report.
- O. **Grievance** – Eligible employees may use the County’s Employee Grievance Procedure (6-9) for relief from acts of sexual harassment that are not resolved to the satisfaction of the complainant.

The Grievance Procedure time limits shall begin to run after the initial investigation is completed and the complainant is notified of the results.

- P. **Title VII** – Individuals may also consult with the Equal Employment Opportunity Commission concerning their rights under Title VII.
- Q. **Conflict of Interest** – The County will ensure that those who are named in a complaint are not a part of the HR investigative team. If a conflict of interest cannot be resolved with internal staff, the County may utilize a third-party investigator to conduct the investigation.

AMERICANS WITH DISABILITIES ACT POLICY



CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

Department: Human Resources
Subject: Americans with Disabilities Act

Policy Number: 6-18
Supersedes: 09/15/18
Date Issued: 09/15/19

I. INTRODUCTION

Part I of this administrative procedure explains the principles of Title I of the Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 (ADAAA) and provides compliance guidance to county departments. Part II outlines the grievance procedure individuals with disabilities may follow when discriminated against in any employment practice or when unfairly restricted from accessing county facilities, services or activities.

Under the ADA, an individual with a disability is a person who:

- A. Has a physical or mental impairment that substantially limits one or more major life activities;
- B. Has a record of such an impairment; or
- C. Is regarded as having such an impairment.

II. PART I

Title I of The Americans with Disabilities Act makes it unlawful to discriminate against a qualified individual with a disability in job application procedures, hiring, firing, advancement, compensation, job training, and in other terms, conditions and privileges of employment. Chesterfield County fully supports the policies and guidelines as enacted by the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008. Chesterfield County policy prohibits discrimination against a qualified individual with a disability in any employment practice.

A. Definitions

1. **ADA Compliance Officer** – The Director of Human Resources.
2. **Direct Threat** – A significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation.
3. **Essential Functions** – A job duty is an essential job function if performing the function is the reason the position exists and if not performing the function alters the nature of the position.
4. **Major Life Activities** – The basic activities that a person can perform with little or no difficulty as defined in the ADAAA.
5. **Qualified Individual with a Disability** – A person who meets legitimate skill, experience, education and other requirements of an employment position that he or she holds or seeks, and who can perform the “essential functions” of the position with or without reasonable accommodation.
6. **Reasonable Accommodation** – Modifications or adjustments made for the known disability of an employee or applicant by structuring the job or the work environment in a manner that will enable the person with a disability to perform the essential functions of a job. Reasonable accommodation includes, but is not limited to, modifying written or oral examinations; making facilities accessible; adjusting work schedules; restructuring jobs; providing assistive devices; and/or services.

7. **Undue Hardship** – An action requiring significant difficulty or expense when considered in light of a number of factors including the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer’s operation.

B. Activities Prohibited under the ADA – Under the ADA, it is unlawful to:

1. Ask applicants if they are disabled or about the nature or severity of a disability
2. Make pre-employment inquiries about the medical/psychological status of an applicant. This includes topics such as vision, blood pressure, previous injuries or illnesses
3. Require an applicant to take a medical examination (including many forms of psychological examinations) before making a job offer
4. Inquire if an applicant has previously filed a worker’s compensation claim
5. Refuse to hire a qualified applicant or retain an employee because a reasonable accommodation is required for the individual to perform the essential functions of the job (exceptions may be made when hiring or retaining a person with a disability would result in a direct threat to the employee or co-workers or cause an undue hardship as defined in the Act)
6. Fail to interview or test a qualified applicant because of his or her disability
7. Reject a qualified applicant because he or she has a condition or illness which is likely to become a disability at some time in the future

C. General Employment Guidelines

1. Job Application Procedures and Hiring

- a. The interviewer may ask a job applicant if they can perform particular job functions. If an applicant has a disability known to the employer, the employer may ask how they can perform job functions that the employer considers difficult or impossible to perform because of the disability, and whether accommodation is needed.
- b. A department is free to select the most qualified applicant available based on job related criteria and to make decisions based on reasons unrelated to the existence or consequence of a disability.
- c. A job offer may be conditioned on the results of a medical examination, provided the examination is required for all employees in the same job category regardless of disability.

2. Reasonable Accommodation

- a. Accommodations must be made on an individual basis, because the nature and extent of a disabling condition and requirements of the job vary in each case. Generally, an individual must inform the department that he or she needs a reasonable accommodation because of a disability. If a person with a disability requests a formal accommodation, but cannot suggest one, department management, HR and the individual should work together to find a suitable accommodation. The individual, the department and HR should engage in an interactive process to clarify the individual’s needs and identify the appropriate reasonable accommodation. If a reasonable accommodation is refused by the individual, the department shall notify HR and is not required to take any further action.
- b. An individual requiring an accommodation must be otherwise qualified, and the disability made known to the employer. In general, it is the responsibility of the applicant or employee with a disability to self-identify and inform the county that an accommodation is needed. Applicants/employees in need of an accommodation may do this by notifying their supervisor or HR. To request an accommodation, the applicant/employee shall complete the Employee Self-Identification and Request for

Accommodation Packet (packet located on HR website). This confidential self-identification process is coordinated by HR.

- c. Once an applicant/employee has self-identified and requested an accommodation, HR will evaluate the request and may consult with the County Attorney. Medical documentation may be required before a reasonable accommodation request will be considered. Once all documentation is received, HR will respond to the applicant/employee within 15 calendar days.

3. **General**

- a. Under the ADA, county departments may establish position qualification standards that will exclude individuals who pose a direct threat or significant risk to the health and safety of others, if the risk cannot be lowered to an acceptable level by reasonable accommodation.
- b. Factors to be considered when determining if job functions are essential include considerations as to whether the reason the position exists is to perform that function; the number of other employees among whom the performance of the function could be distributed; and the degree of expertise required to perform the function.
- c. ADA is intended to enable persons with disabilities to perform in the work place based on the same performance standards and requirements that the county expects of persons without disabilities.

D. **Responsibilities**

1. **Human Resources** – The Department of Human Resources (HR) has overall responsibility for assuring that the county of Chesterfield is in compliance with Title I of the ADA. HR is also responsible for providing information on the ADA to the workforce, monitoring reasonable accommodation efforts and investigating complaints concerning the employment provisions of the ADA.
2. **Departments**
 - a. Shall review position description questionnaires to ensure that they are up-to-date, accurately describe the position as it exists, and carefully distinguish between essential and nonessential functions. Special attention should be given to positions with specific physical requirements.
 - b. Shall review the selection process(es) used by the department to ensure that they adhere to ADA requirements. Communicate ADA selection standards to staff involved in the interview and selection processes.
 - c. Shall ensure that medical records retained by the department are maintained separately from other personnel files.
3. **Employees** – Each employee is responsible for providing quality service to all residents and being sensitive to the needs of residents and co-workers with disabilities. If an employee becomes disabled and needs reasonable accommodation to perform the essential job functions of their position, they must notify their supervisor of such disability, the accommodation which is needed and provide supporting medical documentation.

III. **PART II**

Procedure for employee, applicant or citizen complaint filed under the ADA:

- A. Any individual with a disability who has been discriminated against in any employment practice or who has been unfairly restricted from accessing county facilities, services, or activities on account of a disability may submit a complaint in writing to the county's ADA Compliance Officer or if applicable, their supervisor, department director and/or Human Resources.

- B. The ADA Compliance Officer or Human Resources shall investigate the complaint and within ten (10) business days from receipt of the complaint issue a written response to the complainant which will state whether or not the complaint is covered by the ADA and how the issue will be addressed.
- C. The complainant may appeal the decision of the ADA Compliance Officer or Human Resources by filing a written request for appeal within ten (10) business days of the decision of the ADA Compliance Officer or Human Resources. The ADA Compliance Officer will forward the appeal to the County Administrator or his designee who shall review the complaint and issue a determination within ten (10) business days.
- D. The use of this complaint procedure shall not be a prerequisite to the pursuit of other remedies available under applicable law.

ALCOHOL AND SUBSTANCE ABUSE POLICY

CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES



Department:	Human Resources	Policy Number:	6-19
Subject:	Alcohol and Substance Abuse Policy	Supersedes:	09/01/2020
		Date Issued:	01/01/2021

II. PART I—GENERAL POLICY

A. Introduction

The abuse of drugs or alcohol in the county workplace jeopardizes the productivity of employees, poses a safety and health threat to employees and the public, and erodes public trust and confidence in county government. The federal Drug Free Workplace Act requires the county to provide all employees with a drug and alcohol-free work environment. All employees are responsible for ensuring that the county's work environment is drug and alcohol-free.

No employee shall do any of the following while on county premises or while conducting county business: (1) use, sell, dispense, possess, or manufacture alcohol or illegal drugs, (2) be under the influence of alcohol, illegal drugs, or (3) have alcohol or illegal drugs present in their bodies, as described in Part III. In addition, no employee shall commit an alcohol or drug related crime, whether the crime was committed on county premises or while conducting county business. All county employees are hereby notified that the county is committed to providing its employees with a drug and alcohol-free work environment. As a condition of employment, all employees are deemed to have consented to the drug and alcohol testing that is required under this policy. The acknowledgment of this policy by employees represents their "last chance" to engage in behavior that violates this policy. Any violation will result in disciplinary action. Employees who refuse to be tested or who do not cooperate with a test, will be disciplined as if they had taken the test and failed it and are subject to additional disciplinary action for insubordination. All new county employees will be required to sign a statement recognizing that their last chance to violate this policy has ended. For purposes of this policy, the term "illegal drugs" shall include all controlled substances set forth in the Virginia Drug Control Act, Section 54.1-3400, *Code of Virginia*, 1950, as amended, except when such controlled substance is used or possessed pursuant to a valid medical prescription.

Separate procedures for employees covered by the Omnibus Transportation Employee Testing Act of 1991 are outlined in Administrative Procedure 6-27, Commercial Motor Vehicle Operators' Alcohol and Substance Abuse Policy.

B. Disciplinary Action for Violation of Policy

1. Any probationary employee or any employee who has worked for the county for less than twelve months who violates any provision of this policy shall be terminated.
2. Any employee who commits or is convicted of a drug or alcohol related felony shall be terminated, irrespective of whether the offense took place while the employee was on county premises or conducting county business.
3. Any employee who commits or is convicted of a drug or alcohol related misdemeanor shall be terminated if the offense took place while the employee was on county premises or

conducting county business or if the offense is reasonably related to the employee's fitness to perform the employee's job responsibilities.

4. Any employee who violates any other provision of this policy shall be disciplined in the following fashion:
 - a. Discipline may include termination or any of the other options contained in Section 4-3 of the Personnel Policies. Discipline shall not be limited to verbal counseling or written reprimand. At a minimum, the employee shall be suspended for one workweek without pay for a positive drug or alcohol test and shall be referred to the Employee Assistance Program (EAP). This will be a mandatory referral. The employee will also be required to comply with recommendations of the EAP. Failure to comply with any EAP requirement will result in termination. The HR Drug & Alcohol Testing Coordinator shall be authorized to discuss the employee's compliance with EAP recommendations with EAP personnel. The Drug & Alcohol Testing Coordinator may share pertinent information with the employee's supervisor. In all other circumstances, the employee's EAP records are confidential.
 - b. For any second violation of whatever magnitude by an employee of the Police Department, Fire and EMS Department, Sheriff's Office, Juvenile Detention Home, Adolescent Reporting Program or Emergency Communication Center, the employee shall be terminated.
 - c. For any second violation of whatever magnitude by any other employee, there will be a presumption that the employee will be terminated. The employee may overcome the presumption by establishing that the pattern of violations does not reasonably relate to the employee's fitness to perform his or her job responsibilities. If the employee is not terminated, the employee shall be disciplined in accordance with county Personnel Policies Section 4-3.
 - d. The Director of Human Resources shall review all disciplinary decisions made by managers and supervisors pursuant to this policy to ensure that they are consistent with the county's goal of a drug and alcohol-free workplace.
 - e. In determining the appropriate disciplinary action to be taken against an employee under this policy, supervisors shall apply the standards set forth in the Personnel Policies of the county for situationally appropriate discipline (Section 4-2) and shall ensure that the employee Code of Ethics (Section 1-4) is maintained. In addition, supervisors shall consider the nature of the employee's job responsibilities, the legality or illegality of the act constituting the violation and the level of drugs or alcohol involved in the violation in determining the appropriate disciplinary action. The employee's performance and disciplinary history should be evaluated prior to making a decision.
5. Any employee who violates this policy while operating a county vehicle shall be prohibited from operating any county vehicle until the employee is released from treatment by the EAP, in addition to any other disciplinary action taken against the employee.

C. Employee Assistance Program

1. The EAP provides all county employees with the opportunity to seek counseling, rehabilitation and other assistance for drug and alcohol abuse problems. Employees who have or believe that they may have drug or alcohol abuse problems may voluntarily seek assistance through the EAP. All EAP information is treated confidentially when the employee voluntarily seeks EAP assistance, except as provided in section C.2 below.

2. The EAP shall notify the Police and Fire and EMS Departments, Emergency Communications, and the Sheriff's Office respectively when sworn employees of the Police Department and Sheriff's Office and uniformed employees of the Fire and EMS Department and Emergency Communications voluntarily seek services of the EAP and are found: (1) to be using, or (2) to have abused, illegal drugs, alcohol or prescription drugs in a manner that could affect current or future job performance. The notification will only take place after the employee has signed the release form and the counselor has completed an assessment of the problem and developed a treatment plan. Once notified, the department will take appropriate action pursuant to county policies.
3. Employees who are not in violation of this policy are not subject to disciplinary action as a result of voluntarily seeking EAP assistance for drug or alcohol abuse problems, except as noted in section C.2 above. However, employees who violate this policy will be disciplined in accordance with the policy irrespective of whether they have received or are receiving voluntary assistance for drug or alcohol abuse problems through the EAP. Additionally, voluntary involvement in the EAP shall not be considered a mitigating factor in determining the appropriate disciplinary action to be taken for a violation of this policy.

D. Policy Exceptions – Employees may be placed in social settings outside of normal working hours, when they are conducting county business or representing the county in a situation where alcoholic beverages are served. Discrete use of a moderate amount of alcohol under the circumstances described in this section is not a violation of this policy; provided that employees minimize their consumption of alcoholic beverages to the greatest extent possible and do not, at any time, operate a county motor vehicle after having consumed alcohol. Off-duty employees are never restricted from participating in county events or county-affiliated events where alcohol is present. Employees shall follow all laws of the Commonwealth related to alcohol consumption in public places licensed for on-premise alcohol consumption. Employees shall also be aware that engaging in on-duty or off-duty conduct which harms the reputation or integrity of the County in the community is a violation of the County's Code of Ethics Policy 1-4, which may result in disciplinary action, up to and including termination.

II. PART II—TESTING PROCEDURES FOR SAFETY SENSITIVE POSITIONS NOT REQUIRING THE USE OF A COMMERCIAL DRIVERS LICENSE

Submission to Testing—All employees and applicants shall submit to testing for the presence of drugs and alcohol in the following situations and under the following circumstances:

A. Applicant Testing

1. All full-time and part-time applicants will be informed of pre-employment testing for illegal drugs as early in the recruitment process as possible and no later than during the interview phase. Pre-employment drug tests must not be taken earlier than 40 calendar days (excluding public safety employees) from the applicant's start date. Exceptions may be granted for out-of-town applicants. Exceptions will be reviewed on a case-by-case basis. The hiring department shall inform the selected applicant of the approved test collection sites and time frames for testing. Pre-employment drug testing of applicants must be completed no later than the Monday before the orientation date to ensure results are received prior to the applicant's orientation/start date. Failure to complete the drug test by the Monday before orientation will affect the applicant's scheduled start date. Drug testing will be conducted on minors (under 18), however, parental consent is required. An Alcohol and Drug Testing Authorization Form for Minors is required to be signed by the minor's legal guardian.

2. Employees shall also submit to drug testing when being promoted to a position in their own or another department or when transferring to a position in another department, unless the employee is currently in a random testing pool and will be promoted or transferred to a position that will also be placed in a random testing pool. Employees being promoted to a department director position shall submit to promotional drug testing regardless of their status in a random testing pool. Employees assigned to a second job in another department shall submit to a drug test. Employees whose status changes from part time to full time shall submit to a drug test. These employees must register at the collection site and complete all required drug testing no later than the Monday prior to the promotion/transfer effective date.

B. Employee Testing

1. **Testing for Drug and/or Alcohol Based on Reasonable Suspicion**

Employees shall submit to drug and alcohol testing when, in the opinion of the employee's supervisor, there is a reasonable suspicion that the employee is using, is under the influence of, or has present in his or her body, illegal drugs or alcohol. Reasonable suspicion is a suspicion based on objective facts that an employee is using, or under the influence of, alcohol or illegal drugs.

By way of example, and without limitation, any of the following conditions or circumstances, alone or in combination, may create a reasonable suspicion:

- a. Unexplained inability to perform normal job functions
- b. Slurred speech
- c. The smell of alcohol or drugs on the breath or body
- d. Any unusual lack of physical coordination or loss of equilibrium
- e. Unexplained hyperactivity, depression or withdrawal
- f. Unexplained inability to think or reason at normal levels
- g. Bizarre behavior or thinking
- h. Information that an employee is using alcohol or illegal drugs in violation of county policy, when obtained from a reliable person with personal knowledge of facts that support the allegation
- i. Involvement in an avoidable accident that caused, or had the potential to cause, personal injury or property damage
- j. Unexplained change in affect or mood
- k. Unexplained shortness of temper
- l. Violent or unexplained response to daily problems

If reasonable suspicion testing is being considered, the Drug and Alcohol Testing Coordinator shall be notified as soon as possible by calling 748-1551 or 804-201-5107.

2. **Random Testing**

Employees in safety-sensitive positions shall submit to unannounced random drug and alcohol testing. A description of positions that are included in the Safety Sensitive category can be found in Attachment I. The county's Drug and Alcohol Testing Coordinator will notify the employee's supervisor or designee when the employee's name is randomly selected for testing. To accommodate scheduling needs, the supervisor may wait up to 10 calendar days to notify the selected employee that a drug and alcohol test is required.

When the supervisor notifies the employee that they have been selected for random drug testing, the employee must immediately proceed to the collection site.

Employees subject to random testing will be randomly selected by a computer-generated program using a random sampling method.

3. **Testing After Motor Vehicle Accidents** – Employees shall be tested for drugs and alcohol immediately after a motor vehicle accident that occurred while they were operating a county vehicle, if:
 - m. A person was killed in the accident and the employee was engaged in a safety-sensitive job activity.
 - n. The employee received a moving vehicle traffic citation for the accident and a vehicle was towed from the scene because of property damage sustained in the accident.
 - o. The employee received a moving vehicle traffic citation for the accident and a person was transported from the accident scene to receive medical treatment.
 - p. In the opinion of the employee’s supervisor or the risk manager, there is a reasonable suspicion that the employee was using, was under the influence of or has present in his or her body, illegal drugs or alcohol based on objective facts as listed in Section II.B.I (Reasonable Suspicion) of this policy.

4. **Return-to-Duty Testing**

Before returning to a safety-sensitive job function after receiving a positive drug or alcohol test, employees must receive a written release from their substance abuse professional documenting that they are able to return to full duty and must also complete a negative drug and alcohol test under direct observation.

If the return-to-duty test is deemed positive and is not ruled as a residual positive by the Medical Review Officer, Chesterfield County must treat the results as a failure to comply with the Substance Abuse Professional’s (SAP) instructions and a second positive. The employee will be disciplined in accordance with section I. B. of this policy to include a referral to an SAP for additional evaluation. The employee will not be returned to regular safety-sensitive duties until a negative return-to-duty test is reported by the Medical Review Officer.

5. **Periodic Follow-Up Testing**

All employees who have previously tested positive for drugs or alcohol and have completed a negative Return-to-Duty test must submit to unannounced periodic testing for drugs and alcohol. At least six follow-up tests must be conducted over the next twelve-month period for employees who have failed a test. The dates and times of such periodic testing will be determined by the county. Follow-up testing must be done under direct observation.

- C. **Consent for Testing** – As a condition of employment, all employees are deemed to have consented to the drug and alcohol testing that is required under this policy. Employees who refuse to be tested, or who do not cooperate with a test shall be disciplined as if they failed the test and are subject to additional disciplinary action for insubordination.
- D. **Legitimate use of Drugs Affecting Test Results** – Any employee who conclusively establishes by competent medical evidence that a positive drug test result was caused by the presence of a prescription drug which the employee was taking in accordance with a valid prescription, or as the result of the use of a non-prescription drug which the employee was taking properly for a bona fide

medical purpose, shall not be deemed to have violated this policy because of failing a test for that drug.

- E. Confidentiality of Test Results** – The result of any drug or alcohol test that is performed pursuant to this policy shall be confidential and shall be made known only to those county employees who are directly involved in any disciplinary decision made as a result of such test results or in any grievance arising out of such disciplinary decision. The result of any drug or alcohol test that is performed pursuant to this policy shall not be used in any criminal proceeding against the tested employee; however, in appropriate circumstances, any other information obtained by the county regarding an employee’s violation of this policy may be used in a criminal proceeding against the employee.
- F. Employment Eligibility** – Any applicant that fails a pre-employment drug test or refuses to submit to such a test will be denied employment and any employee that is terminated for violating this policy will be ineligible for hire by any county department for a minimum of five years. After five years, the applicant may request that their ability to apply for county positions be restored. The County Administrator, upon recommendation of the Director of HR, may grant approval of the request.

III. PART III—PROCEDURES FOR DRUG AND ALCOHOL TESTING

A. Standards for Testing

All drug tests will take place at a facility certified for drug testing by the National Institute for Drug Abuse (NIDA) in accordance with drug testing standards promulgated by NIDA that ensure accurate testing and minimum intrusion into the privacy of employees. A copy of the most recent NIDA standards shall be kept by the Director of HR or his/her designee at all times and shall be available for inspection and copying by all county employees. All alcohol tests shall be administered in accordance with normal standards for alcohol breath analysis.

When the Drug and Alcohol Testing Coordinator or designee receives notification from the MRO or a collection site indicating that the employee’s specimen was unsuitable for testing or rejected for testing, the employee will be directed to immediately provide a new specimen under direct observation. The collector will note on the chain of custody the same reason for collection as the original sample.

B. What Constitutes a Positive Test

Employees who are tested for controlled substances will receive an Immunoassay Test, or “drug screen” of their urine. The county reserves the right to test for any of the following substances: amphetamines, barbiturates, cocaine, cannabinoids, methaqualone, opioids (natural and synthetic), phencyclidine (PCP), or benzodiazepines. If the “drug screen” detects the presence of any of these substances in the employee’s urine, a gas chromatography/mass spectrometry “confirmation test” will be conducted on the same urine sample. If the confirmation test verifies the presence of any of the above listed substances in the employee’s urine, the employee shall be deemed to have tested positive for drugs and to have drugs present in his or her body, subject to the split specimen test described in this policy.

Employees who are tested for alcohol will receive an alcohol breath analysis test. If the alcohol breath test indicates an alcohol concentration of 0.02 or greater, a confirmation test must be conducted. If the initial and confirmation test results are not identical, the confirmation test result is deemed to be the final result.

If the breath analysis test determines that the employee’s blood alcohol content is at a level of .04 or higher, the employee shall be deemed to have tested positive for alcohol and to have alcohol

present in his or her body. If an employee tests positive, refer to Section I. B., Disciplinary Action for Violation of Policy.

An employee whose alcohol test results are 0.02 or greater but less than 0.04 is not considered “positive;” however, the employee cannot perform safety-sensitive functions as defined by the department director within 24 hours after the test. Thus, if the department has a non-safety-sensitive job available for the employee to perform, he may remain at the workplace; otherwise, he must leave the workplace and his pay shall be docked for hours not worked.

If an employee’s alcohol results are 0.02 or greater but less than 0.04, the employee will be required to take a breath alcohol test in which the result is .000 before he is able to return to work and perform safety sensitive duties. This test is to be performed at least 24 hours after the initial test.

If the alcohol confirmation test result is lower than 0.02, the test is considered negative and the employee can return to regular duties, unless the employee is a sworn officer in the Police Department or a sworn deputy in the Sheriff’s Office. Police Officers and Sheriff Deputies will be considered unfit for duty if a breath alcohol test reveals a blood alcohol level of any amount.

C. Split Specimen

All drug testing shall be conducted under split-sample collection procedures.

The county shall contract with a Medical Review Officer (MRO), who is responsible for analyzing results of drug tests and contacting the employee if results are positive.

Employees may, within 72 hours after they are notified of a positive test, request in writing to the MRO or Drug and Alcohol Testing Coordinator, a test of the split specimen. The MRO will provide a list of certified laboratories to the employee, who will select from the list the laboratory to test the split specimen. If an employee does not request a split specimen test or designate a certified laboratory to test the split specimen within the 72-hour period, the employee shall have waived the opportunity for a split specimen test and the employee shall be deemed to have tested positive for drugs. The employee may not request a reanalysis of the primary sample. Law enforcement officers will be governed by section 9.1-501 of the Code of Virginia, as amended.

If the analysis of the split specimen does not reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the employee shall be deemed not to have tested positive for drugs, irrespective of the outcome of the original test.

The employee shall pay the cost of testing the split specimen. The county will reimburse the employee for the cost if the analysis of the split specimen does not reconfirm the presence of drugs, irrespective of the outcome of the original test.

D. Refusal to Test

Refusal to submit to an alcohol or controlled substance test means an employee, after he or she has received notice of the requirement for alcohol or controlled substance testing: (1) fails to provide adequate breath for testing without a valid medical explanation, (2) fails to provide adequate urine for controlled substance testing without a valid medical explanation, (3) engages in conduct that clearly obstructs the testing process, (4) refuses to submit to federal required testing, (5) fails to drink fluids as directed by the collector following a failure to provide a sufficient amount of urine, (6) fails to undergo an additional medical examination as part of a “shy bladder” procedure, (7) if specimen is found to have been adulterated or substituted, or (8) if the employee leaves the

collection site before the collection process is completed. Refusal to test will be considered the same as a positive test result.

If an employee makes an attempt to complete a breath alcohol test and is unable to provide a sufficient amount of breath, the employee will be required, within five days, to have an evaluation from the county's physician at the Employee Medical Center. The county's physician will evaluate the medical condition and provide a signed statement, based on their medical judgement, whether the medical condition precluded the employee from providing a sufficient amount of breath. This determination will be the basis for whether a test is considered cancelled or constitutes a refusal to test. Only non-safety sensitive work may be performed while waiting for the evaluation.

IV. PART IV—DRUG AND ALCOHOL TESTING FOR VOLUNTEERS

- A.** Volunteers in the titles of Auxiliary Police Officer, Police Mail Courier, Police Motorist Assistance, Police Chaplain, Volunteer Firefighter, and Volunteer Rescue Squad Member will be subject to drug and alcohol testing. All volunteers in these positions must successfully pass drug testing before volunteering. The sponsoring department shall inform the volunteer of the approved test collection sites and time frames for testing. Volunteers must register with the collection site and complete all required drug testing.
- B.** Volunteers in the designated titles will be placed in a volunteer random pool by the county's Drug and Alcohol Testing Coordinator. These volunteers shall submit to unannounced random drug and alcohol testing. The volunteer's supervisor shall arrange for the volunteer to proceed to the collection site. Volunteers subject to random testing will be selected for testing by a computer-generated program using a random sampling method.
- C.** Volunteers are also subject to reasonable suspicion testing as outlined in section II.B.

Any volunteer who fails a drug or alcohol test or refuses to submit to such a test will be denied the opportunity to volunteer.

**Chesterfield County
Definition of Covered Positions**

Safety Sensitive Category

- Sworn employees of the Police Department and Sheriff's Department
- Uniformed employees of Fire and EMS and the Emergency Communications Center
- Employees of the Juvenile Detention Home and Adolescent Day Reporting Center
- Non-uniformed/non-sworn employees of the above departments who have access to confidential law enforcement records or public safety information
- Employees who handle or dispense prescription medications or other controlled substances
- Employees who operate heavy equipment or machinery
- Employees who regularly work with or test chemicals or other substances under circumstances that have a significant potential to cause harm to employees, the public, county property or private property
- MHSS Van Drivers who provide Medicaid funded transportation services.

DISCRIMINATION AND HARASSMENT



CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

Department: Human Resource
Subject: Discrimination and Harassment

Policy Number: 6-23
Date Issued: 09/01/20

I. POLICY

The County is an equal employment opportunity (EEO) employer committed to providing a work environment that is free from discrimination and harassment. Discrimination and harassment in the workplace on the basis of race, color, national origin, sex, pregnancy, childbirth or related medical conditions, age (40 or older), marital status, sexual orientation, gender identity, disability, religion or genetic information is prohibited by the county. While sex is a protected category under this policy, sexual harassment as defined under Administrative Procedure 6-13, Sexual Harassment, and all sexual harassment investigations shall be governed by Procedure 6-13.

All employees shall be responsible for abiding by this policy and promoting a workplace that is free of discrimination and harassment. Employees are obligated to report instances of discrimination and harassment or any illegal activity toward either employees, vendors, contractors, customers or residents to their direct department director, supervisor or HR. Managers and/or supervisors who allow workplace discrimination or harassment to continue or fail to take appropriate corrective action upon becoming aware of the discrimination or harassment may be considered parties to the offense, even though they may not have directly engaged in the discrimination or harassment.

To ensure employees are informed of the County's Discrimination and Harassment Policy and are trained on their rights and responsibilities under the policy, the Learning and Performance Center (LPC) will distribute this procedure to all new employees in New Employee Orientation and periodically offer training to existing employees. All department directors and supervisors should periodically attend refresher training on the discrimination and harassment training offered by LPC.

II. IDENTIFYING DISCRIMINATION AND HARASSMENT

- A. **General Guidelines** – Under this policy, discrimination or harassment occurs whenever an employee is denied an employment opportunity based on an identified protected category as defined by the Civil Rights Act of 1964 (Title VII), the Age Discrimination and Employment Act (ADEA), the Americans with Disabilities Act (ADA) and the Code of Virginia. These protected categories are race, color, national origin, sex, pregnancy, childbirth or related medical condition, age (40 and older), marital status, sexual orientation, gender identity, disability, religion and genetic information.
- B. **Age Discrimination** – Treating an applicant or employee unfavorably in personnel actions because of his or her age. Employees who are 40 years old or older are protected against age discrimination.
- C. **Bona Fide Occupational Qualification (BFOQ)** – An exception to the general prohibition of discrimination, which allows a hiring manager or department director to place restrictions on certain protected categories when hiring (except on the basis of race) if the restriction is necessary to the performance of the duties of the position. BFOQs must be pre-approved by HR and are only allowed when the very nature of the job requires certain limitations, e.g., gender or age.

- D. **Disability Discrimination** – Treating an applicant or employee unfavorably in personnel actions because they have a disability or are perceived to have a disability. All reasonable accommodation requests for disability should follow Administrative Procedure 6-18, Americans with Disabilities Act.
- E. **Disparate Impact** – When a neutral policy or practice has the effect of disproportionately excluding or harming members of a protected class.
- F. **Disparate Treatment** – When an employee is intentionally treated adversely because he or she is a member of a protected category.
- G. **Harassment** – Harassment is unwelcome conduct that is based on race, color, national origin, sex, pregnancy, childbirth or related medical condition, age, marital status, sexual orientation, gender identity, disability, religion or genetic information. Harassment that is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive is prohibited by this policy. Harassment may include, but is not limited to, offensive comments, gestures, slurs, texts, email messages, jokes, posters, cartoons, pictures, or drawings that are based on an individual’s race, color, sex, pregnancy, childbirth or related medical condition, religion, age, national origin, marital status, sexual orientation, gender identity, disability, or genetic information. Harassment does not require the intent to offend. Thus, inappropriate conduct meant as a joke, prank, or even a compliment may lead or contribute to harassment. While sex is a protected category under this policy, sexual harassment as defined under Administrative Procedure 6-13, Sexual Harassment, and all sexual harassment investigations shall be governed by Procedure 6-13.
- H. **Personnel Action** – Hiring, compensation, benefits, transfers, lay-offs, promotions, training, or disciplinary actions, including termination.
- I. **Race/Color/National Origin Discrimination** – Adversely affecting an applicant or employee in a personnel action because of his or her race, color, or national origin. This includes discriminating against employees with certain physical characteristics (such as skin color, hair texture or other physical features) birthplace, ancestry, culture, native language, or accent.
- J. **Religious Discrimination** – Treating an applicant or employee unfavorably in a personnel action because of his or her religious beliefs or religious affiliation.
- K. **Retaliation** – When an individual is treated unfavorably because he or she has reported discrimination/harassment or has cooperated, given testimony, or participated in any manner in an EEO investigation, proceeding or hearing. Retaliation is prohibited under this policy. Anyone who is being subjected to retaliation shall report it pursuant to Section III of the policy and it shall be investigated and resolved in the same manner as discrimination/harassment complaints.
- L. **Sex Discrimination** – Treating an applicant or employee unfavorably because of his or her sex, gender identity, or sexual orientation. Sexual harassment is defined in Administrative Procedure 6-13, Sexual Harassment, and all sexual harassment investigations shall be governed by Administrative Procedure 6-13.

III. ENFORCEMENT PROCEDURE

- A. **Management Responsibilities** – Department directors, managers, and supervisors are obligated to ensure that objective practices within their departments comply with the County’s Policy 1-5 Non-Discrimination and Equal Opportunity plan and this policy. They are also obligated to maintain a non-discriminatory environment for employees and report instances of discrimination/harassment immediately to HR.
- B. **False/Vindictive Claims** – False allegations or vindictive acts of retaliation shall constitute violations of this policy.

- C. **Complaint Procedure** – Any County employee, applicant for employment, vendor, contractor, customer or resident is protected by this policy from illegal discrimination and harassment based on race, color, national origin, sex, pregnancy, childbirth or related medical condition, age, marital status, sexual orientation, gender identity, disability, religion or genetic information. Sexual harassment investigations shall be governed by Administrative Procedure 6-13. Individuals are protected from retaliation if they have opposed discrimination/harassment, filed a complaint of discrimination/harassment, or participated in the EEO complaint process.
- D. **Filing a Formal Complaint** – A person who is being subjected to discrimination or harassment shall make a complaint to their department director, supervisor, or HR within 300 days of the discrimination or harassment. The individual (complainant) will be asked to complete the EEO Discrimination/Harassment Complaint form.
- E. **Investigation** – An HR representative shall conduct confidential, in-depth interviews with the complainant, witnesses, co-workers and the respondent to gather all relevant information and shall refrain from disclosing the complainant’s name, if at all possible. The investigation may also include collecting statements, interviewing staff and gathering related documents. After interviewing all relevant parties, the HR representative, in conjunction with the County Attorney’s office, shall determine whether or not discrimination and/or harassment in violation of this policy has occurred based on the evidence gathered during the investigation. The HR representative shall suggest appropriate disciplinary actions in writing, if necessary, (i) to the respondent’s department director if the respondent is subordinate to a department director (ii) to the appropriate deputy county administrator if the respondent is a department director or (iii) to the county administrator if the respondent is a deputy county administrator or other County official or reports directly to the county administrator.

HR shall maintain all documents regarding discrimination and harassment in a confidential manner. HR shall forward all records of the complaint to the County Attorney to maintain. The individual filing the complaint will receive written notice of the findings.

- F. **Complaint Involving Non-Employee** – If a complaint is filed by or against a contractor or vendor or against a customer or citizen, it may be investigated by the department involved or HR. If the complaint is founded against a non-employee, the investigator shall take appropriate action to ensure that the discrimination/harassment ceases.
- G. **Accused Rights** – If practical, within 10 calendar days of receipt of the formal complaint (after complainant interview), a Notice of Complaint form shall be issued to the respondent. If accused of discrimination or harassment, an individual has the right to:
 1. Respond to the complaint;
 2. Receive discipline in conformance with the policies and procedures, if substantiated; and
 3. Utilize the County’s Employee Grievance Procedure if they disagree with the disciplinary action, if eligible.
- H. **Cooperation** – All County employees are required to cooperate in discrimination and harassment investigations.
- I. **Impeding Investigations** – Impeding an investigation or otherwise covering up a violation is prohibited.
- J. **Confidentiality** – All participants in the investigation, including the complainant and the respondent, shall be required to keep the details and results of any investigation confidential.
- K. **Violation/Discipline** – In determining whether a violation of this policy has occurred, the investigator shall consider the totality of the circumstances, the nature of the act and the context in which the incident occurred. HR will make recommendations on situationally appropriate

discipline. HR and the County Attorney's office shall be consulted if the department considers discipline that is different than the original recommendation. All violations of this policy, including violation of the retaliation, confidentiality, cooperation, impeding investigations and false/vindictive claims provisions, shall result in disciplinary action up to and including termination in accordance with the County's Personnel Policies and Procedures. Anyone who fails to report an incident to HR or allows discrimination or harassment to continue or fails to take appropriate corrective action or retaliates or discriminates against the complainant, or any other individual who cooperates in the investigation, shall be subject to discipline, up to and including termination. A complainant should report such a violation to HR for investigation.

- L. **Interim Remedial Measures** – After a complaint is received, interim remedial measures may be taken to protect the individuals involved and/or to protect the interests of the County. Any remedial measure may be reversed or modified pending final resolution of a complaint.
- M. **Follow-up** – Once a complaint has been resolved, HR will follow-up with the complainant periodically to ensure that the discrimination or harassment has ceased, and/or no retaliation is occurring.
- N. **Files** – The department director, manager or supervisor shall ensure that all documents and files regarding an EEO discrimination and harassment investigation are maintained in a confidential manner and that access to such files is restricted. EEO discrimination and harassment files shall be maintained separate and apart from any other files containing employee information. At the time that a department director, manager or supervisor leaves their position, all files maintained pursuant to this section shall be delivered to HR. For investigations conducted by HR, all documents, files and final reports shall be maintained in a confidential location in HR. Copies will be forwarded to the County Attorney's office. Upon request, the department director and appropriate departmental leadership will be permitted to come to HR to review the report.

INTERNET AND EMAIL USE



CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

Department:	Information Systems Technology	Policy Number:	7-8
Subject:	Internet and Email Use	Supersedes:	04/15/03 11/07/01
		Date Issued:	03/01/11

I. POLICY STATEMENT

The county network, which includes internet and intranet access and the electronic mail (e-mail) systems, is the property of Chesterfield County. Accordingly, the county reserves the right to review any materials transmitted across or stored in computers attached to the network. Any work related posting to the internet or intranet or Email system is a professional communication in your capacity as a county employee. The tone must be professional and the content must be accurate. Every internet posting and e-mail message must be considered the same as a signed letter written on county letterhead.

II. APPLICABILITY

This procedure applies to all full-time and part-time county employees, contractors, and volunteers connecting to the county network.

III. DEFINITIONS

A. Email Guidelines

Guidelines for email use, retention and ethics as established by a working group, the Information Technology Advisory Group (ITAG), based upon industry standards and as reviewed and approved periodically by the county Leadership Team.

B. E-mail SPAM

Unsolicited or undesired email messages, electronic junk mail, or junk newsgroup postings.

C. Encryption

Cryptographic transformation (scrambling) of information (called "plaintext") into a form (called "cipher text") that conceals the information's original meaning to prevent it from being known or used by unintended recipients.

D. Non-Disclosure Agreement (NDA)

A non-disclosure agreement (NDA), also known as a confidentiality agreement, confidential disclosure agreement (CDA), proprietary information agreement (PIA), or secrecy agreement, is a legal contract between at least two parties that outlines confidential material, knowledge, or information that the parties wish to share with one another for certain purposes, but wish to restrict access to by third parties. It is a contract through which the parties agree not to disclose information covered by the agreement. An NDA creates a confidential relationship between the parties to protect any type of confidential and proprietary information or trade secrets.

E. Uniform Resource Locator (URL)

The global address of documents and other resources on the World Wide Web. The first part of the address indicates what protocol to use, and the second part specifies the IP address or the domain name where the resource is located.

IV. FILTERING

IST will install and maintain filtering software for all county computers. Internet filtering of county computers is in accordance with the prohibited uses described in Section VI. Exceptions to the filtering requirement may be made on an individual employee basis for appropriate governmental purposes. Department Directors should forward such requests in writing to the CIO for approval, identifying the individual employee and/or physical personal computer requesting the exception and the reason the exception is needed. IST will maintain a list of unfiltered devices and users, which shall be periodically audited by Internal Audit. The filtering of county computers does not relieve persons from the requirements specified in this procedure, nor does it provide a defense to violations of this procedure.

IST also maintains SPAM filters which automatically filters for and removes suspect or dangerous email from delivery and places them into a SPAM folder. Incoming email that could be interpreted as SPAM may include, but is not limited to, unacceptable file extensions (such as .zip files), excessively large size file attachments, objectionable content based upon subject title, and recognized malware or virus signatures. End users are provided the capability to manage their SPAM folders, but should exercise extreme caution in removing items designated by the system as SPAM.

V. SECURITY OF CHESTERFIELD COUNTY COMPUTER RESOURCES

Purpose

There are multiple threats to the security of Chesterfield County computer resources.

Email Usage

In order to prevent system overload and introduction of vulnerabilities into the environment, county employees must limit the use of the following features to work-related purposes, including but not limited to; transmission of e-mail messages to a large number of county employees, or clicking on internal or external URL links in emails. URL links in emails pose a risk of linking to a malware site that could introduce security threats to the county's network. County-wide notifications or messages shall have the approval of a department director/office administrator or a specified designee and Public Affairs. Notification methods must follow approved delivery methods based upon the need.

Accountability

Users are responsible for the use of their account and should take all reasonable precautions to prevent unauthorized persons from being able to use their account. No one shall share their passwords. For business continuity and emergencies, exceptions may be granted with CIO and Department Head approval. All passwords shall follow applicable county password management standards. It is the responsibility of every employee to report suspected security breaches immediately to IST by contacting the IST Help Desk to report a suspected breach.

Posting or Transfer of Sensitive or Confidential Information

Sensitive or confidential information that needs to be protected for governmental business, legal or regulatory reasons must not be posted on the internet or transmitted insecurely. County employees are prohibited from

sending any message or posting any information as a county employee or acting on behalf of the county, implied or intentional on the internet, personal or otherwise, that is contrary to the positions of their department or policies of the county, unless such messages are for the purpose of reporting improper or illegal actions of county employees.

VI. OWNERSHIP & MANAGEMENT OF COUNTY INFORMATION

All county owned computer systems, hardware, software, and any related systems and devices are the property of Chesterfield County. These include, but are not limited to, network equipment, e-mail, documents, spreadsheets, calendar entries, appointments, tasks and notes which reside in part or in whole on any county computer system or equipment. Accordingly, information stored on such systems or devices is also county property and subject to review at any time. There is no privacy when using county computer resources, and employees have no expectation of privacy in the use of such resources. Electronic mail records are accessible by IST staff to support system performance measurement, tuning, and troubleshooting.

Additionally, Internal Audit, HRM and the Police Department may have reason to review the electronic files of employees, which may be shared with others as necessary for legal and/or policy enforcement reasons. All county department directors shall work through the Police Department, Internal Audit or HRM to evaluate the need to review electronic records of an employee pursuant to an investigation. The Police Department, Internal Audit or HRM may then request permission from the county administrator or designee for the retrieval of the records, and forward that permission to the CIO or designee for processing. In the event an employee is unexpectedly unavailable for other than disciplinary reasons and access to the employees records is needed to support the ongoing operation of the business, the department director may request access to the electronic records from the CIO or designee.

Departments should coordinate with HRM, Internal Audit, and the Police Department pursuant to applicable county administrative procedures. Because internet e-mail passes through many computer systems en route to the recipient, it is accessible by others and is not a secure means of communication. When communicating with others, either through the county computer system on the internet, through email, or other electronic communications means, users represent Chesterfield County. The information transmitted or received can be traced and/or reported back to the county. As with any other data (whether for citizens or employees), computerized information maintained by the county is subject to federal, state and local laws. Any county business e-mail or other communications, regardless of origin, may be subject to disclosure under the Virginia Freedom of Information Act (“VFOIA”), the Privacy Protection Act, and judicial subpoena. Since privacy cannot be assured within non-secure email systems, confidential information shall not be transmitted by e-mail.

VII. USE OF THE INTERNET AND E-MAIL SYSTEM

- A. **Acceptable Use** - Employees may use county computer resources to access the Internet and transmit e-mail messages at any time for work-related purposes. Employees may use the county computer resources to access the internet and to transmit non-confidential email for appropriate non-work related purposes on personal time in accordance with the conditions governing access to their work areas as long as there is no effect on public business or job performance and such use is infrequent. This includes the use of personally owned electronic devices while at the workplace, whether connected to the county network or using a county publicly accessible Wi-Fi connection. Personal time includes breaks, lunchtime and the time before and after work. In areas where employees must share equipment or resources for network access, employees using the resources to fulfill job responsibilities always have priority over those desiring access for personal use. Use of passive, personally-owned electronic devices (i.e., personal music listening devices such as iPods,

etc.) in the employee's work area is left up to the discretion of department management. Use of streaming media (such as Internet Radio) on county devices is also left up to the discretion of department management, unless it is determined by IST through performance monitoring or problem troubleshooting that its use creates a disruption or problem within the county network or on an individual work station.

B. Prohibited Use - The following activities are prohibited on county computer resources:

1. Intentionally accessing, viewing, downloading, uploading, posting, or transmitting information that is abusive, offensive, harassing, threatens violence, or that discriminates on the basis of race, color, religion, gender, national origin, age, or disability.
2. Intentionally accessing, viewing, downloading, uploading, posting, or transmitting sexually explicit material. Sexually explicit material includes any description of or any picture, photograph, drawing, motion picture film, digital image or similar visual representation depicting nudity, sexual excitement, or sexual conduct of any kind.
3. Operating a business, soliciting money, product advertising, or conducting transactions for profit or personal gain.
4. Using county email systems excessively for personal use. Use of county email is intended primarily for official county business and personal use, if necessary, should be limited to incidental use and is subject to review and enforcement for abuse and misuse.
5. Gambling.
6. Arranging for the sale or purchase of illegal drugs, alcohol, or firearms.
7. Communication with elected representatives or public or political organizations via County e-mail to express opinions regarding political issues outside of work-related communications.
8. Solicitation for non-county sponsored organizations or functions.
9. Sending of countywide e-mail or e-mail broadcasts without first obtaining approval by the employee's department director/office administrator, and either the director of public affairs, or CIO, or designees. Such messages shall include a statement indicating the person that authorized the message. Don't use alternate email mailing lists (i.e., such as the HRM Liaisons Lists) to intentionally circumvent the approval process for distribution of county-wide email notifications.
10. Reproduction or transmission of any material in violation of any local, state, U.S. or international law or requirement, including material that does not comply with federal copyright laws and copying or reproducing any licensed software, except as expressly permitted by the software license.
11. Using e-mail to transmit sensitive information outside of the county network to external sources which may include information related to confidential matters, including, but not limited to; protected patient health information, criminal/juvenile records, personnel records, or records relating to legal matters, unless such information is encrypted using IST approved encryption methods and secure file transfer methods. All exchange of sensitive information with external partners requires execution of a Non-Disclosure Agreement (NDA) with the external partner.
12. Intentionally creating a computer virus and/or placing a virus on the county's network or any other network. Intentionally drafting, forwarding, or transmitting chain letters.

13. Attempts, whether successful or not, to gain access to any other system or user's personal computer data without the express consent of the other system or user.
14. Using the network, internet, intranet, or Email system in any fraudulent manner.
15. Avoiding or circumventing approved email mailbox size and capacity settings as defined by county Email Guidelines as approved by the county Leadership Team. Each employee's mailbox shall have a quota, which is a control mechanism to limit the amount and/or size of email that can be stored in or sent from the employee's county-issued email account.
16. Intentionally circumventing security and control features associated with county filtering policies or other Internet policies by using publicly accessible Internet wireless networks (such as, Citizen Wi-Fi or others) from county devices for purposes other than approved, official county government business.
17. Disregarding appropriate application of email or Internet records retention guidelines for the management of county public records as defined in Administrative Procedure 5-6 Records Management Policy.
18. Inappropriate usage of Social Media or Social Media web sites. Such activities include, but are not limited to:
 - a. Posting proprietary, confidential, sensitive, or personally-identifiable information
 - b. Speaking on behalf of the county, or giving the impression of speaking or the county, when not authorized to do so by the County Administrator or his designee(s)
 - c. Speaking on county-related issues in an unofficial capacity and failing to clarify one's unofficial role of not speaking on behalf of the county
 - d. Using tools or techniques to spoof, masquerade, or assume any false identity, except for approved business or law enforcement purposes as approved through county policy or by legal statute
19. Downloading or installing software without IST approval.
20. Auto-forwarding of county email which constitutes official county government correspondence to a personal email account (such as Yahoo, GMAIL, or other internet based email accounts), which reduces the ability to routinely manage the content in accordance with Administrative Procedures; 7-6 Release of Information and county records retentions guidelines as defined in 5-6 Records Management Policy.
21. Forwarding of inappropriate email (such as politically sensitive or otherwise offensive jokes, chain letters, or other harassing or spam-like communications) of a personal nature representing a county correspondence to external Internet email addresses which has the potential to adversely affect the county's image, reputation, or Internet-based email ethics reputation.
22. Any other use of the network that violates Chesterfield County policies or Code of Ethics.

VIII. USE OF INTERNET BASED SYSTEMS AND SERVICES

Approval for Use of Internet-Based and/or Internet Hosted Business Solution Systems and Services

Internet-based or hosted systems may be available generally to the public without cost, at a minimal cost, or for more robust versions of the system/service for a significant cost. Regardless whether the system or service is free or requires some costs, authorization to accept Terms of Service (TOS) for Internet-based or Hosted

Business Solution Systems or services must first receive approval from Chesterfield County's Chief Information Officer (CIO), Purchasing Director and County Attorney, or their designees. No county employee is authorized to accept or agree to an Internet-Based TOS without first obtaining this approval.

Internet-based Systems Vendor Management Roles and Responsibilities

Information Systems Technology (IST) has primary responsibility for managing the vendor technology relationship for all Internet-based or hosted Business Solution systems and services for the purpose of assuring appropriate technology practices are applied related to technology architecture, information system security, service level agreements, operational processes, technical support and business continuity.

Information Security Management of Internet-Based and/or Internet Hosted Systems and Services

The county Information Security Manager has ultimate responsibility and approval authority to examine system risks and require appropriate assurance levels of information security controls for all systems, including Internet-Based and/or Internet Hosted Systems and Services, pursuant to the county *Administrative Procedure 7-3 Information Security Policy*.

IX. DISCIPLINARY ACTION FOR VIOLATION OF THIS ADMINISTRATIVE PROCEDURE

- A. Any employee who intentionally receives, accesses, views, transmits, or downloads sexually explicit material from the internet on county computer equipment will be disciplined up to and including termination. Sexually explicit material is defined as any description of or any picture, photograph, drawing, motion picture film, digital image or similar visual representation depicting nudity, sexual excitement, or sexual conduct in any form. Persons subscribing to an email list will be viewed as having solicited any material delivered by the list, as long as that material is consistent with the purpose of the list. Likewise, persons conducting a search on the internet will be viewed as seeking any results generated by the search, as long as that material is consistent with the search.
- B. Any employee who commits or is convicted of a crime related to the use of county computer equipment shall be terminated.
- C. Any employee who violates any provision of this policy, unless required to do so as part of his or her assigned and authorized job responsibilities, shall be disciplined in the following fashion:
 1. Any employee whose use of Chesterfield County's computer resources results in damage to those resources will be required to reimburse the county for the cost of repair and reconfiguration, as well as the hours required for the repair work, and costs associated with replacing necessary hardware or software. Where damage occurs as the result of inadvertent actions, without the intent to cause damage, the employee causing the damage will not be asked to reimburse for such damage.
 2. In determining the appropriate disciplinary action to be taken against an employee under this policy, supervisors shall apply the standards set forth in the Personnel Policies of the county for appropriate situational discipline (Section 4-2) and shall ensure that the employee Code of Ethics (Section 1-4) is maintained. In addition, supervisors shall consider the nature of the employee's job responsibilities, and the legality or illegality of the violation in determining the appropriate disciplinary action. Discipline may include any of the options contained in Section 4-3 of the Personnel Policies, including, but not limited to:
 - a. Suspension of access to e-mail or internet services.
 - b. Restitution or reimbursement for the hours used to conduct personal business on county computer resources in violation of this policy.

- c. Other disciplinary action(s) as outlined in Chapter 4 of Chesterfield County Personnel Policies.
- d. Termination of employment.

FRAUD, WASTE AND ABUSE PREVENTION AND DETECTION POLICY



CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

Department:	Internal Audit	Policy Number:	8-2
Subject:	Fraud, Waste and Abuse Prevention and Detection	Supersedes:	11/15/2017
		Date Issued:	6/14/2019

I. PURPOSE

Chesterfield County’s Strategic Plan goal “Model for excellence in government” includes an objective to “Require the highest standards of professionalism, ethics, and integrity.” To help achieve this objective, this policy has been developed to prevent and detect fraud. The policy also defines what constitutes fraud and outlines expectations and procedures all employees must follow when fraud, waste or abuse is suspected. This policy also addresses requirements of the *Code of Virginia*, §15.2-2511.2, Duties of local government auditors for the fraud, waste, and abuse hotline.

II. SCOPE

This procedure applies to all County employees. Chesterfield County School Board Policy 2170 includes similar employee responsibilities to report suspected fraud, waste or abuse.

III. DEFINITIONS

- A. **Fraud** – *Intentional deception* perpetrated by an individual or individuals, or an organization or organizations, either internal or external to local government, *that could result in a tangible or intangible benefit* to themselves, others, or the locality *or could cause detriment* to others or the locality. Fraud includes a false representation of a matter of fact, whether by words or by conduct, by false or misleading statements, or by concealment of that which should have been disclosed, which deceives and is intended to deceive. Specific examples of fraud include but are not limited to:

1. Theft of County Funds.
2. Serious abuse of County time such as unauthorized time away from work or excessive use of County time for personal business.
3. Unauthorized use or misuse of County property or records.
4. Falsification of records.
5. Theft or unauthorized removal of County records, County property or the property of other persons (to include the property of employees, supervisors, consumers, clients, customers, inmates or visitors).
6. Willful destruction or damage of County records, County property or the property of other persons (to include the property of employees, supervisors, consumers, clients, customers, inmates or visitors).
7. Neglecting or subverting job responsibilities in exchange for an actual or promised reward.
8. Improperly influencing or misleading auditors or investigators.

B. **Waste** – *Intentional or unintentional, thoughtless or careless expenditure, consumption, mismanagement, use, or squandering of resources* owned or operated by the County or Schools to the detriment or potential detriment of the organization. Waste also includes incurring unnecessary costs because of inefficient or ineffective practices, systems, or controls. Specific examples of waste include but are not limited to:

1. Unnecessary spending to purchase items including:
 - a. Unneeded items that have no business purpose.
 - b. Purchases at inflated prices.
 - c. Overstocking inventory.
 - d. Replacing functional items without cause.
2. Unnecessary use of resources including:
 - a. Wasteful use of government property or equipment.
 - b. Performing unnecessary work.
 - c. Wasting energy including electricity and fuel.
3. Mismanagement of resources.
 - a. Failure to reuse or recycle major resources.
 - b. Improper disposal of property or hazardous materials.

C. **Abuse** – *Excessive or improper use* of something, or the employment of something in a manner *contrary to the natural or legal rules* for its use; the intentional destruction, diversion, manipulation, misapplication, maltreatment, or misuse of resources owned or operated by the County or Schools; or extravagant or excessive use so as to abuse one's position or authority.

Specific examples of abuse include but are not limited to:

1. Minor County time misuse, such as unauthorized work absence or conducting personal business, including:
 - a. Taking long lunches or other excessive breaks
 - b. Arriving to work late or leaving early, not working a complete work day.
 - c. Failing to report leave for absences.
 - d. Conducting secondary employment activity during work hours (such as selling products, preparing tax returns, selling real estate, scheduling or receiving deliveries).
 - e. Conducting significant personal business during work hours.
2. Improper personal use of County resources, including:
 - a. Using government vehicle for commercial purposes, personal gain, or advancing or inhibiting religious beliefs or political positions.
 - b. Using government equipment, computer, email, services, materials or supplies for commercial purposes, personal gain, or advancing or inhibiting religious beliefs or political positions.
 - c. Failure to report damage to government property or equipment.
 - d. Unnecessary travel or conference attendance.
 - e. Inflated travel or expense reimbursement.

- f. Receiving favors for awarding contracts to certain vendors.
 - g. Using one's position to gain an advantage over another resident when conducting personal business with the government.
 - 3. Unfair hiring, promotion, and severance practices including:
 - a. Pre-selection of candidates.
 - b. Selection of unqualified candidates.
 - 4. Intentionally circumventing or overriding policy, procedure or internal controls without appropriate justification or approval.
- D. **Internal Controls** – Organization's system to provide reasonable assurance of effective and efficient operations, reliable financial and performance reporting, compliance with applicable laws and regulations, and safeguarding assets. The fundamental difference between internal control weaknesses resulting in errors and those weaknesses resulting in fraud is intent.
- E. **County Funds** – Currency, checks, or other negotiable instruments belonging to the County of Chesterfield or Chesterfield County Public Schools (CCPS), or for which the County or CCPS is the fiscal agent or has a fiduciary responsibility.
- F. **County Property** – Any tangible item owned by the County of Chesterfield or CCPS.
- G. **Retaliation** – When an individual is discriminated against or penalized for reporting fraud or for cooperating, giving testimony, or participating in any manner in an audit/investigation, proceeding, or hearing.

IV. BACKGROUND

- A. Studies have shown that "red flags" of fraud within an organization were ignored by the organization in many of the frauds reported. Downsizing and repositioning of an organization increases the risk of fraud. Internal controls are the best method of preventing fraud. Poorly written or poorly enforced internal controls allow most frauds to occur.
- B. Fraud occurs for the following reasons (note: there are multiple reasons in some cases):
 - 1. Poor internal controls
 - 2. Management override of internal controls
 - 3. Type of organization (industry with high risk of fraud)
 - 4. Collusion between employees and third parties
 - 5. Poor or non-existent company ethical standards
 - 6. Lack of control over managers by their supervisors

- C. Some “red flags” of fraud are:
1. Changes in an employee’s lifestyle, spending habits or behavior
 2. Poorly written or poorly enforced internal controls, procedures, policies or security
 3. Irregular/unexplained variances in financial information
 4. Inventory shortages
 5. Failure to take action on results of internal/external audits or reviews
 6. Unusually high expenses or purchases
 7. Frequent complaints from customers
 8. Missing files
 9. Ignored employee comments concerning possible fraud
- D. Perpetrators of fraud typically live beyond their reasonably available means. Other indicators of fraud include: the borrowing of small amounts of money from co-workers, collectors or creditors appearing at the place of business, excessive use of telephone to stall creditors, falsifying records, refusing to leave custody of records during the day, working excessive overtime, refusing vacations, and excessively rewriting records under the guise of neatness.
- E. The following internal controls help prevent fraud:
1. Adherence to all organizational procedures, especially those concerning documentation and authorization of transactions
 2. Physical and logical security over assets such as locking doors, firewalls, password protection and restricting access
 3. Proper training of employees
 4. Independent review and monitoring of tasks
 5. Separation of duties so that no one employee is responsible for a transaction from start to finish
 6. Clear lines of authority
 7. Conflict of interest statements that are enforced
 8. Rotation of duties in positions more susceptible to fraud
 9. Ensuring that employees take regular vacations
 10. Regular independent audits of areas susceptible to fraud
- F. To provide opportunities for employees and citizens to report allegations of fraud, waste and abuse, Internal Audit shall administer a telephone hotline, website and other methods through which employees and residents of Chesterfield County may report anonymously any incident of fraud, waste and abuse. Internal Audit will coordinate investigations with other departments as necessary.

V. EXPECTATIONS

- A. All County employees should practice the following as it applies to their job:
1. Know the fraud-related exposures in your area.
 2. Know the symptoms or indicators of fraud.
 3. Put in place methods to identify wrongdoing.
 4. Make sure transactions you personally approve are not fraudulent.
 5. Personally monitor for frauds which only you are in a position to detect.
 6. Question and challenge the unusual.
 7. Set an example of honest and ethical behavior by personal example and by not tolerating dishonest or unethical behavior in others.
 8. Strive to prevent fraud by minimizing the exposures and reducing the opportunities and temptation.
 9. Never inappropriately subordinate the needs of the organization to your own needs.
 10. Recognize and respond to increased exposures.
 11. Do not seek to achieve goals through dishonest or unethical means, and do not tolerate such behavior from others.
 12. After a fraud, initiate corrective action to reduce the risk that fraudulent activity will recur.
 13. Take appropriate disciplinary action.
 14. Immediately refer suspected wrongdoing to Internal Audit or your supervisor for investigation.
 15. Encourage other employees to be vigilant in reporting suspected wrongdoing.
 16. Do the right thing.

VI. PROCEDURES

- A. **All Employees** – Any employee who has knowledge of an occurrence of fraud, waste or abuse, or has reason to suspect that a fraud, waste or abuse has occurred, shall immediately notify his/her supervisor or Internal Audit. If the employee has reason to believe that the employee's supervisor may be involved, the employee shall immediately notify the Department Director/Chief of his/her department or Internal Audit. Every employee shall cooperate with administrative investigations pursuant to this administrative procedure in accordance with County Personnel Policies and Procedures. The employee shall not discuss the matter with anyone other than his/her supervisor, the Department Director/Chief, the Internal Audit department and the Police Department.
- B. **Supervisor** – Upon notification from an employee of suspected fraud, waste or abuse, or if the supervisor has reason to suspect that a fraud, waste or abuse has occurred, the supervisor shall immediately notify the Department Director/Chief of his/her department or Internal Audit. The supervisor shall not attempt to investigate the suspected fraud or to discuss the matter with anyone other than the Department Director/Chief, the Internal Audit Department and the Police Department. However, if the supervisor has reason to believe that the Department Director/Chief

may be involved in a fraud, the supervisor shall contact the Internal Audit Department or Police Department.

C. **Department Director/Chief** – Upon notification from an employee or supervisor of suspected fraud, waste or abuse, or if the Department Director/Chief has reason to suspect that a fraud, waste or abuse has occurred, the Department Director/Chief shall immediately contact the Internal Audit Department. The Department Director/Chief shall not attempt to investigate the suspected fraud or to discuss the matter with anyone other than the Internal Audit Department and the Police Department.

D. **Internal Audit** – Internal Audit logs all Fraud, Waste, and Abuse allegations received and evaluates if conditions warrant: a special project investigation by Internal Audit, referral or consultation of matter with the related County or School department, referral to another entity or jurisdiction (i.e. items not involving Chesterfield County or Schools personnel, resources, or operations), insufficient information to initiate an action, or no action required.

Internal Audit determines if a separate report is necessary for each specific case. If applicable, such separate reports are provided to the County Administrator or School Superintendent, and the Audit and Finance Committees. Internal Audit documents disposition and if the allegation was substantiated for each case. All opportunities to improve internal controls or disagreements with management’s decisions are not necessarily Fraud, Waste or Abuse. Internal Audit provides a fiscal year report to the Audit and Finance Committees summarizing all allegations with dispositions.

When Internal Audit *suspects* fraud, the Internal Audit Department will investigate the fraud and promptly notify the Chesterfield County Police Department.

E. **Record Security** – A successful audit/investigation can only be performed if the documentation relating to an alleged fraud is available for review in its original form. Therefore, once a suspected fraud is reported Department Directors/Chiefs and supervisors shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. The records must be adequately secured until Internal Audit obtains the records to begin the audit investigation.

F. **Contacts/Protocols** – After an initial review and a determination that the suspected fraud warrants additional investigation, Internal Audit will notify the County Administrator or School Superintendent, Appropriate Deputy County Administrator or School Division Chief, Human Resources, County or School Attorney, Police Department, and Commonwealth Attorney of the allegations. Internal Audit shall coordinate the investigation with the appropriate law enforcement officials and shall report its investigative findings as described below.

At the conclusion of such fraud investigations, Internal Audit will document the results in a confidential memorandum report to the County Administrator or School Superintendent with a copy to the appropriate Deputy County Administrator or School Division Chief and Department Director/Chief. If the report concludes that the allegations are founded, the report will be copied to Human Resources, the County or School Attorney, and the Accounting Department. If the report documents

that criminal offenses may have occurred, copies will also be sent to the Chief of Police and the Commonwealth's Attorney.

If the fraud has resulted in County or School property loss, Internal Audit shall report such loss to the Risk Management Department. Risk Management shall seek restitution for any property loss.

- G. **Confidentiality** – All participants in a fraud investigation shall keep the details and results of the investigation confidential except as expressly provided in this administrative procedure. However, Internal Audit and the Police Department may discuss the investigation with any person if such discussion would further the investigation. Internal Audit obtains reports of suspected fraud, waste and abuse in confidence, specific details cannot be released in order to maintain confidentiality and anonymity (Code of Virginia, §2.2-3705.3. (7)). Information for completed investigations will not reveal the identity of the complainants or persons supplying information to investigators. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person.
- H. **Personnel Actions** – If a suspicion of fraud is substantiated by the audit investigation, disciplinary action shall be taken in conformance with the County's Personnel Policies and Procedures. A false and vindictive allegation of fraud is a violation of this administrative procedure. All violations of this administrative procedure, including violations of the confidentiality provisions, shall result in disciplinary actions up to and including termination and loss of retirement benefits and retiree health benefits.
- I. **Retaliation** (Whistleblower protection) – It is a violation of this administrative procedure to discriminate against any individual for their reporting, cooperation, testimony, participation, or other activities related to a fraud, waste or abuse investigation. This includes threatening, attempting, taking, or directing others, on any reprisal or personnel action. Any such reprisals by employees will be subject to disciplinary procedures under personnel policies. Reckless accusations of fraud waste, or abuse that an employee or citizen knew, or should have known, were false or malicious are not protected.
- Whistleblower reprisal complaints** should be filed with the Fraud, Waste and Abuse Hotline and describe the:
1. Related original fraud, waste or abuse allegation or investigation,
 2. Retaliatory action taken or withheld, and
 3. Responsible person(s) performing and/or directing the retaliation.
- J. **Media Issues** – If the media becomes aware of an audit investigation, the appropriate supervisor or Department Director/Chief shall refer the media to the Office of Communications and Media. The alleged fraud and audit investigation shall not be discussed with the media other than through the Office of Communications and Media.

- K. Upon completion of the audit investigation and all legal and personnel actions, records will be returned by Internal Audit to the appropriate department if acceptable.

ETHICS IN PUBLIC CONTRACTING POLICY



CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

Department:	Purchasing	Policy Number:	12-2
Subject:	Ethics in Public Contracting	Supersedes:	01/05/2010
		Date Issued:	09/01/2018

I. INTRODUCTION

This policy sets forth guidelines governing the conduct of Procurement Department and Using Department personnel with Official Responsibility involving any Procurement Transactions.

II. POLICY

Public Employees having any involvement in a Procurement Transaction shall practice the highest level of ethical standards and transparency in government, including but not limited to compliance with the *Virginia Public Procurement Act*, Article 6 –Ethics in Public Contracting (*Code of Virginia § 2.2-4367 et seq.*); the State and Local Government Conflict of Interests Act (*Code of Virginia § 2.2-3100 et seq.*); and any other applicable Federal, state and local law.

III. RESPONSIBILITIES

- A. Public Employees having any involvement in a Procurement Transaction are expected to familiarize themselves with the requirements of the *Virginia Public Procurement Act*, Article 6 –Ethics in Public Contracting (*Code of Virginia § 2.2-4368 et seq.*) and the *State and Local Government Conflict of Interests Act* (*Code of Virginia § 2.2- 3100 et seq.*).
- B. Public Employees having any involvement in a Procurement Transaction shall abide by the following ethical standards in accordance with applicable law:
 1. Public Employees shall neither ask for nor accept meals, money or other gifts from Vendors.
 2. Public Employees shall neither ask for nor accept Vendor paid travel, unless otherwise approved in advance and in writing by the County Administrator or School Board Superintendent.
 3. Public Employees shall avoid any conflict of interests or appearance thereof.
 4. Public Employees shall identify to the Procurement Department any potential conflict of interests and recuse themselves from related Procurement Transactions.
 5. Public Employees shall treat all Vendors fairly and show no favoritism for a particular Vendor.
 6. Public Employees shall not disclose confidential information.
 7. Public Employees shall act as good stewards of government resources,

regardless of the source of funds.

8. Public Employees involved in Procurement Transactions shall disclose subsequent employment after separating from the County for a period of one year.
9. Public Employees shall not misrepresent any material fact in execution of Procurement Transactions.
10. Public Employees shall not use County contracts for personal purchases.

WORKPLACE VIOLENCE PREVENTION AND FACILITY RISK ASSESSMENT POLICY



CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

Department:	Risk Management	Policy Number:	13-6
Subject:	Workplace Violence Prevention and Facility Risk Assessment Policy	Supersedes:	6-23
		Date Issued:	07/26/17

I. OBJECTIVE

Pursuant to OSHA/VOSH 1910 General Industry Standards, Chesterfield County is committed to providing employees with a workplace free from recognized hazards that are causing or are likely to cause death or serious physical harm by striving to maintain a safe work environment and prevent and/or minimize workplace violence. This policy is established to support a work environment that is free from intimidation, harassment, and other threats of or actual violence which occur onsite or offsite during work-related activities. This is accomplished by outlining procedures to minimize the threat of violence in the workplace, without restricting appropriate public access to county employees and facilities. This commitment is to be realized through a comprehensive Workplace Violence Prevention Program that includes training, assessments, guidance documents, physical security measures, and incident management processes.

Some county employees (e.g. sworn officers) may encounter violent behavior in connection with their normal duties and responsibilities. These matters are not covered by the workplace violence policy, but are covered by internal department procedures.

II. INTRODUCTION

- A. The county will not tolerate acts and behaviors that are likely to result in workplace violence and which may include, but are not limited to: abusive language; bullying, hitting or shoving; threats of bodily harm; threats or violence arising out of sexual or racial harassment; brandishing of an object which may be used as a weapon; actions which damage, destroy, or sabotage property; harassing, stalking, intimidating, or demeaning behaviors toward other individuals; insubordination; the sending of threatening, harassing, or abusive email or text messages; intimidating posts on social media that are related to the workplace; or using the workplace to violate protective orders. Human Resources and the Workplace Violence Resource Team are available to assist departments in conducting investigations and assessments in situations where county employees are alleged to have violated this policy.
- B. County employees, volunteers, and interns are prohibited from possessing firearms or weapons on county property (sworn personnel excluded) except as authorized in Section 15.2-915 of the Code of Virginia.
- C. Training is a major component of the Workplace Violence Prevention Program. The Departments of Human Resources and Risk Management, in partnership with The

Learning and Performance Center and the Workplace Violence Resource Team, shall coordinate the design, development, and delivery of training programs for all county employees in preventing violence in the workplace. The training shall include methods and procedures to identify, minimize and respond to workplace violence whether perpetrated by a co-worker or a third party. Department Directors shall receive training on how to recognize and manage workplace violence incidents and how to conduct facility risk self-assessments and the process for obtaining additional assistance as required.

III. DEFINITIONS

- A. Workplace – All locations where county employees are performing work-related activities.
- B. Workplace Violence – Any intentional act that inflicts, attempts to inflict, or threatens to inflict bodily harm on another person or that inflicts, attempts to inflict, or threatens to inflict damage to property, whether committed by a county employee or by anyone else, and which occurs in a county workplace, at a county site or location, or while an employee is engaged in work-related activities.
- C. Workplace Violence Coordinator - The Security Manager, Office of Security Management, shall serve as the Workplace Violence Coordinator and chair the Workplace Violence Resource Team.
- D. Workplace Violence Resource Team-The Workplace Violence Resource Team (Resource Team) shall be appointed by the County Administrator to consult and partner with the Workplace Violence Coordinator in assisting County Departments in setting strategies to help prepare for, respond to, and minimize workplace violence. Membership on the Resource Team shall include the Security Manager, and a designee from the following departments: County Attorney, Human Resources, Mental Health Support Services, Police, Risk Management, and Utilities.

IV. ROLES AND RESPONSIBILITIES

- A. Employees (including managers and supervisors) are responsible for:
 - 1. Their own behavior by interacting responsibly with fellow employees, supervisors, volunteers, clients, and customers.
 - 2. Promptly responding to workplace violence incidents in accordance with department procedures.
 - 3. Promptly reporting actual or potential acts of violence to appropriate authorities in accordance with the Workplace Violence Response Procedures (Appendix A).
 - 4. Cooperating fully in investigations and assessments of allegations of workplace violence.
 - 5. Being familiar with the services provided by the Employee Assistance Program.
 - 6. Informing appropriate personnel about restraining or protective court orders related to domestic situations so that assistance can be offered at the work site.
 - 7. Attending workplace violence training for employees.

B. Department Directors and Office Administrators are responsible for:

1. Conducting facility risk self-assessments for their departments and requesting additional assistance as needed.
2. Facility risk self-assessments shall be conducted every three (3) years or when there is significant change to the department's physical space or programs or services.
3. Developing and implementing department security procedures.
4. Taking all reported incidents of workplace violence seriously.
5. Attending workplace violence training for supervisors and ensuring all employees receive appropriate and related training, including but not necessarily limited to training in conflict resolution, stress management, and how to deal with incidents of workplace violence.
6. Investigating all acts of violence, threat, and similar disruptive behavior in a timely fashion and taking the necessary action(s).
7. Providing feedback to employees regarding the outcome of their reports regarding violent or potentially violent incidents.
8. Requesting, where appropriate, assistance from functional area expert(s).
9. Being cognizant of situations that have the potential to produce violent behavior and promptly addressing them with all concerned parties.
10. Encouraging employees who show signs of stress or evidence of possible domestic violence to seek assistance, such as the Employee Assistance Program.
11. Seeking resources to implement security changes/improvements necessitated by facility risk self-assessments.

C. Office of Security Management is responsible for:

1. Maintaining existing physical security systems in county facilities.
2. Providing technical advice and support regarding physical security matters, i.e. new facility or renovation planning.
3. Requesting, where appropriate, assistance from functional area expert(s) to assist with managing workplace violence matters.
4. Working with local authorities and outside law enforcement agencies as needed to address issues.
5. Assisting departments with facility risk assessments.
6. Assisting departments in developing specific departmental procedures.
7. Providing guidance to management regarding employee safety and security systems.

8. Assisting departments with resource requests necessitated by facility risk self-assessments.
 9. Coordinating and overseeing the scoping, design, and installation of security improvements/updates.
 10. Ensuring departmental assessments are conducted.
- D. Employee Assistance Program is responsible for:
1. Providing consultation and guidance to supervisors in dealing with employees who exhibit performance or conduct problems.
 2. Providing short-term counseling and referral services to employees.
 3. Referring employees needing long-term counseling to appropriate treatment resources.
- E. Human Resources is responsible for:
1. Assisting in investigating and assessing allegations of workplace violence raised by employees, supervisors, and managers, as requested.
 2. Providing technical expertise and consultation to assist supervisors in determining what course of administrative action is most appropriate in specific situations, including preventative measures, appropriate discipline, and use of alternative dispute resolution processes.
 3. Providing advice and counsel regarding personnel policies and administrative procedures.
 4. Providing administrative and logistical support to the Resource Team.
- F. Risk Management is responsible for:
1. Coordinating the maintenance and review of this administrative policy and procedures.
 2. Supporting efforts to develop and implement a comprehensive workplace violence prevention program as part of overall risk management practices to assist in complying with VOSH and OSHA requirements and guidelines.
 3. Performing OSHA record-keeping and reporting requirements as related to workplace violence.
- G. Learning and Performance Center is responsible for:
1. Partnering with the Resource Team to train employees and department directors/office administrators as required by the Workplace Violence Prevention and Facility Risk Assessment Program.

- H. Police Department is responsible for:
1. Providing support and response to incidents or potential incidents that may result in workplace violence.
 2. Supporting efforts to develop and implement a Workplace Violence Prevention and Facility Risk Assessment Program to include training, facility risk assessments and response protocols.
 3. Participating as a member of the Workplace Violence Resource Team.

V. DEPARTMENTAL PLANS TO MINIMIZE WORKPLACE VIOLENCE

- A. Facility Risk Assessment:
1. All department directors/office administrators, or their designees, shall conduct a self-assessment of the risk of workplace violence or other security risks that exist as a result of the nature of the work and physical environment of their department. Assessments shall be conducted every three (3) years or when there is significant change to the department's physical space or change in programs or services. The Security Manager is responsible for ensuring department assessments are conducted.
 2. All department directors are responsible for recognizing any workplace violence requirements specific to their work duties, professions and/or any accreditations maintained by their department.
 3. The Office of Security Management shall conduct the facility risk assessment for all county property that is not occupied by a specific department (e.g., parking lots, common areas, building exteriors, etc.) every three (3) years or when there is significant change to a department(s') physical space or change in programs or services.
 4. The Workplace Violence Resource Team shall develop Workplace Violence Prevention Department Guidelines and Resources to include a Workplace Violence Environmental Hazard Assessment & Control Checklist for conducting facility risk self-assessments (Appendix B).
 5. A written facility risk assessment report shall be completed by the department director/office administrator, or their designee, when a risk assessment is performed.
 6. The facility risk assessment report may include recommendations to alter the physical environment to make it more secure from the risk of violent acts, while at the same time maintaining an appropriate level of public access to the department's employees and facilities. The department director shall prioritize the needs for improvement and plan for the required funding.
 7. Copies of the facility risk assessment report shall be kept by each department and the Office of Security Management.

B. Department Security Procedures:

1. Human Resources shall provide generic departmental procedures for minimizing and effectively responding to workplace violence. A department shall modify the generic procedures to meet its unique circumstances.
2. These written procedures shall provide for prompt reporting of workplace violence to the Police Department and to all employees and other persons who could be physically affected by workplace violence.
3. These procedures shall provide guidelines to supervisors on how to respond to employees whose work performance or safety is or could be affected by workplace violence. These procedures shall also provide for on-going measures to minimize and respond to workplace violence that occurs away from county property for those departments that have employees who regularly perform duties away from county property.
4. Workplace Security Guidelines and Resources for county departments may be found on the Risk Management Department's intranet page.

Cross References:

County Policy 6-16 – Human Resources, Background Check – Juvenile Services Positions

County Policy 6-25 – Human Resources, Background Check for County Volunteers

County Policy 18-1 – Parks and Recreation, Background Check for Chesterfield County Parks and Recreation Co-Sponsored Youth

County Policy 17-1 – General Services, ID Card/Access Control Procedures – Employees

County Policy 17-2 – General Services, Contractor Worker Security, Background Check Policy

County Policy 10-11 – Mental Health Support Services, Human Resources, Criminal Record Check

Related School Board Policy:

3070 Volunteer

3130 Safe Schools

5460 Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect

5461 Requirement to Report Charges, Convictions and Pleas

6133 Sex Offender Registry Notification

6142 Public Conduct on School Property