2.6 DRIVERS LICENSES/RECORDS

Persons appointed to positions that involve operation of a motor vehicle must present a valid Virginia drivers license at the time of employment. These persons shall also be subject to a check of their driving records with the State Division of Motor Vehicles, with employment being contingent upon a satisfactory check of the record. If there has been insufficient time to check the driving record prior to the initial employment date, the employee's appointment letter shall state that employment is contingent upon receipt of the record. If the check shows an accumulation of at least eight points during the preceding 12-month period or a DUI/DWI conviction within the past 36 months, the individual shall not be hired for a position that involves operation of a Town-owned vehicle. Applicants for sworn Police positions, Fire positions and positions with Blacksburg Transit are subject to more stringent requirements as on file in their offices.

2.7 APPOINTMENT

The Human Resources Manager, or a duly designated representative, shall examine applications for vacancies within the departments. The Town Manager shall appoint all pay plan employees of the Town. Department Heads are authorized to appoint and remove wage employees of the Town.

The following types of appointments may be made:

3. Wage – A wage employee may work for a limited term up to 40 hours per week, not to exceed 1,500 hours during any year of employment or during any Affordable Care Act (ACA) measurement period of April 1 through March 31, for a limited term. The limited term may be for a one-time need, or it may recur each year. The employee receives no benefits unless specifically enumerated in these Rules. An employee may hold more than one Wage position. The number of hours worked by any Wage employee will be combined and may not exceed 1,500 hours during any consecutive 12 months. However, an employee cannot be appointed to a Pay Plan and Wage position during the same period of employment.
2. In accordance with the above tests, employees who occupy the classifications listed below are exempt from the wage and overtime provisions of the Fair Labor Standards Act because they are executives (E), administrative (A), or learned professionals (P).

<table>
<thead>
<tr>
<th>Classification</th>
<th>Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounting Supervisor</td>
<td>E</td>
</tr>
<tr>
<td>Assistant Director of Financial Services</td>
<td>A</td>
</tr>
<tr>
<td>Assistant Director of Parks &amp; Recreation</td>
<td>E</td>
</tr>
<tr>
<td><strong>Assistant Director of Planning &amp; Building</strong></td>
<td>A</td>
</tr>
<tr>
<td>Assistant Director of Public Works - Management</td>
<td>A</td>
</tr>
<tr>
<td>Assistant Director of Public Works – Operations</td>
<td>E</td>
</tr>
<tr>
<td>Assistant Recreation Supervisor</td>
<td>E</td>
</tr>
<tr>
<td>Assistant to Town Manager</td>
<td>A</td>
</tr>
<tr>
<td>Assistant to Town Manager/Housing &amp; Neighborhood Development Manager</td>
<td>A</td>
</tr>
<tr>
<td>Building Official</td>
<td>E</td>
</tr>
<tr>
<td>Chief of Police</td>
<td>E</td>
</tr>
<tr>
<td>Community Relations Manager</td>
<td>E</td>
</tr>
<tr>
<td>Deputy Town Manager</td>
<td>E</td>
</tr>
<tr>
<td>Director of Engineering &amp; GIS</td>
<td>E</td>
</tr>
<tr>
<td>Director of Financial Services</td>
<td>E</td>
</tr>
<tr>
<td>Director of Parks &amp; Recreation</td>
<td>E</td>
</tr>
<tr>
<td>Director of Planning &amp; Building</td>
<td>E</td>
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<tr>
<td>Director of Public Works</td>
<td>E</td>
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<tr>
<td>Director of Technology</td>
<td>E</td>
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<tr>
<td>Director of Transit</td>
<td>E</td>
</tr>
<tr>
<td><strong>Emergency Preparedness/Safety Manager</strong></td>
<td>A</td>
</tr>
<tr>
<td>Engineering Field Supervisor</td>
<td>A</td>
</tr>
<tr>
<td>Financial Analyst</td>
<td>A</td>
</tr>
<tr>
<td>General Services Manager</td>
<td>E</td>
</tr>
<tr>
<td>GIS Coordinator</td>
<td>E</td>
</tr>
<tr>
<td>Golf Course Superintendent</td>
<td>A</td>
</tr>
<tr>
<td>Housing and Neighborhood Services Manager</td>
<td>E</td>
</tr>
<tr>
<td>Human Resources Manager</td>
<td>A</td>
</tr>
</tbody>
</table>
3.12 OVERTIME PAY

1. Non-Exempt Employees

A. An employee who is not exempt from provisions of the Fair Labor Standards Act and who, with the prior approval of his/her supervisor, works more than forty hours in a 7-day workweek, or, in the case of law enforcement officers, more than 80 hours in a 14-day work period; shall be paid one and one-half times the employee’s regular hourly rate for each excess hour worked, provided that sufficient departmental overtime funds exist. If overtime funds are exhausted, the Department Head will so advise all affected employees prior to any further overtime being worked. After that, until reestablishment of overtime funds and further notice to the employees, overtime hours worked for that department shall be charged to compensatory time as indicated in section 3.13.
“Hours worked” does not include checking work e-mail when off duty and the employee is not expected to perform this duty. In addition, the Town defines “hours worked” to include time taken off for annual and sick leave, for compensatory time, and for observance of Town recognized holidays, but not to include on-call hours, administrative leave, volunteer leave, flexible leave or hours worked on an occasional or sporadic basis in a different capacity than an employee’s regular job (see paragraph C below).

3.15 ON-CALL PAY

On-call is a preplanned status where employees are required to be available for specified periods of time to perform essential work outside regularly scheduled hours and are paid to be on standby to respond. Employees in an on-call status are not restricted in the use of personal time, but must be available for responding when contacted by phone or other prearranged means. On-call employees may not drink alcohol or use any medications that would prevent them from being able to respond. Those employees in an on-call status are eligible to receive the on-call pay stipend approved annually in the Town’s adopted budget. Employees in on-call status who do not respond when called for work may be subject to disciplinary action.

On-call status must be requested by the appropriate department director, submitted to the Human Resources Manager for review, and approved by the applicable Deputy Town Manager and Town Manager.

3.21 THE WAGE EMPLOYEE PLAN

Effective July 1, 1998, a Wage Employee Plan will include all non-Pay Plan part-time, temporary, and seasonal positions. A wage employee is defined as an employee who may work for a limited term up to 40 hours per week, no more than not to exceed 1,500 hours during the initial year of employment or during any Affordable Care Act (ACA) measurement period of April 1 through March 31, any consecutive 12 months. The limited term may be for a one-time need, or it may recur each year. These hours may be distributed according to operational needs. Wage employees may be hired subject to funding availability and Department Head discretion. They will be paid at the prevailing minimum wage or higher as the wage market necessitates.
SECTION 4
BENEFITS

4.6 WORKERS’ COMPENSATION

The Town shall require any employee injured on the job and needing medical attention to limit the employee’s choice of physician to those on the Town’s panel of physicians or to a doctor to whom a panel physician refers the employee. The only exception to the panel use would be an emergency requiring immediate medical care. Any treatment by a doctor not meeting one of these criteria will be considered unauthorized treatment and, therefore, subject to nonpayment of certain Workers’ Compensation benefits.

The Town shall obtain the insurance necessary to provide the State mandated Workers’ Compensation coverage. In addition to the benefits provided by the insurance, the Town shall:

1. Pay the employee full salary for the day on which a job related injury occurs with hours off being counted as non-chargeable sick leave on timesheets.

2. Continue to pay the employee’s regular salary during the first seven calendar days following the job related injury, with the days off being counted as non-chargeable sick leave on timesheets. After the third consecutive missed day due to the injury, or any other determination of a serious health condition under Family Medical Leave Act, missed time will be counted as part of Family/Medical Leave provisions (Section 5.7 of these Rules).

4.7 HOLIDAYS

The Town Council authorizes the following holidays to be observed with full pay for all full-time employees:

New Year’s Day ......................January 1
Lee Jackson Day ......................Friday before 3rd Monday in January
Martin Luther King, Jr. Day ....3rd Monday in January
President’s Day ......................3rd Monday in February
Spring Break...................... Friday of Montgomery County Public School Spring Break
Memorial Day ......................Last Monday in May
Independence Day .................July 4
Labor Day ..........................1st Monday in September
Veteran’s Day ......................November 11
Thanksgiving ......................4th Thursday and following Friday in November
Christmas ..........................December 24 and 25
4.21 SICK LEAVE BANK

The Town shall provide a Sick Leave Bank to all Pay Plan employees participating in the Virginia Retirement System’s Plan 1 or Plan 2 Retirement Plan who have completed the first six months of original employment or re-employment and deposited the equivalent to one day of sick leave into the bank. The maximum deposit shall be eight hours, regardless of the number of hours worked by the employee.

8. The enrolled Pay Plan employees will may be assessed an additional one hour of sick leave at the beginning of each fiscal year beginning July 1, 2017. Notification of such an additional assessment will be sent to each employee prior to any deductions from accrued leave.

4.23 LONG-TERM CARE

The Town shall make available a voluntary long term care insurance plan to all retirees (under age 80), full-time employees, and part-time employees (covered by the Pay Plan). Spousal and dependent coverage is also available. The employee shall pay the full premium cost for this coverage.

SECTION 6
EMPLOYMENT POLICIES

6.8 WORK HOURS

... 

4. Each wage employee may work up to 1,500 hours, with the approval of his/her Department Head. A wage employee may work for a limited term up to 40 hours per week, not to exceed 1,500 hours during the initial year of employment or during any Affordable Care Act (ACA) measurement period of April 1 through March 31. The limited term may be for a one-time need, or it may recur each year. More than thirty hours in any given week, as long as the number of hours worked per consecutive 12 months is no greater than 1,500. Some wage employees will never work 1,500 hours in a 12-month period. This is a the maximum number of hours.
SECTION 7
DISCIPLINE

7.1 DISCIPLINARY ACTIONS

Violations of the following rules shall, depending on the seriousness of the offense and all pertinent facts and circumstances, result in disciplinary action, including an oral or written warning, suspension, or termination of employment:

- Harassment and discrimination based on race, color, religion, national origin, age, disability, military status, sexual orientation, political affiliation or sex; age, color, disability, genetic information (information about an individual and their family members’ genetic tests and information about the manifestation of a disease or disorder), marital status, national origin, political affiliation, race, religion, sex (including gender expression, gender identity, sexual orientation, and pregnancy) or veteran status;

7.4 GRIEVANCE PROCEDURE

All proposed grievances shall be reviewed by the Human Resources Manager prior to imposition.

3. Definition of Grievance: A grievance shall be defined as a complaint or dispute of an employee relating to his/her employment, including but not limited to: (a) disciplinary actions including dismissals (for example, those resulting from formal discipline or unsatisfactory job performance), disciplinary demotions, and suspensions and written reprimands/formal counseling; (b) the application of Human Resources policies, procedures, rules, and regulations including those referred to in item (c) of the following paragraph; (c) discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin, or sex; age, color, disability, genetic information (information about an individual and their family members’ genetic tests and information about the manifestation of a disease or disorder), marital status, national origin, political affiliation, race, religion, sex (including gender expression, gender identity, sexual orientation, and pregnancy) or veteran status; and (d) acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United
States or the General Assembly or has reported an incidence of fraud, abuse or gross mismanagement.

4. Procedures of Settlement: All grievable disputes, as defined in the preceding paragraphs, will be administered in the specified manner and processed within the stated time limits. It is intended that speedy attention to employee grievances be promoted, consistent with the ability of the parties to prepare for a fair consideration of the issues of concern. Any grievance shall be considered settled at the completion of any step if all parties are satisfied. The amicable resolution of grievable disputes is encouraged.

With the exception of the final management step, the only person who may normally be present in the management step meetings are the grievant, the appropriate local government official at the level at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony. The grievant at every step of the procedure shall have the right to present witnesses and evidence to support his/her complaint. At the final management step, the grievant, at his/her option, may have present a representative of his/her choice. If the grievant is represented by legal counsel, the Town Manager likewise has the option of being represented by counsel. The grievant is solely responsible for the cost of legal counsel should he/she desire to be represented by counsel at any stage of the process.

5. The following rules shall govern hearings:

F. The grievant shall furnish to the Town copies of all documents, exhibits, and a list of witnesses that he/she intends to use at the hearing seven (7) calendar days in advance of the hearing. Three (3) calendar days after receiving these items from the grievant, the Town shall do the same. Both sides are responsible for ensuring that any witnesses are present on the date(s) of the hearing.
11.3 RESPONSIBILITIES

Every employee is responsible for assisting in the prevention of harassment through the following means:

1. Employee’s responsibilities
   A. Refraining from participation in, or encouragement of, actions that could reasonably be perceived as harassment.
   B. Reporting acts of harassment to a supervisor promptly.
   C. Encouraging any employee who confides that he or she is being harassed to report the harassment to a supervisor.

   Supervisors are held to a higher standard and every supervisor is responsible for preventing harassment through the following means:

2. Supervisor’s responsibilities
   A. Setting an example in abiding by this policy. Not having a dating, physical or romantic relationship with any employee under your supervision.
   B. Monitoring the work environment for harassing activity.
   C. Counseling all employees on what is prohibited behavior and on the procedures for reporting and resolving complaints and harassment.
   D. Stopping any observed acts that may be considered a violation of this policy. Supervisor must intervene appropriately, whether or not the involved employees are within his/her line of supervision.
   E. Taking immediate action to limit contact between two employees where there has been a complaint of harassment that remains under investigation.
   F. Assisting any person who comes to him/her with a complaint of harassment.
G. Supervisors shall inform the Human Resources Manager immediately of reported or suspected workplace unlawful harassment, even if the alleged victim declines to complete a Workplace Harassment Complaint Form.

A supervisor's failure to take action to stop known or suspected harassment is grounds for disciplinary action.