



Town of Mineral

P.O. Box 316

312 Mineral Avenue

Mineral, Virginia 23117

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amy@townofmineral.net

Town of Mineral Council Meeting Agenda

March 13, 2023

6:30 PM

- Call to Order and Roll Call
- TAB A Adopt/Amend Agenda
- TAB B Approval of January/February 2023 Council Meeting Minutes
- Public Comments
- TAB C Approval of March 2023 Bills to be Paid
- TAB D Town Manager's Report
- TAB E Town Attorney's Report
- TAB F DMV Report

TAB G **Standing Committee Reports**

- Beautification/Anti-Litter/Park Committee
- Police/Legal/Fire & Rescue
- Economic Development/Business Liaison
- Streets
- Planning Commission
- Budget/Finance and Audit
- Cemetery
- Personnel
- Water and Sewer
- Town Planning and Zoning Appeals Liaison
- Communications
- Social and Public Affairs
- Building Grounds and Maintenance
- DMV Matters
- FOIA Matters

Old Business

- TAB H Personnel Handbook
- TAB I Town Manager Status
- TAB J Rescheduling FOIA training

New Business

- TAB K Status of Town Clerk/Treasurer
- TAB L Hiring a IT contractor
- TAB M Setting up workshop dates for 2024-2025 Budget

Town Council meets for its regular session on the second Monday of each month at 6:30 p.m. Persons wishing to be heard or having an item to be placed on the agenda should make their request to the Clerk of Council by the final Monday of the month preceding the meeting.

Edwin Jarvis, Mayor - Catherine Nipper, Vice Mayor

Ronald Chapman, Bernice Wilson Kube, Rebecca McGehee, Olivia McCarthy, Tony Wade, Treasurer/Clerk vacant, Andrea Erard, Town Attorney

DRAFT FEBRUARY 2023 Bills to be Paid

Vendor	Account	Account Number	Description		Amount
Aflac	Employee Insurance - Health	015-555			\$ 76.36
Anthem	Employee Insurance - Health	015-356			\$ -
A.P. Security	Repair/Maintenance General	015-395	Alarm monitoring from 3/1/23 - 2/29/24		\$ 431.40
Besley Implements	Repair/Maintenance General	Cemetery	Oil, filters, plug, blade, fluid for cemetery mower		\$ 409.04
Besley Implements	Repair/Maintenance General	015-395	Oil, filter for town discharge mower		\$ 194.82
Central Virginia Contractors	Repair/Maintenance W & S	015-396			\$ -
Comcast	Internet	015-510			\$ 168.35
Courney Cleaning Service, Inc	Cleaning of Office	015-520			\$ 300.00
Dominion Virginia Power	Electricity	015-410/411	Electric		
Erard, Andrea G, Esq	Legal Fees	015-360			\$ 1,250.00
Fortiline	Repair/Maintenance W & S	015-396	4" star adpt flg dip		\$ 125.31
Lake Anna Signs & Printing LLC	Beautification	015-315	Town Signs		\$ 280.00
Louisa County Landfill	Louisa County Landfill	015-425	Landfill		\$ 1,313.64
Louisa County Water Authority	County Water	015-325		1438200 gallons	\$ 9,683.16
Louisa County Water Authority	County Waste Water	015-320		1157671 gallons	\$ 11,501.67
Main Street Supply	Repair/Maintenance W & S	015-396	Adapters, Thread, Camlock, Repair for Chestnut Av.		\$ 46.03
Main Street Supply	Repair/Maintenance General	015-395	Front lights for side discharge lawn mower		\$ 99.98
Main Street Supply	Repair/Maintenance General	Cemetery	Front lights for cemetery lawn mower		\$ 88.26
Purcell Lumber	Repair/Maintenance General	015-395	Boards for platform at shop		\$ 129.69
Purcell Lumber	Repair/Maintenance General	Cemetery	Blacktop patch for hole repairs at cemetery		\$ 63.96
Rappahannock Electric Coop	Electric Water/Sewer	015-411			\$ 605.15
Ricoh	Office Supplies	015-375	Copier/toner 91		\$ 102.27
Ricoh	Office Supplies	015-375	copier rental 19		\$ 227.75
Roto Rooter	Repair/Maintenance W & S	015-396	Repairs on Third St.		\$ 1,409.95
Studio490	Web Page Maintenance	015-490			\$ 343.75
Updike	Trash	015-569			\$ 2,692.06
VITA	Telephone	015-415			\$ 1.43
*Federal Tax Deposit	Payroll Taxes	380 & 012			\$ 3,803.55
Verizon	Telephone	015-415	telephone		\$ 351.50
*Virginia Dept Taxation	Payroll Taxes	015-012			\$ 1,028.78
VUUPS - Virginia Utility Prot. Service	Misc	015-370	VA 811		\$ 14.70
Sams Club - Mastercard Credit					
Google	Internet	015-510	google workspace		\$ 240.04
Zoom	Internet	015-510	Internet		\$ -
Family Dollar	Office Supplies	015-375	Foam cups & paper plates		\$ 6.42
Crystal Springs	Office Supplies	015-375	water cooler		\$ 50.67
I Love PDF	Office Supplies	015-375	on line tool that merges pdf files		\$ 7.00
DMV	Office Supplies	015-375	Jessica Sample plate		\$ 20.00
Amazon	Office Supplies	015-375	Stamp pad, yellow road paint, pens, sharpies, toilet paper, legal pads, manila folders, paper plates		\$ 152.99
VA Dept General Services	Water test kits	015-430			\$ -
OOMA, Inc	Telephone	015-415	telephone		\$ 293.24
Microsoft Office	Office Supplies	015-375			\$ 25.00
Prepared by PGF					\$ 37,537.92

February Monthly Revenue		
<i>Date</i>	<i>Gross Revenue</i>	<i>Town Percentage</i>
02/01/2023	\$23,568.50	\$1,161.86
02/02/2023	\$88,326.76	\$4,354.26
02/03/2023	\$7,690.81	\$379.14
02/06/2023	\$31,809.99	\$1,568.14
02/07/2023	\$41,327.90	\$2,037.35
02/08/2023	\$61,567.34	\$3,035.10
02/09/2023	\$23,727.15	\$1,169.68
02/10/2023	\$32,377.22	\$1,596.11
02/13/2023	\$71,791.05	\$3,539.10
02/14/2023	\$22,959.37	\$1,131.83
02/15/2023	\$35,544.19	\$1,752.23
02/16/2023	\$22,214.80	\$1,095.13
02/17/2023	\$14,016.63	\$690.98
02/21/2023	\$22,141.86	\$1,091.53
02/22/2023	\$45,858.27	\$2,260.68
02/23/2023	\$5,559.59	\$274.07
02/24/2023	\$52,484.29	\$2,587.33
02/27/2023	\$48,355.83	\$2,383.81
02/28/2023	\$67,393.43	\$3,322.31
Total	\$718,714.98	\$35,430.62



Town of Mineral
Post Office Box 316
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Mineral, VA 23117
Phone 540-894-5100
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Personnel Policy and Employee Handbook

Approved by Town Council DATE

INTRODUCTORY STATEMENT

This handbook is designed to acquaint you with the Town of Mineral and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. Read, understand, and comply with all provisions of the handbook. This handbook explains many of the Town's policies. It describes many of your responsibilities as an employee and outlines the programs developed by the Town of Mineral to benefit employees. One of the Town's objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. As the Town of Mineral continues to grow, needs arise and the Town Council reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion.

Employment-at-will simply means that either the Town or the Employee can terminate employment as we are not contractually bound to each other. As public employees we work at the pleasure of an elected Town Council. As with any organization, finances and circumstances may periodically dictate that positions be added or eliminated. It is the policy of the Town Council to assure that the best, most conscientious and productive employees remain in the service of our Town.

The Town may find it necessary to periodically revise our policies and procedures related to its employees. Employees will, of course, be advised of such changes in the form of amendments to this handbook as they occur.

EMPLOYEE ACKNOWLEDGEMENT FORM

The employee handbook describes important information about the Town of Mineral, and I understand that I should consult the Town Manager regarding any questions not answered in the handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Town of Mineral Council has the authority to adopt any revisions to the policies in this handbook.

As public servants of the Town of Mineral, we serve at the pleasure of an elected Town Council. The Town Council in turn is accountable and serves at the pleasure of the citizens of Mineral. Either the Town of Mineral or I may terminate this employment relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state laws.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received and read the handbook, and I understand that it is my responsibility to comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S SIGNATURE _____

EMPLOYEE'S NAME (TYPED OR PRINTED) _____

DATE _____

NOTE: Once sign by employee this sheet will be added to the employee personal file

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NATURE OF EMPLOYMENT

Employment with the Town of Mineral is voluntarily entered into and the employee is free to resign at will at any time, with or without cause. Similarly, the Town of Mineral may terminate the employment relationship at will at any time, with or without cause, so long as there is no violation of applicable federal or state laws.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the Town of Mineral and any of its employees. The provisions of the handbook have been developed at the discretion of the Town Council and, may be amended or canceled at any time, at Town Council's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Mineral Town Council. The Town Council of Mineral entrusts the Town Manager to act as the Chief Administrative Officer of the Town and acting on behalf of the Town Council, to supervise all personnel functions including hiring, firing, demotion, promotion and reduction in work force as circumstances may require. In the absents of a Town Manager under the town charter and town code the Mayor will become the interim town manager until town council hires a full time town manager

EMPLOYEE RELATIONS (OPEN DOOR POLICY)

The Town of Mineral believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in local government. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisor or the Town Manager, who will report promptly to Council for consideration.

Experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent; communications can be clear; and attitudes can be positive. We believe that the Town of Mineral amply demonstrates its commitment to employees by responding effectively to employee concerns.

Should you encounter or perceive problems we want to know about them. If warranted, the appropriate corrective measure will be implemented. Your supervisor and the Town Manager are dedicated to channeling your efforts into positive results that improve everyone's quality of life. This benefits the Town, its citizens, and you the employee. We are a team and we will work together to improve our skills and services.

EQUAL EMPLOYMENT OPPORTUNITIES

All applicants are required to meet the standards or requirements for the position as set forth in the job description.

➤ Overview

The Town is committed to providing equal employment opportunities to all applicants and employees and to providing a nondiscriminatory work environment in which employment opportunities are based solely on the employee's knowledge, skills and abilities.

➤ *Commitment*

The Town shall provide equal opportunities in all personnel management activities to employees and applicants for employment. Opportunities and decisions shall be based on merit, qualifications and competence without regard to race, color, sex, national origin, marital status, age, religion, political affiliation, disability, pregnancy or citizenship (except where an occupational qualification is needed regarding the particular position).

The Town will not tolerate discrimination or harassment based upon race, religion, color, sex, age, national origin, disability, marital status, pregnancy, or citizenship status. This directive governs all aspects of employment including, but not limited to: recruitment, hiring, transferring, promoting, demoting, compensation, benefits, job assignment, disciplinary actions, dismissal, lay off, return from layoffs and training.

➤ *Persons with Disabilities*

For qualified applicants and employees with disabilities, the Town shall provide reasonable accommodations that do not impose an undue hardship on the Town.

A disability is a physical or mental impairment that substantially limits one or more major life activities of that individual, including the ability to perform essential job tasks. Major life activities include (but are not limited to) eating, performing manual tasks, seeing, hearing, breathing, walking, lifting, bending, reading, working, communicating, thinking, interacting with others, working, other normal activities of life, including the operation of body functions.

A person with a disability who may need an accommodation for the disability should make a request to the supervisor or the Town Manager. Once a request for an accommodation is received, a meeting with the employee will be held to understand what limitations are imposed by the disability and what accommodations may be effective. Supervisors should be mindful that requests for accommodations may be made informally and a follow up should be taken on all requests whether in writing or not.

An employee must be qualified for the position and be able to perform its essential functions, with or without accommodations. An accommodation, if reasonable, will be made whenever possible; however, requests for an accommodation that would not be effective, or would result in an undue hardship, or that would pose a direct threat to health and safety will be rejected.

➤ *Harassment*

Any form of harassment is unacceptable. Harassment includes the creation of a hostile work environment. If an employee believes that the work environment is hostile or if there is harassment based on race, religion, color, sex, age, national origin, disability, marital status, pregnancy or citizenship status, a complaint should be made immediately according to the procedures set forth in the reporting section of this policy. Whenever possible, the employee should tell those who are engaging in harassing conduct that these actions and words are not welcomed.

➤ *Sexual Harassment*

Sexual harassment is a particular form of harassment which can manifest itself in subtle ways. The following list is intended to illustrate conduct which would constitute sexual harassment:

- Solicitation of sexual favors accompanied by either an expressed or implied promise of favorable job treatment or a threat concerning the terms or conditions of the employee's employment.
- Pressure for sexual favors, including implications or threats that an applicant's or employee's cooperation of a sexual nature, or refusal thereof, will have any effect on the person's employment, assignments, wages, promotion, terms or conditions of employment or future job opportunities.
- Unwelcome behavior that is offensive to a reasonable person, such as:
 - Sexual flirtations, advances, propositions or suggestions.
 - Verbal abuse of a sexual nature, sexually related comments or jokes, graphic or degrading comments about an employee's appearance, or the display of sexually suggestive objects or pictures.
- Other behaviors or conduct of a sexual nature.

As with all forms of harassment, sexual harassment is not to be tolerated and should be reported immediately. Hostile, derogatory comments and demeaning actions are not to be tolerated.

➤ *Reporting Discrimination, Harassment, Retaliation*

Anyone observing or experiencing harassment or discriminatory conduct should report it immediately to the supervisor or the Town Manager. If the complaint involves the supervisor or the Town Manager, the complaint should be brought directly to the Mayor or, in appropriate circumstances, to the Town Council. Complaints will be investigated.

Although a complaint does not have to be in writing, it is helpful to have a written report with as many facts as can be recalled. Once received, the conduct will be investigated and appropriate steps to remediate the situation will be taken including taking action(s) to

prevent such conduct from recurring in the future. If a complaint is made and there appears to be no follow-through on investigating the complaint, the employee should immediately bring the complaint to the Mayor. The investigation may include, but is not limited to, interviewing the employee who brought the complaint, as well as other personnel, to obtain sufficient information on which to make a determination of the situation.

If the complaint is founded, the person(s) responsible for the discrimination or harassment will be disciplined. Supervisors are expected to oversee the workplace to prevent any incidents of harassment occurring in the future.

➤ *Consequences*

Supervisors who allow any type of discriminatory conduct or harassment to occur or fail to respond accordingly to allegations of such conduct will be subject to disciplinary action, up to and including termination of employment. Anyone engaging in discriminatory conduct or harassment will be subject to disciplinary action, up to and including termination of employment.

OPERATION OF TOWN-OWNED MOTOR VEHICLES

Any candidate for employment who will operate a government owned motor vehicle must possess a valid Virginia driver's license at the time of employment. Applicants will be required to show proof of possession of the required license. All applicants will be required to provide a current copy of their driving record from the Department of Motor Vehicles. All drivers of government owned motor vehicles shall obey all traffic rules and regulations prescribed by law and shall use every safety measure possible to prevent accidents.

If an employee's driver's license is suspended by the Department of Motor Vehicles or by any court of the Commonwealth during employment, the employee must immediately notify his/her Department Head.

CONDUCT

All Town employees are expected to discharge their duties conscientiously and to conduct themselves in a manner, which will reflect favorably upon the Town of Mineral.

1. Each employee shall refrain from any use of his/her official position which is motivated by the desire for private gain for himself/herself or any other person.
2. Each employee shall exercise care in his/her personal financial activities to avoid any appearance of acting on the basis of information obtained in the course of performing his/her Town activities. If an employee is required under Section 2.2-3115 of the Code of Virginia, "State and Local government Conflicts of Interest Act," to file any disclosure statement, he or she is responsible for complying with the Act.

3. An employee shall not use his/her Town position in any way to coerce or give the appearance of coercing another person to provide any financial benefit to the employee or to other persons.
4. An employee shall avoid any action that might result in giving preferential treatment to any organization or person, losing his/her independence or impartiality of action, or affecting adversely the confidence of the public in the integrity of the Town government
5. An employee who witnesses another employee engaging in an unlawful act on the job shall report the act to his/her supervisor without threat of reprisal.

GIFTS AND GRATUITIES

An employee shall not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom he/she has official relationships on business of the Town government. These limitations are not intended to prohibit the acceptance of articles of negligible value that are distributed generally, nor to prohibit employees from obtaining loans from regular lending institutions.

ACCESS TO PERSONNEL FILES

The Town of Mineral maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records. These files are not subject to public disclosure as provided under the Government Data Collection and Dissemination Practices Act or under the Virginia Freedom of Information Act.

Personnel files are the property of the Town of Mineral, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the Town of Mineral who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the Town Manager. With reasonable advance notice, employees may review their own personnel files in the Town Manager's office and in the presence of an individual appointed by the Town to maintain the files.

POLICY RELATED TO THE HANDLING OF CONFIDENTIAL INFORMATION

Many employees will work in capacities where confidential data concerning the plans and affairs of the department or of individuals will be handled. It is of great importance that employees not discuss such plans or records with persons not authorized to have access to them. If there is a question as to whether the information should be released, then the inquirer should be referred to the Town Manager.

The protection of confidential business information and private personnel information is vital to the interests and the success of the Town of Mineral. Any employee who improperly uses or discloses confidential information will be subject to immediate termination of

employment, even if he or she does not actually benefit from the disclosed information. Violators who release private/confidential information may be targeted for legal action by any aggrieved individual as authorized by federal and state law.

INTRODUCTORY (PROBATION) PERIOD

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Town of Mineral uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or Town of Mineral may end the employment relationship at will at any time during or after the introductory period: with or without cause or advance notice.

All new and rehired employees work on an introductory basis for the first 180 calendar days after their date of hire. Employees who are promoted or transferred within the Town of Mineral must complete an introductory period of the same length with each reassignment to a new position. This promotion probationary period only applies to meeting the requirements satisfactory of the new job, not to benefits. Any significant absence will automatically extend an introductory period by the length of the absence. If the Town Manager determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

In cases of promotions or transfers within the Town of Mineral, an employee who, in the judgment of the Town Management, is not successful in the new position can be removed from that position at any time during the introductory period.

If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the Town's needs.

Upon satisfactory completion of the initial introductory period, employees enter the "regular" employment classification. During the initial introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security but will not accrue vacation or sick leave.

After becoming regular full-time employees, they may also be eligible for other Town of Mineral-provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

Benefits eligibility and employment status are not changed during the introductory period that results from a promotion or transfer within the Town's Organization.

ATTENDANCE FOR FIELD PERSONNEL

Report time in the mornings for field personnel is to be directed/set by the Town Manager. Hours are subject to change.

EMPLOYEE CLASSIFICATION CATEGORIES

Full Time: Those who work more than 36 hours in a week on a regular basis are eligible for Town benefits.

Part Time: Those employees who work less than 31 hours per week. Part Time employees are not eligible for Town benefits and are paid on an hourly basis.

SALARY

Salary will be reviewed at least annually. Raises are recommended by the Department Head and will be determined at least in part by the performance and will be in accordance with an adopted salary schedule. The final approval is at the discretion of the Town Council.

The performance will be reviewed at least annually and discussed by your Department Head.

PERFORMANCE EVALUATION

The Town is committed to identifying performance expectations and goals for each employee and to providing the employee with an assessment of the employee's job performance for the year. Performance evaluations are intended to recognize the employee's performance by identifying professional strengths and assessing areas needing development.

Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss positive, purposeful approaches for meeting goals.

The performance of all employees is generally evaluated according to an ongoing 12-month cycle, beginning at the fiscal-year end (June 30). Step-based pay adjustments are awarded by the Town of Mineral in an effort to recognize superior employee performance. The decision to award such an adjustment is dependent upon numerous factors, including the information documented by this formal performance evaluation process.

The employee will be evaluated on how well they have performed during the performance cycle. The evaluation will assess the following areas:

- The employee's performance of the duties of the position.
- The employee's conduct on the job.
- The employee's interpersonal skills and teamwork.
- The employee's willingness to respond to supervision and to assume new initiatives when requested.

- For supervisors, managers, and Department Heads, the quality of supervision provided to subordinate staff, the management of the program areas, and the ability to implement and successfully complete new initiatives and/or processes will also be evaluated.

Supervisors will maintain records of employee's abilities and short comings. These documented facts will serve as the basis for periodic performance evaluation.

The employee's immediate supervisor will prepare the written evaluation. This evaluation will detail the achievement of performance goals and expectations as well as deficiencies in performance. The employee will receive a copy of the evaluation and will have the opportunity to talk to the supervisor, Department Head and/or Town Manager about the evaluation.

The Town Manager shall conduct evaluations of Department Heads except for the Town Manager. The evaluations of the Town Manager shall be conducted by the Personnel Committee with input from Town Council.

Performance evaluation will be used to

- Provide the basis for determining if an employee should receive a step increase, when such is authorized;
- Provide the employee feedback on how well he or she is performing a job; and
- Recognize good performance and identify opportunities for improvement.

Performance evaluations may also be used

- As a factor in determining the order of layoffs;
- To identify training needs;
- To determine step increases; and
- As a factor to determine promotion, transfer, demotion, or dismissal for poor performance.

The Employee evaluation will be kept in the personnel file of each employee

OVERTIME AND PROVISIONS OF THE FAIR LABOR STANDARDS ACT

Overview

The Town is committed to complying with the provisions of the Fair Labor Standards Act (FLSA). This section sets forth the Town's compensation activities as dictated by the FLSA.

Provisions

Exempt Status

All positions within the Town are classified as either exempt or non-exempt under FLSA.

Exempt status is determined by the duties and responsibilities of the position and the application of the FLSA regulations governing the exemption for Administrative, Professional, Executive and/or Computer Professional exemptions. Volunteers and certain student interns are exempt from the minimum wage and overtime provisions of the FLSA. Law enforcement personnel have a partial exemption from overtime.

Hours Worked – as defined by FLSA

Hours worked include:

- All hours which an employee is required or permitted to be performing job related tasks, even if the employee is performing the work during a designated meal break.
- All hours that an employee is required to be on duty on Town premises or at a prescribed work place.
- Time spent traveling in a capacity which is not considered normal home-to-work travel.

Overtime

An agency shall compensate an employee who is not exempt for all hours of work in excess of their regular scheduled shift (8, 10, or 12 hours) or 40 in a workweek. The rate of overtime pay is one and a half times the regular hourly rate.

Exempt positions do not receive overtime pay.

Authorization for Overtime

Non-exempt employees are not permitted to work overtime hours, or work during their lunch period unless expressly requested to do so by the supervisor or town manager.

Overtime work for non-exempt employees may be authorized when peak workloads or emergencies or other unusual work demands require employees to work beyond their normally scheduled hours. Should the need for an employee to hold over or work through lunch during the normal work day arise, the employee should keep the time to a minimum and immediately inform the Department Head on the next work day. Overtime work is not performed at the discretion of the non-exempt employee.

A non-exempt employee who has held over or engages in work activities after work hours must record that time-on-time records, and inform the Department Head when the employee returns to work. Once this notification is received the Department Head may adjust the remaining work hours in the work period adjusted so that the time will not result in overtime compensation. Employees who routinely hold over or work through lunch without permission may receive disciplinary actions for the unauthorized overtime hours.

Non-exempt Employees

If you are eligible for overtime pay, you must maintain and sign a record of the total hours you work each day on your official time card. The time card must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures and meal breaks. At the end of each work period, a completed time card should be submitted for verification and approval. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each workweek.

Exempt Employees

If you are classified as an exempt employee, you will receive a salary which is intended to compensate you for all hours that you may work for the Town. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

You will receive your full salary for any workweek in which work is performed. However, under federal law, your salary is subject to certain deductions:

- For absences due to sickness or disability;
- When an employee is absent from work for one or more full days for personal reasons other than sickness or disability;
- To offset amounts employees, receive as jury or witness fees, or for temporary military duty pay;
- For penalties imposed in good faith for infractions of safety rules of major significance;

- For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions;
- In the employee's initial or terminal week of employment if the employee does not work the full week, or
- For unpaid leave taken by the employee under the federal Family and Medical Leave Act.

You will be required to use accrued vacation, personal or other forms of paid time off for absences for personal reasons, sickness or disability.

Report Violations

The Town makes every effort to comply with the Fair Labor Standards Act. Yet, errors in record-keeping and payroll can occur. Because mistakes can happen, you should check your time sheet at the end of each work period to verify that all hours that you worked have been properly recorded, and you should review your paycheck to see that no improper deductions or other errors have been made. If you believe that an error has occurred, you are to report it immediately to your Department Head or to the Town Manager.

Employees who are not exempt from overtime must not work overtime hours unless the holdover hours have been authorized. Holdover hours should be recorded on your time sheet. In addition, you should immediately let your supervisor know that the extra hours were worked so that your schedule could be adjusted during that work period in order to avoid overtime compensation.

If you are an employee in an exempt salaried position (bona fide executive, administrative, or professional position, or earning over \$100,000 per year) only limited deductions from your salary can be taken. These deductions include the deductions required by law (state and federal taxes, Social Security, Medicare) as well as the deductions you voluntarily elected to have taken from your salary (e.g. participation in the 401(k), health and dental insurance, etc.).

Deductions from salary of an exempt employee that may be taken include:

- Absence from work for one or more full days for personal reasons other than sickness or disability;
- Absence for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
- Absence for Family and Medical Leave;
- Offsets for amounts received as witness or jury fees, or for military pay;

- Unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions;
- Days not worked during the first or last week of employment; or
- Suspensions imposed for an infraction of safety rules of major significance.

Because the Town provides a paid leave plan, employees will be required to use available paid leave for absences for personal reasons, sickness or disability.

If you believe that an improper deduction has been made to your salary, you should immediately report this information to your Department Head or to the Town Manager. Reports of improper deductions will be promptly investigated. Every report will be fully investigated. If it is determined that an improper deduction has occurred or that there was an improper calculation of hours worked or wages received, you will be promptly reimbursed for any error that was made. Any person violating this policy will be subject to corrective action up to and including discharge.

The Town will not tolerate any form of retaliation against a person who has reported an alleged violation of this policy or who cooperates in the investigation.

Retaliation Prohibited

Retaliation is unacceptable and the Town will not allow retaliation against employees who report violations or make a complaint. Any form of retaliation will result in disciplinary action, up to and including discharge.

THE PAY PLAN

The pay scale system includes the pay scales assigned to the employee classifications. A general review of the entire system by the Town Manager and Council is required each year prior to the submission of that year's final budget requests to Council. Significant change in duties, responsibilities, working conditions, or other factors shall be considered during the annual review of the pay scale. The Town's pay scale contains basic entry and maximum pay levels.

EMPLOYEE BENEFITS

Eligible employees of the Town of Mineral are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible.

Details of many of these programs can be found elsewhere in the employee handbook.

The following benefit programs are available to eligible employees:

- Vacation Benefits
- Paid Holidays
- Sick Leave Benefits
- Bereavement Benefits
- Jury Duty
- Witness Duty
- Medical insurance
- Virginia Retirement System

Some benefit programs require contributions from employees, but most are fully paid by the Town of Mineral. The benefit package for Full time Employees represents an additional cost to the Town of Mineral. Separate information package to be provided.

VACATION BENEFITS

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy:

Full-Time

The amount of paid vacation time employees receives each year increases with the length of their employment as shown in the following schedule.

VACATION ACCUMULATION SCHEDULE

All Regular full time hourly paid employees:

<u>Length of Service</u>	<u>Hours per Month</u>	<u>Max Accumulation</u>
.5-3 Years	4 Hours per Month	56 Hours
3-9 Years	7 Hours per Month	120 Hours
9+ Years	10 Hours per Month	160 Hours

The length of eligible service is calculated on the basis of a "calendar year." This is the 12-month period that begins with January 1st and ends on December 31st. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

Once employees enter an eligible employment classification (after end of probation term), they begin to earn paid vacation time according to the schedule but cannot use their accrued vacation leave until their one-year anniversary. However, before vacation time can be used, it must be earned and recorded as available for use by the eligible employee. After vacation time is earned, the employee may request to use earned vacation time.

Paid vacation time can be used in minimum increments of half days. To take vacation, employees must request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or special forms of compensation such as compensatory time, bonuses or shift differentials.

As stated above, employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the benefit year, employees may carry unused time forward to the next benefit year. An employee may not accumulate more than 20 days of vacation during a benefit year.

Employees are encouraged to use vacation within the year it is earned.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

HOLIDAYS

The Town of Mineral will grant holiday time off on the holidays listed below. All other municipal employees will observe the following holidays unless shift work dictates otherwise.

New Year's Day (January 1)

Martin Luther King Day (third Monday in January)

Washington's Birthday (third Monday in February)

Memorial Day (last Monday in May)

Juneteenth (third Friday in June)

Independence Day (July 4)

Labor Day (first Monday in September)

Columbus Day (second Monday in October)

Veteran's Day (November 11th)

The Day Before Thanksgiving (close at noon)

Thanksgiving (fourth Thursday in November)

The Friday following Thanksgiving

Christmas Eve (December 24)

Christmas (December 25)

Note: Town of Mineral will follow the state holiday schedule including any additional days declared by the Governor of Virginia. (amended 09/14/2020)

The Town of Mineral will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classification(s): Full time hourly and Salary Employees.

To be eligible for holiday pay, employees must work the last scheduled day immediately preceding and the first scheduled day immediately following the holiday. *Vacation and/or Sick Time cannot be used in place of holiday pay.

An employee may request annual leave on the day before or the day after a scheduled holiday. Supervisors will consider workload and available staff needs at the time of the request. Approval or denial will be based on the work demands and staff availability of the department.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday.

A recognized holiday that falls on a Sunday will be observed on the following Monday.

If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation, sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If an eligible nonexempt employee works on a recognized holiday, he or she will receive compensatory time off at one and one-half times his or her straight-time worked on the holiday or as otherwise arranged.

Paid time off for holidays will not be counted as hours worked for the purposes of determining whether overtime pay is owed.

SICK LEAVE BENEFITS

The Town of Mineral provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classification(s): Full time Employees.

Eligible employees will accrue sick leave benefits at the rate of 12 days per year (1 day for every month of service beginning after the probation term).

Employees can request use of paid sick leave after completing a waiting period of 30 calendar days from the date they become eligible to accrue sick leave benefits. Paid sick leave can be used in minimum increments of one hour. Eligible employees may use sick leave benefits for an absence due to their own illness or injury or that of a family member who resides in the employee's household.

Employees who are unable to report to work due to illness, injury or death in the immediate family must notify their direct supervisor not later than one hour before the scheduled start of their workday. The supervisor must also be contacted on each additional day of absence.

If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement will be required verifying the disability and its beginning and expected ending dates. Such verification will be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives or shift differentials.

As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as workers' compensation. Any accrued sick leave benefits will be used to supplement any payments that an employee is eligible to receive from state disability insurance, workers' compensation or Town of Mineral-provided disability insurance programs. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of 18 calendar days' worth of sick leave benefits. If the employee's benefit reaches this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.

Sick leave benefits are intended solely to provide income protection in the event of illness, injury or bereavement, and may not be used for any other absence.

Accrued unused sick leave benefits will not be paid to employees upon termination of employment.

BEREAVEMENT BENEFITS

Paid sick leave benefits can also be used for the death of an immediate family member. (Immediate family members include: spouse, child, mother, father, sibling(s), mother-in-law, father-in-law, brother/sister-in-law or grandparents)

JURY DUTY

The Town of Mineral encourages employees to fulfill their civic responsibilities by serving jury duty when required.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Employee classifications that qualify for paid jury duty leave are: Full time Employees.

If employees are required to serve jury duty beyond the period of paid jury duty leave, they may use any available paid time off (for example, vacation benefits) or may request an unpaid jury duty leave of absence.

Employees must show the jury duty summons to the Town Manager as soon as possible so that the Town may make arrangements to accommodate the employee's absence. Of course, employees are expected to report for work whenever the court schedule permits, such as if the employee is summoned for jury duty but is not selected to serve on the jury.

Either the Town of Mineral or the employee may request an excuse from jury duty if, in the Town's judgment, the employee's absence would create serious operational difficulties.

The Town of Mineral will continue to provide health insurance benefits for full term of the jury duty absence. Vacation, sick leave, and holiday benefits, will continue to accrue during unpaid jury duty leave.

WITNESS DUTY

The Town of Mineral encourages employees to appear in court when subpoenaed to do so. If employees have been subpoenaed or requested to testify as witnesses regarding business of the Town of Mineral, they will receive paid time off for the entire period of witness duty.

MEDICAL INSURANCE

Medical insurance may be provided to eligible employees by the Town of Mineral.
Eligible Employees: Full-Time.

VIRGINIA RETIREMENT SYSTEM

All eligible employees will be required to enroll in the Virginia Retirement System as provided by the Town of Mineral. Eligible Employees: Full-Time

USE OF EQUIPMENT AND VEHICLES

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using town property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

Accidents resulting in \$500.00 or more of damage will require a physical examination and drug and alcohol screening to determine extent of injuries and /or substance abuse.

EMERGENCY CLOSINGS

At times, emergencies such as severe weather, fires, power failures, or natural or manmade disasters may disrupt Town operations. The Town of Mineral will follow the same procedure as the County of Louisa for Inclement Weather with the following exception that the Town will automatically initial a delay in the regular work start time up to 10 AM until Town Manager/Mayor will decide by 08:30 AM, based on the circumstances on any regular work day and announced by prescribed measures decided upon in advance by Council, if and when regular full time or part-time employees shall be expected to report to work.

In extreme cases, these circumstances may require the closing of private facilities. During these times the Town of Mineral may be required to maintain essential government services. Those employees identified as mission essential are expected to report for work regardless of the weather or disruptive occurrence.

Persons not reporting for scheduled work will not be paid. However, with supervisory approval, employees in nonessential duties may be excused for the day or part of. Employees in essential operations are required to work as assigned. Failure of essential employees to report for work may result in disciplinary measures up to and including termination of employment. Hours worked will be at the employees' regular pay rate unless they are in excess of 40 hours for the week. This applies for holidays as well as regular work days. Holiday hours will not prevent overtime for hours worked when required for emergency situations.

BUSINESS TRAVEL EXPENSES

The Town of Mineral will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the Town Council. Employees whose travel plans have been approved are responsible for making their own travel arrangements.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the Town.

Employees are expected to limit expenses to reasonable amounts.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by the Town may not be used for personal use.

When travel is completed, employees should submit completed travel expense reports within 5 work days. Reports should be accompanied by receipts for all individual expenses.

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, may be grounds for disciplinary action, up to and including termination of employment.

FAMILY LEAVE

The Town of Mineral provides family leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child; or to care for a child, spouse, or parent with a serious health condition.

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

Employees in the following employment classifications are eligible to request family leave as described in this policy: Full time Employees. Eligible employees may request family leave only after having completed 180 calendar days of service. Eligible employees should make requests for family leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

Employees requesting family leave related to the serious health condition of a child, spouse, or parent may be required to submit a health care provider's statement verifying the need for a family leave to provide care, its beginning and expected ending dates, and the estimated time required.

Eligible employees may request up to a maximum of two weeks of family leave within any 12 month period. Any combination of family leave and medical leave may not exceed this maximum limit. Married employee couples may be restricted to a combined total of two weeks leave within any 12 month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will be provided by the Town until the end of the month in which the approved family leave begins. At that time, employees will become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from family leave, benefits will again be provided by the Town according to the applicable plans.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

So that an employee's return to work can be properly scheduled, an employee on family leave is requested to provide the Town with at least two weeks advance notice of the date the employee intends to return to work. When family leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee fails to report to work promptly at the end of the approved leave period, Town of Mineral will assume that the employee has resigned.

EMPLOYEE CONDUCT AND WORK RULES

To ensure orderly operations and provide the best possible work environment, the Town of Mineral expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or Inappropriate Removal or Possession of Property.
- Falsification of Timekeeping Records.
- Working under the Influence of Alcohol or Illegal Drugs.
- Possession, Distribution, Sale, Transfer, or Use of Alcohol or Illegal Drugs in the Workplace, While on Duty, or While Operating Employer-Owned Vehicles or Equipment.
- Fighting or Threatening Violence in the Workplace.
- Boisterous or Disruptive Activity in the Workplace.
- Negligence or Improper Conduct Leading to Damage of Employer-Owned or Privately-Owned Property.
- Insubordination or Other Disrespectful Conduct.
- Violation of Safety or Health Rules.
- Smoking in Prohibited Areas.
- Sexual or Other Unlawful or Unwelcome Harassment.
- Possession of Dangerous or Unauthorized Materials, Such as Explosives, In the workplace.
- Excessive Absenteeism or Any Absence Without Notice.
- Unauthorized Absence from Work Station during the Workday.
- Unauthorized Use of Telephones, Mail System, Town Computers or other communication devices or other Employer-Owned Equipment.
- Unauthorized Disclosure of Confidential Information.
- Violation of Personnel Policies.
- Unsatisfactory Performance or Conduct.
- Actions away from work activities that could reflect badly on the Town of Mineral.

Employment with the Town of Mineral is at the mutual consent of the Town and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

DRUG AND ALCOHOL USE

It is the Town's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on Town of Mineral premises and while conducting business-related activities off Town premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs.

The legal use of medically prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Violations of this policy may lead to immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

To inform employees about important provisions of this policy, the Town of Mineral has established a drug-free awareness program. The program provides information on the dangers and effects of substance abuse in the workplace, resources available to employees, and consequences for violations of this policy.

Under the federal Drug-Free Workplace Act of 1998, 42 U.S.C. 701 et seq., an employee who performs work for a government, government contract or grant must notify the Town Manager of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the Town Manager without fear of reprisal.

ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the Town of Mineral expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Town of Mineral. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Office hours are from 8:30 am to 5:00 pm with a 30 minute unpaid break provided. Employees should arrive at work in time to be ready to work when the office opens for the day and must remain at the office until all settlements are completed.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the public's image of the Town Government. It is imperative that each employee present an image to citizens, visitors and fellow employees that reflect favorably on the Town.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances employees will have their leave bank docked for the time away from work.

SECURITY INSPECTIONS

The Town of Mineral wishes to maintain a work environment that is free of illegal drugs, alcohol, explosives, or other improper materials. To this end, the Town prohibits the possession, transfer, sale, or use of such materials on its premises. The Town requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees but remains the sole property of the Town. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the Town of Mineral at any time, either with or without prior notice.

The Town likewise wishes to discourage theft or unauthorized possession of the property of employees, the Town, and citizens. To facilitate enforcement of this policy, the Town or its representative may inspect not only desks and lockers but also persons and/or vehicles entering and/or leaving the premises and any packages or other belongings. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto the Town's premises.

ACCIDENT REPORTING

Any employee injured on the job must report the injury immediately to his/her supervisor. The supervisor must submit a detailed accident report to either the Town Manager or to the Town Clerk at the Town Manager's Office for completion of a Worker's Compensation Form.

An injured employee needing medical attention must seek treatment from a doctor on a list approved by the Town Manager. Obtaining treatment from a doctor who is not on the approved list may result in disqualification for Worker's Compensation Benefits. In the event of a serious injury requiring emergency medical treatment the employee may go immediately to the hospital emergency room.

All losses, damages, accidents or occurrences which involve any Town employees, equipment, property (including the utility system) shall be reported to the Manager's Office on forms prescribed by the Town Manager, whether or not they result in a claim to the Town. All non-supervisory employees upon learning of an accident shall report the incident

to their supervisor. All supervisory employees upon learning of an incident shall personally investigate to determine the circumstances involved, and shall then prepare a report to be submitted to the Town Manager's Office within two days of learning of an incident. The results of the incident will be briefed to the Mayor who will brief Town Council of the incident.

EVALUATING EMPLOYEE SAFETY

An employee's conformance to safety rules and regulations and his/her work habits will be considered in his/her annual performance evaluation. The refusal of an employee to abide by safety rules, such as wearing hard hats, safety shoes or eye protection may result in immediate suspension and possible dismissal.

GRIEVANCE PROCEDURE POLICY

The Town of Mineral desires to resolve employee complaints and grievances in a fair and equitable manner. The Town follows the state's Standards of Conduct.

In any organization it would be unrealistic to assume that employees would never have an occasion to question a decision which affects them. Human beings are not perfect and an employee will make mistakes whether he or she is a laborer, a clerical worker, or a Department Head.

In the vast majority of cases where employees feel they have been mistreated or they are the victims of a poor decision, there has usually been a misunderstanding between the employee and the supervisor who made the decision.

Since a frank discussion between these two individuals - supervisor and employee - can usually resolve such misunderstandings, a free and open atmosphere between an employee and his/her supervisor is strongly encouraged. Decisions which affect employees should be thoroughly discussed with those affected.

When a problem cannot be resolved to the satisfaction of the employee, the employee has the right and privilege of appealing through the formal grievance procedure.

Employees whose grievances result from work situations deserve and have the right to submit grievances for orderly resolution with complete freedom from discrimination, coercion, recrimination, restraint, or reprisal. This does not, however, confer the right upon anyone to make slanderous or libelous statements.

Coverage

All Full time Employees are eligible to file grievances, except Council appointed Employees, department heads and probationary employees. Probationary employees may file a grievance if the complaint involves a charge of discrimination. Sworn police officers, as defined in Chapter 10.1, Title 2.1 of the 1950 Code of Virginia, as amended, have access to the procedures set forth in Chapter 7; Section 7.11 of these rules (Law Enforcement Officers' Procedural Guarantees) or this grievance procedure (Chapter 7; Section 7.6), but not both.

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, disciplinary demotions and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance;
- B. The application or interpretation of personnel policies, procedures, rules, and regulations, including the application of policies involving matters referring to the contents of ordinances, and/or statutes;
- C. Acts of reprisal as the result of utilizing the grievance procedure; or of participation in the grievance of another Town employee;
- D. Complaints of discrimination on the basis of race, color, creed, political affiliation, age, disability, national origin, or sex;
- E. Acts of reprisal because the employee has complied with any law of the United States or of the Commonwealth¹ 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.

Management Rights

Management reserves the exclusive right to manage the affairs and operations of government. Accordingly, the following complaints are non-grievable under this procedure:

- A. The establishment and revision of wages or salaries, position classifications, or general benefits;
- B. Any work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content; the measurement and assessment of work activity through a performance evaluation shall not be grievable except where the employee can show that the evaluation was arbitrary or capricious;
- C. The contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations;
- D. Failure to promote except where the employee can show established promotional policies or procedures were not followed or applied fairly;
- E. The methods, means, and personnel by which work activities are to be carried on,
- F. Termination, layoff, demotion, or suspension from duties because of lack of work, reduction in work force, or job abolition; except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance. In any grievance brought under the exception to item F), the action shall be upheld upon a showing by the Town that: (1) there

was a valid business reason for such action, and (2) the employee was notified of such reason in writing prior to the effective date of the action.

- G. The hiring, promotion, transfer, assignment, and retention of employees within the Town government; and
- H. The relief of employees from duties in emergencies.

Procedure

An employee who feels aggrieved in matters other than those covered in the Section above "Management Rights", may file a grievance using the following procedures:

First Step: Supervisor Level

A. Within twenty (20) calendar days after the occurrence or condition

giving rise to the grievance, the employee affected may identify the grievance verbally to the employee's immediate supervisor. Within five (5) working days of such presentation the supervisor shall give his or her response to the employee with respect to the grievance, or shall advise the employee that additional time for such decision is needed, in which case a decision must be given to the employee within five (5) working days thereafter:

B. If a satisfactory resolution is not reached by this process, the employee shall

Reduce the grievance to writing, identifying the nature of the grievance and the expected remedy. Such written grievance shall be presented to the immediate supervisor within five (5) working days of the supervisor's verbal reply. The supervisor must reply in writing within five (5) working days.

Second Step: Management Level - Department Head

If a satisfactory resolution is not reached at the first step, the employee may so indicate on the Grievance Form and submit the grievance to the Department Head within five (5) working days. A meeting to review the grievance shall be held between the employee and the Department Head within five (5) working days after receipt thereof. The time limit between the second step submission and the second step meeting may be extended by mutual agreement at the second step meeting, the employee may have a witness of his or her choice present the step supervisor may likewise have a witness present, if he or she so desires. Witnesses shall be present only while actually providing testimony. A second step written reply to the grievance shall be provided to the employee within five (5) working days after the second step meeting.