CHAPTER 11 *(as of March 2004)*

PERSONNEL

Adopted by Town Council on February 28, 1994
(This replaces the Town of Vienna Personnel and Procedures Manual
which was adopted by the Town Council on November 18, 1991)

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ARTICLE 1. IN GENERAL

Section 11-1 Purpose.

The purpose of this chapter is to provide for a system of personnel administration that ensures that:

A. Employment with the Town government shall be based upon ability and fitness and free of personal and political considerations;

B. Just and equitable conditions of employment and incentives shall be established and maintained to promote efficiency and economy in the operation of the Town Government; and

C. Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.

Section 11-2 Equal Employment Opportunity Statement.

Equal Employment Opportunity laws are designed to safeguard individual rights. In keeping with these Federal regulations, the Town of Vienna offers equal employment opportunities to all job applicants and employees. Appointments and promotions are based solely upon qualifications and experience and are free of consideration of race, color, religion, sex, age, marital status, national origin or disability.

Section 11-3 Definitions. (Amend. 6/94)

For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. Anniversary Date: This indicates the date of initial employment with the Town. Permanent employees become eligible for in-grade one-step salary increases on this date, based upon a satisfactory performance evaluation. Anniversary dates may be adjusted as a result of an employee's change from a civilian position to a sworn one, leave without pay status in excess of 30 days, position reclassification or reallocation. (Amend. 6/94)

B. Break In Service: Any separation from the Town service, whether by resignation, lay-off, disability, or retirement, when the employee is subsequently re-employed. An authorized leave without pay shall not constitute a break in service.

C. Continuous Service: Employment without interruption, including absences on approved leaves, or absences to serve in Armed Forces of the United States.

D. Demotion Or Reduction In Rank: Reassignment of an employee from one position to another which has a lower maximum rate of pay.

E. Disability: A disabling condition, partial or complete, temporary or permanent, which prevents, hinders or adversely affects an individual's performance of his/her normal routine of work.

F. Dismissal: Separation from Town employment for cause.

G. Full-Time Employee: An individual who is assigned to work a minimum of 40 hours per week.

H. Grievance: A complaint or dispute of an employee relating to his/her employment, with the following exceptions: the negotiation of wages, salaries, or fringe benefits; work activity accepted by the employee as a condition of employment; subjects covered by existing ordinances or established personnel policies and procedures; and failure to promote under a fairly applied procedure.

I. Immediate Family Or Relative: The employee's spouse, children, siblings, parents, in-laws, grandparents, by blood, marriage or adoption.

J. Lay-Off: Separation of an employee from a position as a result of the abolition of the position, lack of work, or lack of funds.

K. Part-Time Employee: An individual who is assigned regular working hours of less than eight (8) hours a day and/or less than forty (40) hours per week. A part-time permanent employee who regularly works at least twenty (20) hours per week is eligible for sick and annual leave accumulation plus health insurance coverage in proration to his/her actual hours worked.

L. Pay Grade and Step: A combination number and letter symbol indicating the pay range of a position. The number indicates the grade and the letter the step within that grade.

M. Position: Any office or employment, whether occupied or vacant, full-time, part-time, permanent or temporary, consisting of duties and responsibilities assigned to one individual by a competent authority.

N. Position Description: A written narrative detailing the typical duties, responsibilities, and minimum desirable qualifications of a position.

O. Probationary Period: A period of six (6) months for non-sworn personnel from the date of their appointment or one (1) year for sworn police personnel from the date of the completion of their academy training, during which an employee hired to fill a permanent position is employed on a trial, or test, basis preliminary to approval of permanent status.

Transferred, promoted, or demoted employees are required to serve a probationary period of at least four (4) months, but no longer than six (6) months. This probationary period is imposed for the purpose of evaluating the transferred employee's suitability for the new position. An employee who fails to complete satisfactorily this probationary period may be restored to his/her former position, or may be dismissed if conditions so warrant.

P. Promotion: Assignment of an employee from one position to another which has a higher maximum rate of pay.

Q. Permanent Employee: Anyone employed with the Town on a permanent, continuous basis. Every permanent employee shall serve a probationary period after his/her appointment. The status of an employee shall not be changed from probationary until a certification is made by the department head that the employee's performance is satisfactory. A permanent employee can be appointed to full or part-time status.

R. Reinstatement: Reappointment, after separation, of a former employee to his/her former position or one of a similar nature.

S. Retirement: A withdrawal from active service based on age, years of service, or disability.

T. Separation: Vacating a position, either through resignation, lay-off, dismissal, disability, or death.

U. Sexual Harassment: Includes, but is not limited to:

1. Verbal harassment or abuse.
2. Subtle pressure for sexual activity.
3. Unnecessary physical contact such as hugging, patting, or pinching.
4. Requesting sexual favors accompanied by implied or overt threat concerning an individual's employment status or promise of preferential treatment with regard to an individual's employment status.

V. Suspension: An enforced leave of absence without pay for disciplinary purposes or pending investigation of charges made against an employee.

W. Temporary Employee: Anyone employed for a specific period (such as summer) or for a specific purpose (e.g., to replace a sick employee) is considered temporary. A temporary employee is not eligible to receive any fringe benefits. A temporary employee can be either full or part-time and can be separated at any time when his/her services are no longer needed.

X. Transfer: Reassignment of an employee from one position to another or from one division to another.

Y. Unsatisfactory Service: Performance of assigned duties and responsibilities that falls below the accepted standards as to work habits, attitudes, and personal conduct.

Section 11-4 Application of Chapter.

This chapter applies to all employees of the Town of Vienna who are under the direction and appointment of the Town Manager and, where indicated by content, to members of the Town Council and appointed officials including appointed members of boards and commissions.

Section 11-5 Responsibility and Authority of the Town Manager.

The Town Manager shall have the responsibility and authority for administering the personnel system established by this chapter. In implementing this chapter, the Town Manager is authorized to prepare administrative regulations that will generally itemize or detail specifics relating to a pertinent subject. They may be implemented in conjunction with this chapter and will bear the same authority.

The Director of Administrative Services is designated as the Town's personnel officer and, subject to the directions of the Town Manager, is responsible for the administration of this chapter and the administrative regulations. The Town Manager, however, retains final responsibility for personnel administration with the Town government.

ARTICLE 2. COMPENSATION

Section 11-6 Pay Plan. (Amend. 6/94)

A. Administration

1. The Town Manager is responsible for:

a. Developing a pay scale with an appropriate number of pay grades.

b. Assigning all positions to the pay grade, based upon a careful analysis of the requirements of the positions. Such analysis will include skills, responsibilities, effort required, work conditions, and education/experience.

c. Developing methods by which employees may progress from one fixed step to another.

2. The pay plan shall become effective upon approval by the Town Council.

3. In assigning salary ranges, consideration shall be given to prevailing rates of pay for comparable work in other public sector and private sector positions, the current cost of living, the duties and responsibilities of the position, and the Town's financial condition and policies.

B. Maintenance of the Plan

1. The department head is responsible for informing the Town Manager of any significant change in duties, responsibilities, working conditions, or other factors which might affect the pay grade of any position.

2. A general review of the entire plan by the department heads and Town Manager is required each year prior to the submission of that year's final budget requests to Council.

3. A comprehensive review of the plan should be conducted every three (3) to five (5) years.

C. The Pay Scale

1. The pay scale shall be a fixed-step, integrated scale with sufficient pay grades to adequately compensate the employees covered by the position classification plan. All step increases shall be granted solely on the basis of performance.

2. Any cost-of-living increases granted by the Town Council shall be applied to all the pay rates in the pay scale.

D. Allocation of Positions to Grades

Each position will be assigned to a pay grade. Initial employment shall normally be at the minimum rate for the assigned grade; however, when an applicant possesses unusual experience or ability, he/she may be hired at a higher rate, as recommended by the department head and approved by the Town Manager.

E. Entry Level Increment (Pay Grades 1 Through 2 Only) (Amend. 6/94)

All new full-time permanent employees appointed at the A step in grades 1 and 2 inclusive are eligible to receive a salary increase to the B step upon successful completion of their initial probationary period (six months).

F. Compensation for Work in a Higher Classification

If an employee is assigned by the Town Manager to work in the acting capacity of a higher grade position and assumes additional responsibilities for at least thirty (30) days, he/she shall be granted at least a one step increase in salary. This temporary appointment shall not be for more than six (6) months in duration. Such additional salary shall cease when the employee returns to his/her regular job.

G. Anniversary Increases

All permanent Town employees included in the pay plan, who are not in the top step in their grade, may become eligible for an anniversary pay increase based upon their performance evaluation. These one-step increases will be granted on the anniversary date assigned to each employee. Upon reaching the end of the pay grade step an employee is eligible only for cost-of-living increases.

H. Overtime

Employees who perform necessary and assigned overtime work will be compensated under the guidelines of the Fair Labor Standards Act. Overtime pay for non-exempt employees shall be at one and one-half times the regular rate of pay or compensatory time may accrue at the same one and one-half rate. Exempt employees shall earn hour for hour compensatory time for authorized hours in excess of 40 hours per week.

Overtime pay may be received only for work that is done on a mandatory basis outside of the normal work day. It cannot be earned by foregoing a lunch hour, arriving at the work site early or staying afterwards unless specifically required by the employee's supervisor.

I. Holiday Pay

1. Permanent employees are paid their regular straight time rate for all days designated as Town holidays in Section 11-10(K).

2. All permanent personnel required to work on Town holidays receive their holiday pay for that day and pay at the rate of time and one-half for all hours worked.

3. All temporary employees required to work on Town holidays will be paid at one and one-half times their normal hourly wage for each hour worked.

4. When a holiday falls on a full-time, permanent employee's scheduled day off, one of his/her scheduled working days within the same pay period in which the holiday occurs may be designated by the department head as the official holiday.

5. In order to receive pay for an observed holiday, an employee must be in a work or paid leave status on his/her scheduled workday immediately preceding and following the holiday.

J. Starting Rate of Pay.

New appointments shall normally be made at the first step of the appropriate pay

grade. However, original appointments above the minimum rate may be made with the advanced written approval of the Town Manager or his designee.

K. Transfer.

A transfer occurs when an employee permanently changes from one position to another in the same pay grade. An employee's salary does not change in a transfer.

L. Demotion.

A demotion occurs when an employee permanently changes from one position to another which has a lower salary grade. The salary of an employee demoted shall be reduced by at least one step or as deemed appropriate by the Town Manager. In no event shall the employee's new salary be above the highest step in the pay grade of his new classification.

M. Promotion.

A promotion occurs when an employee permanently changes from one position to another which has a higher salary grade. The salary of an employee promoted will be set at the minimum step in the new grade or, in the case of overlapping ranges, at that step which will allow for at least a one step increase over the current salary.

Section 11-7 Separation.

Separation may result from any employee's resignation, layoff, retirement, dismissal, disability or death.

A. Resignation.

In order to resign from the Town in good standing, an employee must submit his/her written resignation to the Administrative Services Office at least ten working days prior to departure.

B. Layoff.

An employee may be laid off when a position is abolished, or as a result of lack of work or funds. Prior to a layoff, the employee will receive written notice at least 30 working days prior to the effective date, but in an emergency, no less than 10 working

days.

C. Dismissal.

Reasons for dismissal may include, but are not limited to, violating established policies, procedures, rules or accepted standards of personal conduct.

D. Retirement.

A withdrawal from active service based on age, years of service, or disability, or death.

Section 11-8 Benefits.

All permanent, full time employees are eligible for retirement, life and health insurance and leave benefits. Permanent, part time employees who work at least 20 hours per week are eligible for the same benefits as full time employees, exclusive of retirement plans, at one half the value given to full time employees.

Section 11-9 Cash Awards and Incentive Programs

Employee compensation may be supplemented by cash award or incentive programs that have been developed by the Town Manager. The basis for these awards may be any one or more of a variety of reasons, such as continual work excellence above the call of duty, superior work in handling an event, outstanding safety record; an act of heroism; the contribution of a time or money saving idea.

ARTICLE 3. LEAVE

Section 11-10 Leave

A. Annual Leave

1. All full-time, permanent Town employees accrue annual leave at the following rates:

Length of Service	Hours Accumulated Per Pay Period
0 through 2 years	4
2 years, one day through 5 years	5
5 years, one day through 8 years	6
8 years, one day through 11 years	7
11 years, one day and up	8

2. The maximum amount of annual leave that an employee may accumulate is 240 hours. Annual leave in excess of 240 hours at the end of each calendar year will be reduced to this limit. (Note: Employees who have in excess of 240 hours will have until December 31, 1995, to comply with this regulation.)

3. New permanent employees are not eligible to take annual leave until they successfully complete their initial probationary period.

4. Upon retirement or termination of employment, permanent employees who have completed their six (6) month probationary period are entitled to payment for any unused annual leave up to a maximum of 240 hours, plus any additional annual leave accrued from December 31 to the date of separation.

5. Annual leave shall be taken in one-half (1/2) hour increments.

6. Annual leave continues to accrue while an employee is on any type of paid approved leave, except in those cases where an employee is receiving Worker's Compensation payments or is on catastrophic and/or extraordinary sick leave.

7. The Town Manager may approve an employee's request for payment in lieu of use of up to 40 hours of annual leave in any one fiscal year. No employee may reduce his/her leave balance to less than 40 hours when requesting payment for said leave. In no case shall annual leave be taken before it is earned.

8. Upon the hiring of exempt, administrative personnel, the Town Manager may, at his/her discretion, grant the accumulation of leave at a higher rate than the entry level amount in recognition of prior years of public service employment.

9. Permanent employees whose normal workweek is less than twenty (20) hours per week shall not accrue annual leave. Permanent employees whose normal week is twenty (20) hours or more shall accrue leave at one-half the regular accumulation rate.

B. Sick Leave (Amend. 7/00)

All full-time, permanent employees accrue sick leave at the rate of four (4) hours per pay period. Sick leave accrues with active service and/or while an employee is on any approved paid leave status, except in those cases when an employee is receiving Worker's Compensation payments or is on catastrophic and/or extraordinary sick leave. New employees are eligible to use sick leave as soon as it is accrued.

Permanent employees who work less than twenty (20) hours a week are not eligible for sick leave accumulation. Permanent employees whose normal workweek is twenty (20) hours or more shall accrue sick leave at a rate of two (2) hours per pay period.

1. Permanent employees may take sick leave for the following purposes:

a. Period of personal illness.

b. Death of a parent, sibling, child, spouse or grandparent related by marriage, blood or adoption. The maximum number of days granted per occurrence shall be three (3).

c. Serious illness of the immediate family where the employee's attendance is required. The maximum number of days granted per occurrence shall be three (3).

d. Medical and/or dental appointments for the employee only.

2. Sick leave shall be taken in one-half (1/2) hour increments.

3. No limits are placed on the accumulation of sick leave. Upon regular retirement from the Town of Vienna, employees will receive payment of 25% of their accumulated sick leave up to 1,040 hours. This payment will be made at the rate of pay at their date of separation. The balance of their accumulated sick leave is credited in full towards retirement benefits (length of service) under the Town of Vienna's Employee's Retirement Plan and the Town of Vienna Police Retirement Plan. (Amend. 7/1/00; 6/3/02)

4. The Town may investigate any absence for which sick leave is requested. If an employee is required to visit a specific physician designated by the Town Manager, the Town will pay for the visit.

C. Restricted Leave

1. When an employee has established a pattern of abuse of leave privileges, he/she may be placed on restricted leave status. This procedure does not remove from the employee the ability to use his/her accrued leave benefits. However, specific procedures must be followed in order to use the leave.

2. Restrictive leave may be implemented by a supervisor or department head for a period not to exceed six (6) months. Failure to follow the restricted leave procedure or continued abuse of leave may result in disciplinary action or dismissal.

D. Advanced Sick Leave (Amend 6/96)

1. With the approval of the Town Manager, sick leave not to exceed 40 hours may be advanced to a full-time, permanent employee with over one (1) year of service in cases of serious illness or disability. Advanced sick leave is charged to future accounts of sick leave and, at the option of the employee, can be charged to future accounts of annual leave.

2. In the event an employee leaves the Town service prior to liquidation of advanced sick leave, the Town will be reimbursed for the outstanding balance. This amount due shall be withheld from the final paycheck or collected through other appropriate action.

E. Catastrophic Sick Leave (Amend. 6/96)

1. When all other leave benefits have been exhausted, the Town Manager may

request the Town Council to grant catastrophic sick leave. This additional leave may not exceed one-half (1/2) day for each month of a permanent employee's credited service with the Town. All such requests will consider:

a. The nature and seriousness of the illness.

b. The prospects of eventual return to service.

c. Employee's length of service.

d. Employee's previous leave record.

e. Other justifications.

2. All such catastrophic sick leave may be charged to future accrued leave of any kind.

3. Catastrophic sick leave may be granted to a full-time employee with over 1 (one) year of service in cases of serious personal illness or disability.

F. Leave Without Pay

Leave without pay may be granted to a full-time, permanent employee by the Town Manager at his/her discretion for a period not to exceed six (6) months. Credit toward annual and sick leave will not be earned during leave without pay. Such leave does not constitute a break in service, but changes the anniversary date if the employee is absent for more than thirty (30) days (except in cases covered under Worker's Compensation). For leave without pay that is in excess of thirty (30) days, the employee must pay the full amount of his/her health insurance premium in order to maintain coverage by the first of each month.

G. Absence Without Leave

1. An employee who has not had prior authorization to use annual leave or has not notified his/her supervisor of an illness according to Section 11-10(B), is placed on absent-without-leave status. Upon returning to work, this absence must be explained to the employee's supervisor. Disciplinary action may be taken. An

employee placed on such absent-without-leave status for three (3) consecutive workdays is automatically terminated.

2. An absence-without-leave charge may be changed later to an appropriate type of leave in certain instances where the employee can present acceptable documentation to explain the absence.

H. Family Leave

As provided for in the Family Medical Leave Act of 1993, permanent full and part time employees are eligible for participation in the family leave program. Plan guidelines and specifics are contained within the Town's administrative regulations.

I. Military Leave

1. Full-time, permanent employees who have completed their probationary period and leave the Town service to join the military force of the United States in an initial tour of duty, or are drafted into the military service, will be placed on military leave without pay, such leave to extend through a date ninety (90) days after they are relieved from such service. In accordance with the provisions of the Selective Service Act, such employees shall be entitled to be restored to the position they vacated, or to another position of the same class, provided they make application within ninety (90) days after the date of satisfactory separation and are physically and mentally capable of performing the work of the position.

2. A permanent employee who is a member of the National Guard or an organized military reserve of the United States will be allowed paid leave, not to exceed fifteen (15) calendar days during any one fiscal year, to attend training camps. Such employees will be paid at their regular hourly rate for no more than forty (40) hours per calendar week.

J. Civil Leave

A full-time, permanent employee shall be given time off without loss of pay and without charge to any type of leave when performing jury duty; when subpoenaed to appear before a court, public body, or commission in connection with Town business; when performing emergency civilian duty in connection with national defense; when needed for the purpose of voting, up to one (1) hour maximum. Such employees will be paid the difference, if any, between their normal salary and juror's pay.

K. Injury Leave

1. An employee who is injured while performing the duties of his/her position, without fault or negligence on his/her part, and when such injury is accepted as compensable under Virginia's Worker's Compensation Act, shall be granted injury leave with pay.

2. Such leave can only be authorized after the Administrative Services Office has received from the designated physician a medical certificate setting forth the nature and extent of the injury and probable period of disability.

3. While on injury leave, other leave benefits shall cease to accrue until the employee returns to duty.

4. Injury leave can be granted for up to seven (7) days and cease when the Town's Worker's Compensation insurance carrier begins payment of salary benefits.

L. Holiday Leave

1. The following holidays are observed by the Town and shall be granted to permanent employees with pay and to temporary employees without pay, unless such employees are required to be on scheduled duty:

New Year's Day (January 1)
Lee-Jackson/King Day (Third Monday in January)
Washington's Birthday (Third Monday in February)
Memorial Day (Last Monday in May)
Independence Day (July 4)
Labor Day (First Monday in September)

Columbus Day (Second Monday in October)
Thanksgiving Day (Fourth Thursday in November)
Fall Holiday (Fourth Friday in November)
Christmas Day (December 25)
Inauguration Day (January 20, every fourth year)

2. In the event an approved holiday falls on a Saturday, the previous Friday will be considered as the holiday. If the holiday falls on a Sunday, it will be observed on Monday.

M. Transfer of Leave

In the event that a permanent full or part time employee has depleted all of his accrued sick and annual leave plus compensatory time as a result of his own extended illness or that of a child, spouse or parent by blood, marriage or adoption, sick leave may be transferred from one employee to another. Authorization and participation in this program must be granted by the Town Manager under the guidelines identified in the administrative regulations.

N. Administrative Leave

1. In the event unusual circumstances preclude an employee from fully or satisfactorily fulfilling the duties of his/her position, the individual may be placed on administrative leave. This leave may be with or without pay for a period of time not to exceed 90 calendar days per occasion.

2. Time spent on administrative leave shall not be charged to any other leave except as determined by the Director of Administrative Services. While on administrative leave, the employee will cease to accumulate annual and sick leave.

3. Administrative leave can only be authorized by the Town Manager and then only upon the concurrence of the Department Head and Director of Administrative Services.

ARTICLE 4. GRIEVANCE PROCEDURES

Section 11-11 Grievance Policy

The Town of Vienna is committed to resolving employee complaints and grievances in a just and equitable manner.

All permanent employees of the Town of Vienna have the right to submit grievances for resolution without threat of discrimination, coercion, recrimination, restraint or reprisal. It is the Town's belief that timely resolution of grievances enhances employer/employee relations and serves the mutual interest of all concerned parties.

Section 11-12 Civilian Employees Grievance Procedure.

The civilian grievance procedure is available for use by any permanent, non-probational civilian employee except the Town Manager, Town Attorney, Town Clerk, and any sworn police officer who has elected to proceed with the Police Officer's grievance procedure, The Town's administrative regulations contain the guidelines and process to be used under this grievance procedure. When submitting a grievance, a sworn police officer must identify in writing to the Director of Administrative Services which grievance procedure he so elects to use.

Section 11-13 Police Officers Grievance Procedure.

The police officer grievance procedure is available for use by any permanent, non-probational police officer. The Town's administrative regulations contain the guidelines and process to be used under this grievance procedure. When submitting a grievance, a sworn police officer must identify in writing to the Director of Administrative Services which grievance procedure he so elects to use.

ARTICLE 5. OUTSIDE EMPLOYMENT

11-22

(New 12/6/99)

Sec. 11-14, Police Officers – Off Duty Employment

Sworn police officers of the Town are authorized to engage in part time off duty employment which may occasionally require the use of their police powers in performance of such employment.

The Chief of Police shall promulgate reasonable rules to apply to such off duty employment and shall cause those rules to be included in the Departmental General Orders.