



Personnel, Appointments, and Policy Committee

MEETING AGENDA

Berryville-Clarke County Government Center

101 Chalmers Court, Second Floor

Room T222, Town Wing

Regular Session

February 27, 2023

10:00 AM

Item

Page

1. **Call to Order**
2. **Approval of Agenda**
3. **Unfinished Business**
4. **New Business**
 - Town Personnel Policy
5. **Closed Session**
6. **Other**
7. **Adjourn**



Town of Berryville

Personnel Policies

03/01/2023

Addendums are considered subsidiary and administrative and may be updated as needed by Town Manager





Table of Contents

Contents

Welcome to the Town of Berryville 6

Citizen and Stakeholder Services 7

Maintenance of Streets and Sidewalks..... 7

Planning and Zoning..... 7

Police Department 7

Public Utilities 7

Refuse, Recycling, Yard Waste and Appliance Collection 7

Rose Hill Park 7

Snow Removal..... 7

The History of Town of Berryville 8

Objective 9

Severability..... 10

Employee Classification 11

Town of Berryville Organizational Chart **Error! Bookmark not defined.**

Community Relations..... 14

Administration 14

Equal Employment Opportunity Policy..... 15

Recruitment and Selection..... 16

Interviews, Reference Checks, and Background Checks..... 17

Introductory Period..... 17

Business Ethics and Conduct..... 18

Confidentiality..... 19

Employee Compensation 20

Hours of Work..... 22

Paydays 25

Pay Deductions 25

Personnel Data Changes 25

Job Descriptions 26

Performance Evaluations 26

Holidays..... 27





Paid Time Off.....	30
Holiday Pay.....	30
Sick Leave.....	31
Leave, other.....	31
Bereavement Leave.....	31
Life-Threatening Illnesses in the Workplace.....	31
Virginia Retirement System.....	32
Nationwide Retirement 457 Plan.....	32
Life Insurance.....	32
Health Insurance.....	32
Medical Information Privacy.....	32
Short-Term Disability.....	32
Long-Term Disability.....	32
Military Leave Without Pay.....	33
Civil Leave.....	34
6.2 Purposes for Which FMLA Leave May Be Taken.....	35
6.5 FMLA Benefits.....	36
Compensatory Leave.....	38
Declared Liberal Leave.....	38
Leave without Pay.....	39
Administrative Leave.....	39
Benefits Continuation (COBRA).....	39
Worker's Compensation.....	40
Employee Assistance Program.....	40
Educational Assistance.....	41
Education Leave.....	42
Conduct.....	44
Appearance.....	44
Disciplinary Action.....	48
Notification and Recordkeeping.....	48
Level I Offenses (acts and behavior that may result in coaching, reprimand, or suspension).....	49
Level II Offenses (acts and behavior that may result in reprimand, suspension, demotion, or termination)	49





Level III Offenses (acts and behavior of such a serious nature that a first offense may normally warrant termination)	49
Disciplinary procedure	50
Sexual Harassment.....	52
No-Harassment/No-Discrimination Policy	53
Workplace Violence	54
Retaliation.....	55
Grievance Procedure	56
Occupational Safety and Health	57
Accident Reporting and Investigation.....	59
Drivers Policy.....	61
Use of Equipment and Vehicles	61
Timekeeping.....	62
Identification Cards	62
Fuel Cards.....	62
Phone and Mail Systems	63
Computer and Email Usage and Conduct	66
Internet Usage	66
Data Protection and Breach Plan	67
Purchasing Cards (P-Cards)	67
Smoking and Tobacco Use	69
Alcohol and Drug Free Workplace	71
Drug & Alcohol Testing	72
Emergency Closings	73
Telecommuting	73
Travel Expenses.....	74
Visitors	75
Political Activity.....	75
Solicitation	76
Employment Separation	77
Return of Property	78
References	78
Addendum I: Employee Acknowledgement Form	79





Addendum II: Policy Statement- Town of Berryville Declaration: Drug-Free Workplace.....	81
Addendum II (a): Designated Smoking Areas	83
Addendum III: Drug Testing	84
Testing Authorization.....	86
Reporting	87
Panel of Physicians	87
Workers' Compensation Administrator Information	90
Virginia Risk Sharing Association (VRSA)	90
Addendum IV: Worker's Compensation Administrative Procedures	91
Report of Job Accident.....	92
Panel of Physicians.....	93
Addendum V: Grievance Procedure	98
Addendum VI: USERRA	117
Addendum VII: Emergency Procedures Berryville-Clarke County Government Center	119
Addendum VIII: Purchasing Card Policy.....	120
Addendum IX: Meal Breaks.....	126
Addendum X: Uniforms.....	128
Addendum X (a): Casual Days	128
Addendum XI: Heatstroke Prevention Policy.....	130
Addendum XII: Snow Removal Plan.....	132
Addendum XIII: Requests Under Freedom of Information Act.....	137
Addendum XIV: Infectious Disease Protocol	139
Addendum XV: Forms	141
Reimbursement Guidelines for Travel Expenses	142
Expense Reimbursement Request	143
Business Travel Request.....	144
1. Town Manager Approval.....	144
Town of Berryville Employee Leave Request.....	145
Employee Change Notice	146
EXEMPT EMPLOYEE TIME SHEET	147
Employee Identification Card.....	148
Disciplinary Action Form	149
Motor Vehicle Accident Worksheet.....	151





Welcome to the Town of Berryville.

On behalf of your colleagues, I welcome you to the Town of Berryville and wish you every success here.

We believe that each employee contributes directly to the Town of Berryville's success and we know that you too will take pride in being a member of our team.

Our core mission, in short, is to protect the health, safety, and welfare of the citizens of the Town and our guests. We can only complete our mission by working in partnership with the community and working as a team within our organization. Keep our core mission in mind as you conduct business and make sure that you understand the importance of your job and the affect that we all can have on the lives of others.

The employees of the Town are first and foremost public servants. As such, it is paramount that we conduct ourselves accordingly as we carry out our jobs, whether we believe we are in the public eye or not. Every employee represents the Town of Berryville to our citizens at large. The way we do our jobs presents an image to our entire community. Citizens will judge all of us by how they are treated upon each employee contact. It is vital that we are courteous, friendly, helpful, and prompt in the attention we give the public.

Our personal contact with the public, our manners on the telephone, and all of the communications that we send during the course of our workday are a reflection not only of ourselves, but also of the professionalism of the Town of Berryville. Positive customer relations enhance the public's perception of the Town of Berryville and aid us in our important work.

If you have any questions about our organizational goals and what is expected of you, then please speak to your supervisor or me. You can also refer to the Town of Berryville Employee Handbook.

This handbook was developed to describe some of the expectations of our employees, our policies, and the benefits and programs available to eligible employees. Employees should familiarize themselves with the contents of the Employee Handbook as soon as possible because it will provide you a great deal of information about employment with the Town of Berryville.

We hope that your experience here will be challenging, enjoyable, and rewarding. There is no greater calling than public service. Do your job well and be proud that you have done your best to assist others and earn the public's trust.

Again, welcome! Sincerely,

Keith R. Dalton Town Manager





Citizen and Stakeholder Services

The Town of Berryville has general government offices including the Town's Business Office, Police Department, and Planning Department, located at the Berryville Clarke County Government Center at 101 Chalmers Court, staffed from 8:30 a.m. to 5:00 p.m. Monday through Friday. The drive thru may be used for bill payment from 9:00 a.m. to 4:30 p.m. Monday through Friday. A drop box is available for after-hours bill payment.

Maintenance of Streets and Sidewalks

The Town's Public Works Department maintains the Town's secondary streets and sidewalks.

Planning and Zoning

The Town of Berryville provides municipal planning and zoning through the use of a local Comprehensive Plan, Zoning Ordinances, and Subdivision Ordinances.

Police Department

The Town of Berryville currently operates a ten member police department, which is accredited by the Virginia Law Enforcement Professional Standards Commission (VLEPSC), and is responsible for providing law enforcement services, educational programs, and assistance to the residents of the Town of Berryville.

Public Utilities

Water and Sewer Departments are currently staffed by one Department Head, a Chief Plant Operator and five operators. Public Utility personnel treat water from the Shenandoah River to provide safe drinking water to the Town's citizens. Berryville wastewater is treated before returning effluent to the Shenandoah River.

Refuse, Recycling, Yard Waste and Appliance Collection

The Town of Berryville, through an independent contractor, provides refuse and appliance collection and a recycling program. The Town's Public Works Department collects yard waste weekly.

Rose Hill Park

Berryville owns and maintains the beautiful three-acre Rose Hill Park in the heart of downtown. Park facilities include a playground designed for our younger citizens, a basketball court, and a gazebo. Throughout the course of the year, Rose Hill Park hosts numerous concerts, festivals, and other events

Snow Removal

The Town of Berryville's Public Works Department provides snow removal on all secondary streets located within the Town limits. The Public Works Department also assists with snow removal on the Town's primary streets (Main and Buckmarsh Streets) as a contractor for the Virginia Department of Transportation.





The History of Town of Berryville

Although the rich agricultural soil and abundance of water and wildlife have supported Native American populations for millennia in the area where Berryville is now sited, the first anglicized settlement was mentioned in court records in 1775. The Town formed at the crossroads of two early major trails used by pioneers, one from Winchester to Alexandria and the other from Baltimore to Waynesboro. Near the intersection of these roads was an inn, which became notorious for its Saturday night brawls, resulting in the settlement becoming known as "Battletown."

The Town was granted a Charter by the Virginia General Assembly on January 15, 1798, and named for Benjamin Berry, the first operator of the noted inn and the Town's founder. A 20-acre site with 66 quarter-acre lots was platted as the original corporate limits. A frequent early visitor to the area was George Washington. General Daniel Morgan, a Revolutionary War hero, also lived briefly just north of the corporate limits at Soldier's Rest. In his younger days, Morgan visited Berry's Tavern regularly and became "champion" of Battletown. It was from this region that he recruited the famed Morgan's Virginia Rifles. During the Revolutionary War he became a general and was instrumental in victories at Saratoga and Cowpens.

Berryville has been the county seat since the formation of Clarke County in 1836. In addition to the Town being a commercial and political center, industrial development aided the later growth of Berryville. Early industries included carriage works, lumber mills, and flour mills.

Berryville and Clarke County witnessed much bloodshed during the Civil War. There were ten battles and skirmishes in Clarke County in the Shenandoah Valley campaigns of Generals Jackson (C.S.A.) and Sheridan (U.S.A.). The major battle in the county was the Battle of Cool Springs, July 18, 1864. The battle left many casualties- 422 Union and over 350 Confederate.

After 1880, with the completion of what is now called the Norfolk and Western Railroad, the Town became an important station in terms of both the amounts of freight handled and the number of passengers served. BVG-Berryville, one of the largest book manufacturers in America, is headquartered in the Town.

In 1989, an annexation agreement between Clarke County and Berryville added 350 acres to the Town, including Josephine City, which is now on the National Register of Historic Places. This Historic District is notable for the survival of a c.1882 schoolhouse, now a museum, and an early African-American church and cemetery.

Virginia governor and U.S. Senator Harry F. Byrd (1887-1966) resided in Berryville at Rosemont and chose its quiet streets and verdant countryside for his retirement. Other notable residents include: Josephine Williams (n.d.), a former slave and pioneering black woman landowner who is the presumed namesake of Josephine City; and Major Lloyd W. Williams (1887-1918), whose famous rebuttal of an order to retreat became the motto for U. S. Marine Corps' 2nd Battalion, 5th Regiment.





1.0 PURPOSE OF THIS POLICY

The objective of this Personnel Policy with addendums (“Policy”) is to provide a uniform system of personnel administration for the staff of the Entity Name (“Entity Type”), based on merit principles, equitable compensation, open competition in hiring and advancement, and equal employment opportunities.

It is the policy of (the Entity type) to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of (the Entity type) and its employees. THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT; SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY LOCAL GOVERNMENT UNIT (LGU) EMPLOYEE; AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM AT-WILL MEANS EMPLOYEES CAN TERMINATE VOLUNTARILY OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE CAO.

Additionally, it is the policy of (the Entity Type) to strive for safety in all activities and operations, and to carry out the commitment of compliance with health and safety laws applicable to (the Entity Type) by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

Objective

The objective of this Personnel Policy with addendums is to provide a uniform system of personnel administration for the staff of the Town of Berryville, based on merit principles, equitable compensation, open competition in hiring and advancement, and equal employment opportunities.

It is the policy of the Town of Berryville to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of the Town of Berryville and its employees. This manual is not, and should not be construed as, an explicit or implied contract. It does not modify any existing at-will status of any employee, and will not create any due process requirements in excess of federal or state constitutional or statutory requirements. For purposes of this manual, the term at-will means employees can terminate voluntarily or be terminated at will. Exceptions are only employees having written contracts signed by the Berryville Town Manager.

Additionally, it is the policy of the Town of Berryville to strive for safety in all activities and operations, and to carry out the commitment of compliance with applicable health and safety laws by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.





Severability

If any provision of this personnel policy is held to be invalid or unenforceable, all other provisions shall, nevertheless, continue in full force and effect.





0 EMPLOYEE CLASSIFICATION

All Status of employees, whether in probationary status or not, are employees at will.

2.1 Classifications and Definitions

- A. **Exempt Employee** – an employee who occupies a position which is exempt (not eligible) from the overtime provisions of the Fair Labor Standards Act due to executive, administrative or professional exemptions. Full-time, part-time, and temporary employees may be exempt.
- B. **Non-Exempt Employee** – an employee who receives hourly wages; and is subject to wage and hour laws, i.e. overtime pay provisions of the Fair Labor Standards Act. Full, part-time, and temporary employees may be non-exempt.
- C. **Full-time Employee** – an individual hired on either an exempt or non-exempt basis for an established position for an indefinite term who is expected to work a minimum of (40) _____ hours a week.
- D. **Part-time Employee** – an individual hired on either an exempt or non-exempt basis for an established position for an indefinite term who is expected to work an established period of time that is less than (40) _____ hours per week.
- E. **Probationary Employee** – a full-time or part-time employee who has worked for (the LGU) for less than (6) _____ months.
- F. **Temporary/Seasonal Employee** – an individual hired on a term basis, *e.g.*, day, week, period of months or on a project basis.
- G. **Chief Administrative Officer (CAO) – the CAO of the Local Government Unit**

Employee Classification

Note: All employees, whether of introductory status or not, are employees at will.

Members of the Berryville Town Council are treated as employees only for salary, taxation, and reimbursement purposes and are exempt from other provisions of this employee manual.

Exempt Employee- an employee who occupies a position which is exempt (not eligible) from the overtime provisions of the Fair Labor Standards Act. Full-time, part-time, and temporary employees may be exempt.





Nonexempt Employee – an employee who receives hourly wages and is subject to wage and hour laws, i.e., overtime pay provisions of the Fair Labor Standards Act. Full-time, part-time, and temporary employees may be nonexempt.

Full-time Employee – an individual hired on either an exempt or nonexempt basis for an established position for an indefinite term who is expected to work a minimum of (40) hours a week.

Part-time Employee – an individual hired on either an exempt or nonexempt basis for an established position for an indefinite term who is expected to work an established period of time that is less than (32) hours per week.

Introductory Employee – a full-time or part-time employee who has worked for the Town of Berryville for less than (180) days or as a sworn officer for the Town of Berryville Police Department for less than (360) days.

Temporary/Seasonal Employee – an individual hired on a term basis, e.g., day, week, period of months or on a project basis.

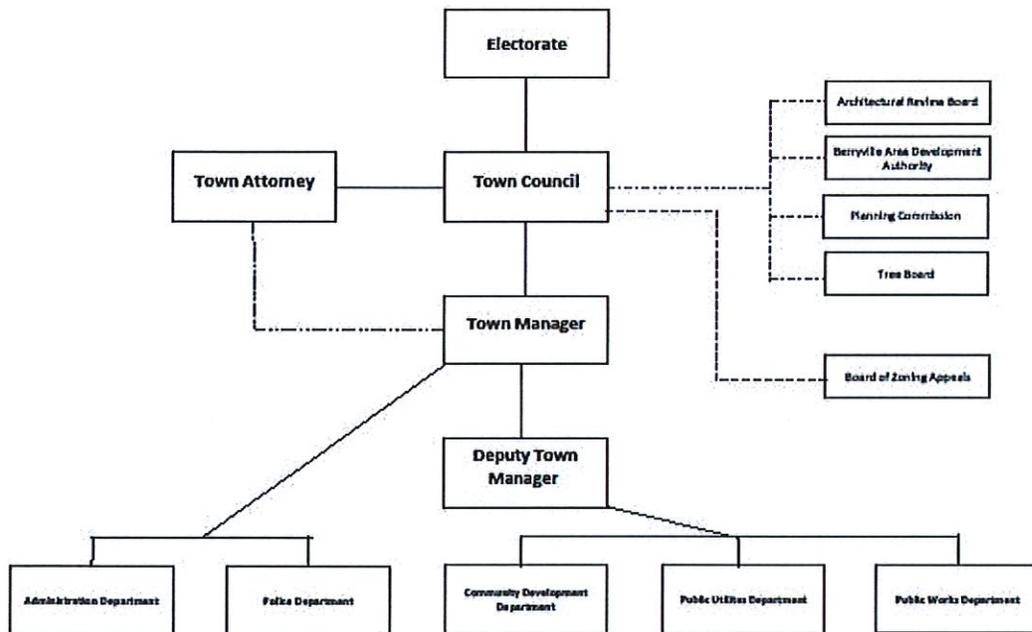
Contractual Employee- an individual hired either on an exempt or nonexempt basis to perform a scope of work or for a specified duration of time whose compensation and work requirements are established by contract.





TOWN OF BERRYVILLE *Virginia*

Town of Berryville Organizational Chart





Community Relations

Our core mission is to protect the health, safety, and welfare of the citizens of the Town and our guests. We can complete our mission only by working in partnership with the community and working as a team within our organization.

The employees of the Town are first and foremost public servants. Citizens will judge all of us by how they are treated upon each employee contact. It is vital that we be courteous, friendly, helpful, and prompt in the attention we give the public. Positive customer relations enhance the public's perception of the Town of Berryville and aid us in our important work.

Administration

The Town Council is responsible for establishing personnel policies. The Town Manager is responsible for the supervision of personnel and for the development, periodic review, and administration of the personnel policies.

Nothing in this handbook is to be construed in a manner that would prevent the Berryville Town Council from providing additional benefits to those positions employed directly by the Town Council.

3.0 EQUAL EMPLOYMENT OPPORTINUTY

3.1 Policy Statement

It is the policy of the LGU to provide equal opportunity in employment and to administer employment policies without regard to race (including traits historically associated with race, including hair texture, hair type, and protective hairstyles), color, religion, national origin, sex, pregnancy, childbirth, and medical conditions related to pregnancy/childbirth (including lactation), sexual orientation, gender identity, disability, marital status, military status (including active duty, veteran, or dependent), age, any other protected class.

This policy applies to every aspect of employment practice including, but not limited to the following:

- A. Recruiting, hiring and promoting in all job classifications without regard to race, (including traits historically associated with race, including hair texture, hair type, and protective hairstyles), color, religion, gender, gender identity/expression age, national origin, veteran status, political





affiliation pregnancy or disability, except where such a factor can be demonstrated as a bona fide occupational qualification.

- B. All decisions for hiring or promotions are based upon each individual's qualifications for the position to be filled.
- C. All other personnel actions such as compensation, benefits, transfers, corrective action, layoffs, terminations, training, and assignments, will be administered without regard to on race (including traits historically associated with race, including hair texture, hair type, and protective hairstyles), color, religion, national origin, sex, pregnancy, childbirth, and medical conditions related to pregnancy/childbirth (including lactation), sexual orientation, gender identity, disability, marital status, military status (including active duty, veteran, or dependent), age, any other protected class.

Equal Employment Opportunity Policy

It is the policy of the Town of Berryville to provide equal opportunity in employment and to administer employment policies without regard to race (including traits historically associated with race, including hair texture, hair type, and protective hairstyles), color, religion, national origin, sex, pregnancy, childbirth, and medical conditions related to pregnancy/childbirth (including lactation), sexual orientation, gender identity, disability, marital status, military status (including active duty, veteran, or dependent), age, any other protected class.

This policy applies to every aspect of employment practice including, but not limited to, all decisions for recruiting, hiring, promotions, compensation, benefits, transfers, corrective action, layoffs, terminations, training, and assignments. All decisions for hiring or promotions are based upon each individual's qualifications for the position to be filled.

3.4 Accommodating Individuals with Disabilities

In accordance with the Virginia Human Rights Act and the Americans with Disabilities Act Amendment Act, the LGU provides equal employment opportunities to qualified individuals with disabilities. Reasonable accommodations will be provided to a qualified employee or applicant with a disability when that employee or applicant requests an accommodation. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. All requests for accommodation will be fully reviewed. A request for an accommodation will be denied if the accommodation is not shown to be effective, places an undue burden on the LGU, or if the employee poses a direct threat to the health and safety of them self or others.

In accordance with the Virginia Human Rights Act and the Americans with Disabilities Act Amendment Act, the Town of Berryville provides equal employment opportunities to qualified individuals with disabilities. Reasonable accommodations will be provided to a qualified





employee or applicant with a disability when that employee or applicant requests an accommodation. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. All requests for accommodation will be fully reviewed. A request for an accommodation will be denied if the accommodation is not shown to be effective, places an undue burden on the Town, or if the employee poses a direct threat to the health and safety of themselves or others.

4.0 RECRUITMENT AND SELECTION

4.1 Open Positions

All positions shall be open to all individuals who meet the minimum requirements for the position. The recruitment objective is to obtain well-qualified applicants for all vacancies and selection shall be based on the best-qualified person available at the salary offered for the particular position.

First consideration will be given to current employees who desire to fill an open position, if the current employee is qualified for the position and if the placement best serves the needs of the LGU. The CAO may carry out open competition to fill any vacancy.

Employment decisions shall be handled in a manner consistent with the Virginia Conflicts of Interest Act.

4.3 Hiring Authority

The LGU CAO has complete authority for hiring, promoting, and discharging employees in accordance with these policies. The CAO has the responsibility and authorization for administering the personnel system established by these policies.

Recruitment and Selection

All positions shall be open to all individuals who meet the minimum requirements for the position. The recruitment objective is to obtain well-qualified applicants for all vacancies, and selection shall be based on the best-qualified person available at the salary offered for the particular position.

First consideration will be given to current employees who desire to fill an open position, if the current employee is qualified for the position and if the placement best serves the needs of the Town of Berryville. The Town Manager may carry out open competition to fill any vacancy.

Employment decisions shall be handled in a manner consistent with the Virginia Conflicts of Interest Act §2.2- 3100. The Town Manager has complete authority for hiring, promoting, and discharging employees in accordance with these policies. The Town Manager has the





responsibility and authorization for administering the personnel system established by these policies.

Interviews, Reference Checks, and Background Checks

Applicants who have been deemed qualified via resume and qualification review may be subject to initial and follow-up interviews. If an offer of employment is made, it is contingent upon the successful completion of screening, including interviewing references, conducting criminal and financial background checks, and testing for drug and alcohol use. Applicants for positions within the Town of Berryville Police Department may be subject to alternate or additional screening, testing, etc.

Any misrepresentations, falsifications, or material omissions in an employment application or supplemental documentation may result in the exclusion of the individual from further considerations for employment, or if the individual has been hired, termination of employment.

The Town of Berryville requires each new employee to complete the Employment Eligibility Verification Form I-9 and present documentation supporting eligibility.

4.2 Introductory Period

All new full-time and part-time employees shall serve a 6 (six) month introductory period. During this period the employee must show that he or she is capable and willing to perform the job satisfactorily. At the end of the introductory period the employee will be evaluated to determine satisfactory performance. If satisfactory performance is attained the employee will be entitled to all the benefits of non-introductory status including utilization of the grievance procedure. **In establishing an introductory period, the LGU does not change in any way the employment-at-will status that applies to its employment relationship with all employees at all times during their employment.**

Introductory Period

All new full-time and part-time employees serve a (180) day introductory period, excepting members of the Police Department who will be subject to a (360) day introductory period. The introductory period may be extended for up to 42 days at the discretion of the Town Manager. Benefits may be available as required by law or by the terms and conditions of each benefit program. If satisfactory performance is attained at the end of the introductory period, the employee will become a “regular employee” and be entitled to all the benefits of non-introductory status, including utilization of the grievance procedure. In establishing an introductory period, the Town of Berryville does not change in any way the employment-at-will status that applies to its employment relationship with all employees at all times during their employment.





13.1 EMPLOYEE CONDUCT

LGU employees are expected to conduct themselves in a professional and courteous manner, as representatives of the LGU. Employees are expected to avoid any action, which might result in giving preferential treatment to any organization or person, losing independence or impartiality of action, or adversely affecting the integrity of the LGU.

Business Ethics and Conduct

The successful operation and reputation of the Town of Berryville is built upon the principles of fair dealing and the ethical conduct of our employees. Ethical conduct consists of abiding by the Constitutions of the United States and the Commonwealth of Virginia as well as the Charter and Code of the Town of Berryville; serving the common good; demonstrating integrity and respect in all actions and relationships; and advancing the interests of, educating, and advising the citizens, officials, employees, and stakeholders of the Town.

The Town of Berryville will comply with all applicable laws and regulations and expects its officers and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, discriminatory, or unethical conduct.

Town of Berryville employees are expected to conduct themselves in a professional and courteous manner, as representatives of the Town. Employees are expected to avoid any action which might result in giving preferential treatment to any organization or person, losing independence or impartiality of action, or adversely affecting the integrity of the Town. Relatives of current employees may not occupy a position that will be working directly for or supervising their relative. The Town of Berryville also reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a romantic relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

Employees have an obligation to abide by Virginia's State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and establish guidelines that prohibit actual or potential conflicts of interest. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the Town of Berryville's dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

If employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Director of Finance/Treasurer, Deputy Town Manager, or Town Manager as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties. Contact the Town Manager for more information or questions about conflicts of interest.





Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals or organizations, other than the Town of Berryville, for materials provided or services rendered while performing their jobs. Employees may hold outside jobs as long as they meet the performance standards of their jobs with the Town of Berryville, excepting members of the Police Department, who are subject to additional restrictions. As potential conflicts of interest may not be readily apparent to employees, notice of outside employment must be provided to supervisor or Town Manager and include employer, nature of employment, and work schedule. All employees will be judged by the same performance standards and will be subject to the Town of Berryville's scheduling demands, regardless of any existing outside work requirements.

Employees found in violation of this section are subject to disciplinary action up to and including termination.

Confidentiality

The protection of confidential business information and trade secrets is vital to the interests and success of the Town of Berryville. In addition, employees may be trusted with sensitive financial or personal information which must remain secure from unauthorized access or dissemination, e.g., social security numbers, medical history, credit history, etc. Further safeguards or restrictions exist for members of the Police Department, especially with regard to current investigations, criminal records, etc. Employees who improperly use or disclose confidential information will be subject to disciplinary action, up to and including termination of employment, even if they do not actually benefit from the disclosed information.

Town of Berryville prohibits use of employee Social Security Numbers for identification purposes, except as allowed by law. This prohibition extends to: public postings, inclusion on ID cards, printing on mailed documents unless required by contract or policy, use as an access code or login, etc. The Town will continue to collect, use, or release social security numbers as required by federal or state law, and may use social security numbers for secure internal verification or administrative purposes.

Employees are often entrusted with sensitive information and are expected to secure this information within their workspace. Any protocol, process, or equipment provided to ensure privacy and security is expected to be utilized and maintained as directed by Town Manager or direct supervisor. Supervisors, Department Heads, and the Town Manager reserve the right to open, inspect, and examine all equipment, lockers, and workspaces at any time for legitimate business reasons, including investigating work-related misconduct.

Any external locks used to secure an area or piece of equipment shall be purchased by the Town of Berryville and approved by the Department Head or Town Manager.





5.0 EMPLOYEE COMPENSATION

The total compensation of employees consists of the regular salary and applicable overtime pay for full-time employees, the employer's contributions to employee benefits, holiday pay, and various forms of leave with pay. Part-time and temporary employees may also receive leave in certain circumstances. Leave policies, found in Section VI, should be reviewed.

ENTITY is committed to complying with the wage and deduction requirements of the Fair Labor Standards Act (FLSA). If you believe that there is an error or improper deduction in your paycheck, report this to the Human Resources Director. Your question will be promptly investigated and corrected as necessary. ENTITY will make a thorough effort not to repeat the error.

Employee Compensation

The total compensation of employees consists of the regular salary and applicable overtime pay for full-time employees, the employer's contributions to employee benefits, and various forms of leave with pay. Part-time and temporary employees may also receive leave in certain circumstances. Leave policies may vary by department and position and must be reviewed with direct supervisor.

The Town of Berryville is committed to complying with the wage and deduction requirements of the Fair Labor Standards Act (FLSA). If an employee believes that there is an error or improper deduction in their paycheck, they must report this to the Director of Finance/Treasurer. Their question will be promptly investigated and corrected as necessary.

The compensation plan for employees of the Town of Berryville shall consist of a classification system for all classified jobs and a pay grade that sets a salary range for each classified position. The rates of pay for each employee within a pay grade shall be set by the Town Manager or Town Council. Any cost-of-living adjustments approved by Town Council will be applied across an employment classification but may not be available for all classifications of employee.

The compensation plan may be amended by motion of the Town Council or by the Town Manager within the limits of appropriations by the council. Contract and temporary employees may be compensated at an alternate rate of pay which will be set prior to employment.

A. 5.1 Hours of Work

- A. **The LGU CAO** shall establish the hours of work for all LGU employees. The standard scheduled workweek for which salary is paid consists of (40) hours, generally Monday through Friday. This does not preclude the establishment of specified schedules other





than (40) hours in a given workweek for any employee if approved by the LGU CAO.

Optional - If work schedules allow, employees may have two 15-20 minute rest breaks per day, which are included within the total required hours of work. These breaks may be used in conjunction with a 30-minute meal break, as long as the sum does not exceed 60 minutes per workday. Such breaks may not accumulate from one shift or one day to another. Flexible work scheduling may be used for the purpose of extending a meal break with the employee's start time being advanced or end time being extended as approved by his supervisor. Certain employees as approved by the CAO (or designee) have their meal break(s) included as a part of their regularly scheduled workday. (NOTE: if 15 or 20 minute breaks are used, that time counts as hours worked for FLSA)

Flexible work scheduling may be considered within the standard workweek, Monday through Friday, so long as the standard hours in a workweek, normally 40, are not altered. Some examples are:

1. Arrive earlier in the morning and leave earlier in the afternoon.
2. Arrive later in the morning and leave later in the afternoon.
3. Work four 10-hour days.
4. Work four 9-hour days and one 4-hour day.
5. Work some other similar permanent or seasonal scheduling option(s)
6. Add time to meal break and arrive earlier and leave later.

Other temporary or occasional flexible work schedules may include some combination of altered work start and stop times to allow employees to have medical appointments or take care of personal business during work hours without being charged leave. If flexible work scheduling or compressed workweeks are instituted on an ongoing basis, the agency head may approve such only after consultation with the CAO.

If an employee is unable to report for work or expects to be late, the employee must contact his supervisor as soon as possible but no later than the beginning of his or her scheduled work period, giving the reason for his absence or tardiness. Paid leave may or





may not be approved. If an employee has difficulty reaching his supervisor, he should leave a message reporting his absence but continue to attempt to make contact with his supervisor. The responsibility to notify a supervisor(s) about absences or about tardiness always rests with the employee.

Hours of work, schedules, and duty assignments of short duration of individual employees or work units may be altered under authorization of the department head or his designee within the established workweek and schedule of the agency as conditions warrant. Schedules may also be adjusted to meet FMLA and ADA requirements.

Hours of Work

To maintain a safe and productive work environment, the Town of Berryville expects employees to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Town of Berryville. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they must notify their supervisor as soon as possible in advance of the anticipated tardiness or absence and no later than the beginning of their scheduled work. Poor attendance and excessive tardiness may lead to disciplinary action, up to and including termination of employment

Town Manager shall direct department heads to establish hours of work for all Town of Berryville employees. The standard scheduled workweek consists of (40) hours, generally Monday through Friday. In order to accomplish Town Council directives and serve the common good, Police Department, Public Works, and Public Utilities may be required to work alternative hours or shifts in excess of eight (8) hours' duration. However, hours in excess of (40) hours of work per any given workweek, or work period in the case of Police Department personnel, will be paid overtime. Overtime work must always be approved by supervisor before it is performed.

Hours of work, schedules, and duty assignments of short duration of individual employees or work units may be altered under authorization of the department head or their designee within the established workweek and schedule of the department as conditions warrant. Schedules may also be adjusted to meet ADA requirements.

Meals and break frequency, schedule, and duration will be established by department (Addendum IX) and will abide by all applicable federal and state restrictions. If a nonexempt employee cannot observe a scheduled meal break during their normal shift, they will be compensated for that time at their regular rate of pay.

Certain personnel may be required to regularly serve in an on-call status. These employees may report to work after hours, on weekends, and on holidays to perform emergency work. On-call employees are expected to provide contact information to their supervisor. Public Works personnel may be scheduled to work alternating day and night shifts for the purpose of snow





removal. These shifts may reflect Virginia Department of Transportation (VDOT) responsibilities and restrictions. Time spent on-call is not compensated. When an employee serving in an on-call status is called to work, they will be compensated at their regular rate of pay for no less than (2) hours' work: (1) hour reflecting travel time and (1) hour of work, even if the request to report to work is cancelled. For time worked in excess of (1) hour, the (1) hour compensated travel time will be added to the actual number of hours worked.

In addition, scope of work may require employees to serve in an "engaged to wait" status. During this time, employees are expected to abstain from intoxicants, remain fit for duty and within a reasonable distance from work, and to report promptly. Time spent "engaged to wait" is compensated at regular rate of pay.

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization.

D. Overtime

Employees who are not exempt under the Fair Labor Standards Act (non-exempt) will be paid at the rate of time and a half for all hours actually worked in excess of forty (40) hours a work week. Unless authorized to do so beforehand, employees should not work over forty (40) hours during a workweek.

E. Bonuses

The CAO may grant a bonus to an employee to recognize superior service to the LGU.

Overtime assignments will be distributed impartially to all employees qualified to perform the required work. Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Nonexempt employees called in outside of a regular work shift will be paid overtime pay if they work in excess of (40) hours per work week, or work period for members of Police Department.

A. F. Retirement

The LGU participates in the Virginia Retirement System for all employees eligible for retirement benefits pursuant to the rules and policies of VRS.

5.2 Pay and Classifications





B. Compensation Plan

- A. The compensation plan (if adopted) for employees of (the LGU) shall consist of:
 - 1. A classification system for all classified jobs.
 - 2. A pay grade that sets a salary range for each classified position.
- B. The rates of pay for each employee within a pay grade shall be set by the CAO or LGU Council. The normal entrance rate of pay for new employees shall be at the lower end of the pay grade for the position.
- C. The compensation plan may be amended by motion of the LGU Council OR by **the LGU CAO** within the limits of appropriations by the council





Paydays

Exempt employees are paid semimonthly on the 15th and 30th or 31st days of the month. Nonexempt employees are paid biweekly on every other Friday. Each pay distribution will include earnings for all work performed through the end of the previous payroll period and be made via direct deposit to a financial institution designated by the employee as described in Va. Code §40.1-29.

In the event that a regularly scheduled payday falls on a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday. If a regular payday falls during an employee's vacation, the employee's pay will be available on their regular pay date.

The Town of Berryville does not provide pay advances on unearned wages to employees. In the unlikely event that there is an error in the amount of pay, the employee must promptly bring the discrepancy to the attention of the Town Director of Finance/Treasurer so that correction may be made as quickly as possible

Pay Deductions

The law requires that the Town of Berryville make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The Town of Berryville also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The Town of Berryville matches the amount of Social Security taxes paid by each employee. The Town of Berryville offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

Pay setoffs are pay deductions taken by the Town of Berryville, usually to help pay off a debt or obligation to the Town of Berryville or others.

If you have questions concerning why deductions were made from your paycheck or how they were calculated, please contact the Director of Finance/Treasurer.

Personnel Data Changes

It is the responsibility of each employee to promptly notify the Director of Finance/Treasurer of any changes in personnel data, including mailing addresses, telephone numbers, dependents, emergency contacts, educational accomplishments, etc.

B. Performance Appraisals

The work of each employee will be evaluated at least annually by the immediate supervisor. The supervisor will meet with the employee to discuss the year's performance. A written report of the appraisal will be prepared with a copy provided to the employee being appraised and a copy for the personnel files. If the employee





believes that the report is unfair or incorrect, he or she may prepare comments to be attached to the supervisor's appraisal report.

C. Performance Increases

The LGU promotes excellence in its workforce. Salary increases within budget constraints may be given to that end. Each employee's performance will be reviewed annually, and based on satisfactory performance and contributions to the organization, pay increases may be given. In exceptional circumstances an employee's pay may be increased in less than a year for meritorious service or enhanced responsibilities. Pay increases are not automatic or guaranteed.

Job Descriptions

The Town of Berryville makes every effort to create and maintain accurate job descriptions for all positions within the Town. Each employee will be provided a copy of the appropriate job description at hire. Positions and their related job descriptions may be added, deleted, and/or changed as determined necessary by the Town Manager, with the cooperation of Department Heads when applicable.

Employees should remember that job descriptions are subject to change and may not address every situation. Questions should be directed to supervisor, Department Head, Director of Finance/Treasurer, or Town Manager.

Performance Evaluations

Employees are encouraged to discuss job performance and goals on an informal, ongoing basis. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job expectations, strengths and weaknesses, and establish positive, purposeful approaches for meeting goals.

The performance evaluation will be conducted by the employee's immediate supervisor at least once annually. The Town Manager will approve or disapprove all evaluations.





5.3 HOLIDAYS AND LEAVE

Holidays

The following holidays are observed by the LGU. Full-time and part-time salaried employees shall be granted time off for these days without charging the time against leave balances:

New Year's Day	January 1
Jackson-Lee	Friday preceding 3 rd Monday of January
Martin Luther King, Jr. Memorial Day	3 rd Monday of January
Independence Day	Last Monday in May
Labor Day	July 4
Columbus Day	1 st Monday in September
Veteran's Day	2 nd Monday in October
Thanksgiving Day	November 11
Day after Thanksgiving	4 th Thursday in November
December 24 ¹	4 th Friday in November
Christmas Day	December 24 (1/2 day) December 25

When an employee is required to work on one of these holidays, compensatory time off will be given on an hour for hour basis for the hours worked on the holiday. Holidays falling on Saturday or Sunday shall be taken on the Friday or the Monday respectively as announced by the LGU.

Holidays

The Town of Berryville will grant holiday time off to all employees on the holidays listed below. In addition, any other day so declared by the President, Governor of Virginia or the Town Council provided that, any declaration made by the President or Governor within 15 days of the holiday to be observed must be approved by either the Town Council or the Town Manager.

The Town of Berryville will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. To be eligible for holiday pay, employees must be on pay status the day immediately preceding and the first scheduled day immediately following the holiday.

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)





- Juneteenth (June 19)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Columbus Day (second Monday in October)
- Veterans Day (November 11)
- Election Day (first Tuesday in November)
- Thanksgiving Day (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Day (December 25)

If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday; or if a holiday falls on a Sunday, the following Monday shall be observed as a holiday.

5.4 Leave

A. Annual Leave

Full-time employees will accrue paid annual leave for personal purposes at the following rates and shall be used on an hour for hour basis.

0-5 years of service	_____ hours per month
5-10 years of service	_____ hours per month
10-15 years of service	_____ hours per month
15+ years of service	_____ hours per month

Annual leave shall be approved in advance by the CAO or department head. Leave is not eligible at all times: the CAO and department heads have a primary obligation to insure that the LGU's service to the citizens is carried out.

Each employee may accumulate a maximum of 240 [or other maximum] hours of annual leave. Annual leave above that amount shall expire and may not be accumulated or used. (Note: If your LGU does not use this paragraph, do not use the word "unexpired" in the next paragraph.)

Upon separation, an employee shall be entitled to payment for all [unexpired] credited annual leave based on the employee's current rate of pay at time of separation. In the event of the death of an employee, the employee's estate shall be entitled to payment for any unused balance of annual leave allowances at the time of death.





Probationary employees are not entitled to payment of any unused annual leave.

B. Sick Leave

Sick leave shall accrue at the rate of ____ hours per month, and, when taken, shall be used on an hour for hour basis. Sick leave shall be used for:

1. FMLA leave, pursuant to section 6.1.
2. Illness or injury incapacitating the employee and preventing the employee from performing assigned duties, doctor, or dental appointments during working hours. Personal sick leave is charged on an hour-for-hour basis for all employees and is not considered an entitlement.
3. Medically-necessary care of family members, such as spouse, child, parents, siblings, or in-laws, living in the same household as the employee.

An employee away from work for medical conditions which require absence in excess of one week or for FMLA purposes is required to (1) submit to the department head a written statement from the attending physician or health care provider, stating the earliest approximate date of return to duty and advising on the ability of the employee to perform the essential functions of his or her job with or without reasonable accommodations, and simultaneously (2) apply for leave under the Family and Medical Leave Act (if the employee is eligible). The department head or CAO has the prerogative of requiring a physician's or health care provider's letter with the above content prior to an absence of one week if in his or her judgment this information is necessary. Medical information and the personnel needs of the LGU will be considered in determining the holding of the employee's position or placement in another position for which the employee qualifies. All medical information will be kept confidential and will be made a part of a file separate from the employee's personnel file.

Exceptions to this policy may be considered on a case-by-case basis and approved by the CAO. Sick leave is charged on an hour-for-hour basis for all employees and is not considered entitlement.





Paid Time Off

The amount of paid time off (PTO) that employees receive each year increases with the length of their employment as shown in the following schedule:

Years of Service	Hours Earned Per Month
1-5	12.5 hours / 18.75 days annually
5-10	14.5 hours / 21.75 days annually
10-15	16.5 hours / 24.75 days annually
15+	20.5 hours / 30.75 days annually

Each employee may accumulate a maximum of 240 hours of PTO. PTO above that amount shall expire and may not be accumulated or used. Exceptions exist for some employees with leave accrued prior to January 1, 2014. Introductory employees are not entitled to payout of any unused PTO. In the event of the death of an employee, the employee's estate shall be entitled to payout for any unused balance of PTO at the time of death.

Holiday Pay

Scenario		Department			
		Administration	Public Works	Utilities	Police
Holiday Worked	Hours Worked + Holiday Compensation	Regular Pay + 8 hours paid	Regular Pay + 8 hours paid	Regular Pay + 8 hours accrued	Regular Pay + 8 hours accrued
Holiday NOT worked	No regular Pay or Accrual + Holiday Compensation	None + 8 hours paid	None + 8 hours paid	None + 8 hours paid	None + 8 hours accrued
Christmas/ New Years Worked	Hours Worked + Holiday Compensation	Regular Pay + 8 hours paid	Regular Pay + 8 hours paid	Regular Pay + 8 hours paid	Paid 2 times regular rate of pay





Christmas/ New Years NOT Worked	No regular Pay or Accrual + Holiday Compensation	None + 8 hours paid	None + 8 hours paid	None + 8 hours paid	None + 8 hours accrued
--	---	---------------------------	---------------------------	---------------------------	---------------------------------

Sick Leave

Sick leave is available to employees if it was accrued prior to 1 January 2014 but will not be paid out upon separation.

Leave, other

Requests for leave must be made as far in advance as practicable, with (14) days for all employees and (30) days for all Department Heads preferred. Leave request forms are available in Addendum XIV.

As a municipality, the Town of Berryville is required to post Family Medical Leave Act information. However, as the Town of Berryville has less than (50) employees, they are ineligible for coverage under the Act.

Bereavement Leave

Bereavement leave will be granted as follows:

- Spouse, Children, Parents: 4 days or 32 hours
- Brothers or Sisters: 2 days or 16 hours
- Mother-in-law, Father-in-law: 2 days or 16 hours
- Grandparents/children, Uncles, Aunts, Nieces/Nephews: 1 day or 8 hours
- Fiancé or Fiancée: 1 day or 8 hours

Special consideration may be given to any other person whose association with the employee was similar to any of the above relationships. Employees may, with their supervisor's approval, use any available paid leave for additional time off as necessary.

Life-Threatening Illnesses in the Workplace

Employees with life-threatening illnesses often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The Town of Berryville supports these endeavors as long as employees are able to meet acceptable performance standards. As in the case of other disabilities, the Town of Berryville will make reasonable accommodations in accordance with all legal requirements to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.





Virginia Retirement System

The Town of Berryville is a participant in the Virginia Retirement System, a plan that is mandatory for all regular full-time employees. The Town pays the employer portion of this benefit, which is based on a percentage of gross pay.

Nationwide Retirement 457 Plan

Interested employees may make tax-deferred contributions to NRS. The Town of Berryville does not supplement employee contributions. All installments are paid by the employee through payroll deduction.

Life Insurance

The Town of Berryville provides a basic life insurance plan for eligible employees. This program is an adjunct program of the Virginia Retirement System. VRS Optional Life Insurance is available through payroll deduction and allows active employees to enroll themselves, their spouses, or their children.

Health Insurance

The Town of Berryville's health insurance plan provides employees and their dependents access to medical, dental, and vision care insurance benefits with Anthem Blue Cross/Blue Shield through the state Local Choice program.

Medical Information Privacy

Medical information on individual employees is treated confidentially. The Town of Berryville will take reasonable precautions to protect such information from inappropriate disclosure. Department Heads and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment. Unauthorized access to, or dissemination of, employee personal medical information is strictly prohibited except as required by enrollment, administration, and participation in benefit plans and public health reporting and oversight.

Short-Term Disability

The Town of Berryville provides a short-term disability benefits plan to eligible nonexempt employee participants in the Virginia Retirement System Hybrid Retirement Plan who are unable to work because of a qualifying disability as a result of injury or illness. An employee must first use (40) hours of PTO before becoming eligible for short-term disability.

Long-Term Disability

The Town of Berryville provides a long-term disability benefits plan to help eligible employees cope with illness or injury that results in a long-term absence from employment.





C. Military Leave

An employee who is a member of a reserve force of the United States or of the Commonwealth of Virginia and who is ordered by the appropriate authorities to attend a training program or who is called into emergency active duty for the purpose of aiding civil authority under the supervision of the United States or the Commonwealth of Virginia shall be granted a leave of absence with full pay during the period of such activity for up to 15 days per military fiscal year.

D. Military Leave without Pay

An employee who leaves the employ of the LGU to join the military forces of the United States during the time of war or other declared national emergency or who is called to service in the Virginia Militia by order of the Governor shall be placed on military leave without pay commencing on the first business day following the last day of active employment with the LGU. The employee on such leave is entitled to be restored to the position he or she vacated, provided the employee makes application to the LGU not later than 90 days after the date of honorable discharge or separation under honorable conditions. Job restoration is further conditioned on the position still existing and the employee being physically and mentally capable of performing the work of the vacated position. This section does not override section VI B.3.

Military Leave Without Pay

An employee who leaves the employ of the Town of Berryville to join the military forces of the United States during the time of war or other declared national emergency or who is called to service in the Virginia Militia by order of the Governor shall be placed on military leave without pay, commencing on the first business day following the last day of active employment with the Town of Berryville. The employee on such leave is entitled to be restored to the position they vacated, provided the employee makes application to the Town not later than 90 days after the date of honorable discharge or separation under honorable conditions. Job restoration is further conditioned on the position still existing and the employee being physically and mentally capable of performing the work of the vacated position. Additional information is available in Addendum VI.

E. Civil Leave

An employee will be given time off without charge to leave or loss of pay for (a) performing jury duty, when subpoenaed as a witness to appear before a court, public body or commission, (b) serving as a





blood donor, or (c) performing emergency civilian duties in connection with national defense or for the purpose of voting in a national, state, or local election. The period of such leave shall be only as necessary for the performance of the activity, plus any necessary travel time.

Civil Leave

An employee will be given time off without loss of pay for performing jury duty or performing emergency civilian duties in connection with national defense. The period of such leave shall be only as necessary for the performance of the activity plus any necessary travel time. If compensation for jury duty is received, Town of Berryville will only pay the difference between that compensation and normal rate of pay.

6.0 LEAVE WITHOUT PAY

The following are the situations for which an employee may be on leave without pay status.

6.1 Family & Medical Leave Act (Basic Leave Entitlement)

A. Eligible Employees

Eligible employees are entitled to participate in the benefits of the Family and Medical Leave Act ("FMLA"). FMLA leave is unpaid leave. The LGU requires an employee to use accrued paid leave on an hour for hour basis in conjunction with FMLA leave.

Eligible Employees meet these requirements:

have been employed by a covered employer for 12 months;

have worked 1,250 hours worked during the 12-month period before requested leave begins; **and**

have worked at a location where the employer employs 50 or more employees within a 75-mile radius of that location.





6.2 Purposes for Which FMLA Leave May Be Taken

FMLA leave may be used:

- A. to care for an employee's child after birth, or for the placement with an employee of a child for adoption or foster care (provided that the leave is requested and used within twelve (12) months of the birth, placement, adoption, or foster care),
- B. to care for an employee's spouse, child, or parent (does not include in-laws) who has a serious health condition,
- C. When the employee is unable to work because of their own serious health condition.

6.3 Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

6.4 Serious Health Condition Defined

A. Definition

A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or an incapacity lasting more than three consecutive days and involving continuing treatment by a health care provider. Continuing treatment involves two or more treatments





(or one treatment when the condition is such that continuing follow-up is or will be required) by a healthcare provider, pregnancy, prenatal care, or other chronic or long-term serious health conditions.

B. Qualifications for Serious Health Condition

To qualify for leave due to the serious health condition of a family member, the family member must be incapable of self-care. To qualify for leave due to the serious health condition of the employee, the employee must be unable to work at all or unable to perform any of the essential functions of the employee's position.

C. Employers Requirements

Employees are required to obtain a health care provider certification for all absences for which FMLA leave is being requested. A chronic or long-term health condition or pregnancy does not require a visit to the health care provider for each absence; however, a statement by the health care provider that the absence was due to the chronic condition or pregnancy may be requested by the LGU at its discretion.

6.5 FMLA Benefits

A. Leave

An eligible employee is entitled to a total of twelve weeks of unpaid leave during any twelve-month period. Employees will be required to use accumulated paid leave (sick, compensatory, annual, etc.) on an hour for hour basis concurrent with the FMLA leave. If FMLA leave is exhausted before the end of the twelve-month period, the employee will not be entitled to further FMLA leave during this period.

An employee is required to request FMLA leave in writing at least thirty days before the leave is to commence if the need for the leave is foreseeable. In circumstances when the leave is not foreseeable thirty days in advance, an employee must request the leave as soon as practicable. The LGU may designate leave as FMLA leave without a request from an employee.

FMLA leave taken for a serious health condition of the employee or family member may be taken intermittently or on a reduced-hours basis.





FMLA leave taken for birth, adoption, placement, or foster care cannot be taken intermittently unless approved in advance. If both spouses work for the LGU, the total FMLA leave that may be taken for this event by both employees is twelve weeks, pro-rated between as the spouses choose. FMLA leave taken for the birth, adoption, placement, or foster care of a child must be taken within the twelve months following the event.

Should the LGU obtain information that the employee was not FMLA eligible or the event did not qualify under FMLA, the designation of FMLA leave previously given may be withdrawn.

B. Job Restoration

Upon return from FMLA leave, an employee is entitled to be restored to the same position that was held before the start of the FMLA leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. If an employee is unable to return to work after the FMLA leave benefits have been exhausted, the employee will not have a right to return to his or her position even if there are unused accrued leave balances.

Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave will cause a substantial and grievous economic injury to the LGU. A key employee is a salaried employee who is among the highest paid ten percent of the LGU's workforce. A key employee will be notified in writing of his or her status in response to the employee's notice of intent to take FMLA leave, unless circumstances do not permit such notice. If a key employee is already on FMLA leave when s/he receives notice that s/he is a key employee, the employee will be given a reasonable time to return to work before losing the right to job restoration.

C. Health Benefits

If paid leave is used for FMLA purposes, an employee will maintain the same benefits as if working. If the employee is on leave without pay, continuation in the health care plan is permitted, provided that the employee continues to pay for his or her share of the premiums. If the employee fails to make his premium payments, the employee will be provided written notice of this failure and will be given an additional fifteen days to make payment in full. If payment is not made after this notice, health benefit coverage will cease.





If an employee does not return to work after the conclusion of the FMLA leave, the employee is responsible for reimbursing the LGU for the LGU's share of the health care premiums paid.

An employee who fraudulently obtains Family and Medical Leave from [the Entity] is not protected by the FMLA's job restoration or maintenance of health benefits provisions. In addition, [the Entity] will take all available appropriate disciplinary action against such employee due to such fraud

Compensatory Leave

Compensatory leave may be granted to exempt employees on the basis of one and one-half hour for each hour worked in addition to the regular work period. Such time will be credited only if the work is requested and authorized by the Town Manager.

Compensatory leave records will be maintained by the Director of Finance/Treasurer. In no case shall an employee keep their compensatory time record. Such record shall be maintained on the basis of first earned- first used.

Compensatory leave credits may at no time exceed 30 days (240 hours) and must be used within (12) months following the date on which the leave was earned. Employees will be compensated for compensatory time over (240) hours at their regular pay rate. Upon termination of employment, compensatory time is paid at the regular pay rate

Declared Liberal Leave

"Liberal Leave" is defined as the leave taken by an employee from the start of the work day to the time the employee actually reports to work following an official announcement that the Town is open and liberal leave is in effect. If possible, the employee must notify their supervisor before taking liberal leave. Any work time missed during a period of liberal leave will be deducted from an employee's accrued leave. If in doubt about liberal leave, it is employee's responsibility to contact a supervisor.

6.6 Extended Leave without Pay

When special circumstances require an extended leave, the CAO has the authority to grant an employee leave without pay provided that the operations of the LGU's program(s) will not be adversely affected.

6.7 Disciplinary Leave without Pay

An employee who is absent from work without prior approval shall receive no pay for the duration of the absence and may be subject to disciplinary action which may include dismissal. If extenuating circumstances exist for the unauthorized absence, due consideration will be given.





Leave without Pay

When special circumstances require an extended leave, the Town Manager has sole discretion to grant an employee leave without pay provided that the operations of the Town of Berryville's program(s) will not be adversely affected.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will be provided by the Town of Berryville until the end of the month in which the approved personal 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 personal leave, benefits will again be provided by the Town of Berryville according to the applicable plans. Benefit accruals, such as PTO or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

Administrative Leave

Leave with or without pay may be required during a period of administrative or disciplinary investigation and will be governed by federal, state, or local statutes or departmental policy.

Benefits Continuation (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town of Berryville's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

The Town of Berryville provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the Town of Berryville's health insurance plan. The notice contains important information about the employee's rights and obligations.

8.0 HEALTH AND SAFETY

8.1 Workers' Compensation

Workers' Compensation provides benefits for an employee in the event of certain occupational illnesses, injuries, or deaths.

For additional information, see W/C Addendum.





Worker's Compensation

The Town of Berryville provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. An employee incapacitated by injury or illness as defined by the Workers' Compensation Act shall be entitled to the leave and benefits provided by that Act. A protocol for reporting, telephone hotlines and electronic reporting portals, and a list of approved Workers' Compensation providers is provided in Addendum IV.

Employees who sustain work-related injuries or illnesses must inform their supervisor immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Neither the Town of Berryville nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Town of Berryville.

Employee Assistance Program

Through the Employee Assistance Program (EAP), the Town of Berryville provides access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to eligible, full-time exempt, and full-time introductory employees and their immediate family members who are covered under the Town's The Local Choice Health Benefits Program (TLC) offering problem assessment, short-term counseling, and referral to appropriate community and private services.

Employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file. Call the EAP at 1-800-725-0602 (Value Options, Inc.) to contact an EAP counselor. You can also visit their website www.achievesolutions.net/tlc.

7.0 EMPLOYEE DEVELOPMENT

It is the policy of the LGU to encourage employees to obtain training designed to develop the employee's value to the organization. Leave with partial pay or leave without pay may be available under the Education Leave provisions.

The cost of training and related expenses undertaken at the direction of the CAO or the Administrator of Insurance Programs shall be paid in full by (the LGU). For training requested by an employee, the employee may receive reimbursement of tuition costs if (1) the training was approved in





advance by the CAO and (2) the employee shows successful completion of the course.

7.1 Education Leave – For pursuit of courses of study

A. Policy

It is the policy of the LGU to encourage employees to obtain training designed to develop the employee's value to the organization. Leave with partial pay or leave without pay may be available.

B. Leave at the discretion of CAO

Education leave is discretionary and is normally taken with partial pay or without pay. When an employee can demonstrate that the pursuit of the educational program will have an immediate and discernable benefit to (the LGU), leave with full pay may be granted by the CAO. The conditions of such leave shall be subject to a case by case determination based on factors which include the nature of the education or training, length of the absence, work record of the employee, work requirements at the time of the request, and value of the education or training to the LGU.

C. Who Pays for Training?

The cost of training and related expenses undertaken at the direction of the CAO may be paid in full by the LGU. In such case, the hours of training count as hours worked. For training requested by an employee, the employee may receive reimbursement of tuition costs if (1) the training was approved in advance by the CAO and (2) the employee shows successful completion of the course. If the training was not required by the LGU, the hours do not count as hours worked.

Educational Assistance

The Town of Berryville educational assistance program encourages employees to maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within the organization of Berryville.

Subject to budgetary constraints, educational assistance may be provided to all eligible employees immediately upon assignment to an eligible employment classification. To maintain eligibility, employees must remain on the active payroll and be performing their job satisfactorily through completion of each course.





Regular full-time employees are eligible for educational assistance when individual courses or courses that are part of a degree, licensing, or certification program are related to the employee's current job duties or a foreseeable future position in the Town. The Town Manager has the sole discretion to determine whether a course relates to an employee's current job duties or a potential future position.

Prior to any commitment to a school or course of study, employee must contact their supervisor and present a written plan which includes:

- Employee name, position, and department,
- Name of institution employee intends to attend,
- Title of field of study and degree, licensing, or certification program,
- One-page narrative explaining how the desired course of study meets Town objectives, and
- Duration and cost of program and reimbursement amount request.

Supervisor will respond by:

- Meeting with employee to discuss employee's plan,
- Providing recommendation(s) for course of study including identification of funding, and
- Forwarding employee's plan and supervisor recommendation to the Town Manager.

Town Manager will approve or disapprove the prospective educational plan.

To receive reimbursement for a class, employee must receive a grade of "C" or higher. Items eligible for reimbursement are tuition, books, and related school fees. All reimbursement requests must be submitted to employee's supervisor within 15 days of receipt of grades for the term in question. The Town Manager has sole discretion to determine what costs may be reimbursed.

Each year during course of study, within 15 days of the anniversary of the approval of the employee's written plan, employee must submit an updated plan to their supervisor and Town Manager. The Town Manager will approve or deny continuation of the course of study within 10 days of receipt of updated plan.

While educational assistance is expected to enhance employees' performance and professional abilities, the Town of Berryville cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

In the event that an employee voluntarily leaves employment within one year of receiving reimbursement for any educational program, the employee will be responsible for returning the Town-disbursed assistance associated with the training or educational opportunity.

Education Leave

Education leave is discretionary and is normally taken with partial pay or without pay. When an employee can demonstrate that the pursuit of the educational program will have an immediate and discernable benefit to the Town, leave with full pay may be granted at the sole discretion of





the Town Manager. The conditions of such leave shall be subject to a case-by-case determination based on factors which include the nature of the education or training, length of the absence, work record of the employee, work requirements at the time of the request, and value of the education or training to the Town of Berryville.

The cost of training and related expenses undertaken at the direction of the Town Manager may be paid in full by the Town of Berryville. In such case, the hours of training count as hours worked. For training requested by an employee, the employee may receive reimbursement of tuition costs if (1) the training was approved in advance by the Town Manager and (2) the employee shows successful completion of the course. If the training was not required as a condition of continued employment the hours do not count as hours worked.





Conduct

Employees are expected to apply themselves to their assigned duties during the full schedule for which they are being compensated. Unacceptable conduct shall be subject to disciplinary action.

Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the Town of Berryville presents to customers and visitors.

During business hours or when representing the Town of Berryville, employees are expected to present a clean, discreet, and professional appearance that is appropriate to their scope of work. Consult your supervisor or department head if you have questions as to what constitutes appropriate attire.

Supervisors or department heads are responsible for establishing a reasonable dress code with the oversight of the Town Manager and appropriate to the job performed. When safe and expedient to do so, reasonable accommodation may be made to a person with a disability and/or religious or cultural requisite.

Personnel provided with uniforms are required to wear the uniforms while performing Town functions. Variations in attire from approved uniforms may be permitted only with prior approval of an employee's supervisor or the Town Manager. Employees are responsible for issued uniforms and shall bring any problems with the uniform to the attention of their supervisor. When worn, additional layering items of clothing must be under uniforms, with the exception of weather-appropriate outerwear. Some items of apparel, such as steel-toe shoes, are considered Personal Protective Equipment (PPE), and no deviation from standard is acceptable. Please direct specific questions to Department Head.

Uniforms shall not be worn when the employee is off duty (except for travel to and from work and other instances approved by the employee's supervisor or the Town Manager). Hats, excepting PPE, must be Town of Berryville issued. Uniform particulars are included in Addendum X.

13.2 Disciplinary Actions

If an employee's work performance or behavior is deemed unsatisfactory, the following kinds of disciplinary action may be taken, depending upon the circumstances: oral coaching/warning, written warning, suspension, demotion, or termination. Other types of discipline may be used in addition to those listed.

The following are examples of misconduct that may result in discipline. The list is not inclusive and other conduct may be subject to disciplinary action:





-
- A. Conviction of a felony or of a misdemeanor involving moral turpitude and other criminal acts that continued performance of duties is compromised;
 - B. Willfully falsifying LGU records (including time records, leave records, job applications, or pay or reimbursement vouchers);
 - C. Negligence with LGU property or misuse of LGU property;
 - D. Violating any workplace rule;
 - E. Performing official duties in a rude and discourteous manner, threatening co-workers, or using physical violence while on duty;





- F. Violating any lawful official regulation or order or willfully failing to obey a proper direction of the supervisor or the CAO;
- G. Using or being impaired at work by intoxicants, drugs, or alcohol;
- H. Neglecting duty or continually being unable or unwilling to render satisfactory performance;
- I. Taking property of the LGU for one's personal use, for sale to another or for a gift to another;
- J. Inducing, or attempting to induce, an officer or employee in the service of the LGU to commit an unlawful act or to act in violation of any lawful or official regulation or order;
- K. Accepting a bribe, gift, token, money, or other thing of value intended as an inducement to perform or refrain from performing any official acts, or engages in any action of extortion or other means of obtaining money or other things of value through his/ her position in the LGU;
- L. Failing to report for work or being absent without prior notice to supervisor;
- M. Unsatisfactory attendance, excessive absences, or excessive tardiness.
- N. Harassing other employees or the public.
- O. Violating the LGU's drug free workplace rules.
- P. Making harassing, discriminatory or threatening remarks against other employees.
- Q. Engaging in conduct on social media that negatively impacts the work environment.

13.3 Notification

Prior to imposing disciplinary action, including termination, the supervisor shall inform the employee of the reason for the discipline and the employee shall have the right to comment on the discipline. However, the supervisor may have the employee removed from the workplace prior to giving an





opportunity to comment if the employee's continued presence poses a safety danger or is disruptive to the workplace.

B.





Disciplinary Action

The Town of Berryville provides examples of actions which may result in discipline. These are in no way inclusive or exhaustive. Members of the Police Department may be subject to additional or alternative regulations and must consult and understand personnel manuals specific to their position. Questions must be directed to supervisor or Town Manager.

The Town strives to practice progressive discipline. Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and still another offense may then lead to termination of employment. A tiered categorization of discipline is used, i.e., Level I, Level II, and Level III offenses, and is described herein. Offenses described in Level II and III may require more severe corrective action, up to and including termination.

The Town of Berryville recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment and/or immediate expulsion from the workplace, without going through progressive discipline steps.

Coaching: Coaching may be verbal or written and is an opportunity to reiterate procedures, safety standards, and expectations when an oversight or omission is deemed unintentional but must not be repeated.

Reprimands: Verbal and written reprimands are issued for offenses which are of minor severity in nature but which require correction. The severity of the offense shall dictate whether a verbal (informal) or written (formal) reprimand is appropriate. Additional disciplinary action may result if the condition is not corrected within a reasonable period of time.

Suspensions: Suspensions are temporary separations from service, for disciplinary purposes pending termination, or where the case is not sufficiently grave to merit termination. An employee may be suspended by their department head, with or without pay, for a period of up to 72 hours.

Demotions: Demotions may be necessary when an employee is unfit to perform in a position which they have held, but is capable of performing in a lower and/or different classification than before. This allows employees whose work has not been satisfactory, but who do not deserve termination, to be retained and assigned a different scope of work at a different rate of pay.

Termination: Termination shall be carried out for inefficiency, insubordination, misconduct or for reasons listed herein as Level II or Level III.

Notification and Recordkeeping

Prior to imposing disciplinary action, including termination, the supervisor shall inform the employee of the reason for the discipline and the employee shall have the right to comment on the discipline. However, the supervisor may have the employee removed from the workplace





prior to giving an opportunity to comment if the employee's continued presence poses a safety danger or may be disruptive to the workplace.

A copy of any written disciplinary action, report, or supplementary documentation will be included in employee file and is subject to Town of Berryville record and confidentiality policies. Unauthorized access to, or dissemination of, employee disciplinary information is strictly prohibited.

Level I Offenses (acts and behavior that may result in coaching, reprimand, or suspension)

Unexcused absence or tardiness.

Violation of leave policy and/or any other provision or regulation in the personnel policies.

Failure to notify supervisor, or other authorized personnel in the event that the supervisor cannot be contacted, when unable to report to work at the time assigned.

Level II Offenses (acts and behavior that may result in reprimand, suspension, demotion, or termination)

Failure to report personal injury, accident, or condition of public health significance with risk of transmission during normal scope of work.

Unexcused or unauthorized absence without extenuating circumstance.

Sleeping during duty, or leaving job to which assigned at any time during working hours without proper permission.

Failure to observe precautions for personal safety, posted rules, signs, safety instructions, or to use protective clothing or equipment.

Violating traffic regulations, or improper operation of a Town owned motor vehicle.

Harassment, discrimination, or retaliation as defined in employee manual or by federal, state, or local statute (single occurrence with negligible impact/injury to target/victim).

Careless workmanship, wasting time, or inattention to duty.

Unexcused delay in carrying out orders, work assignments, or instructions.

Inadequate or unsatisfactory job performance; or being incompetent or inefficient in the performance of the duties of the position; or being otherwise unfit for Town service.

Level III Offenses (acts and behavior of such a serious nature that a first offense may normally warrant termination)

Unauthorized divulging or discussing any Town business which is confidential.

Disorderly conduct; threats or acts of violence; engaging in dangerous horseplay; resisting competent authority.





Possession, distribution, use, or being on duty while under the influence of alcohol, cannabis products without a prescription, or intoxicating substances (drugs) in the workplace, while conducting Town business, or when representing the Town either on or off premises. For the purposes of this section, possession in a personal vehicle is not prohibited.

Endangering the safety of or causing injury to others while performing work or representing the Town of Berryville in an official capacity.

Publicly criticizing, maliciously ridiculing, or making irresponsible statements which are slanderous or defamatory about other employees or officials or which damage the Town's reputation or ability to conduct business.

Conduct unbecoming of a Town employee; use of disrespectful, abusive, or offensive conduct or language in public, or toward the public, Town officials, or fellow employees in the workplace, while conducting Town business, or when representing the Town either on or off premises.

Harassment, discrimination, or retaliation as defined in employee manual or by federal, state, or local statute (repeated offence or action resulting in impact/injury to target/victim).

Falsification, misstatement, exaggeration or concealment of material fact in connection with employment, promotion, claim, report, voucher, or any record, investigation, or other proper proceeding.

Disobedience to constituted authorities, or deliberate refusal to carry out any official regulation or proper order from any supervisor or superior having responsibility for the work of the employee; or insubordination.

Failure to report to supervisor charges or a conviction(s) for a crime of moral turpitude, on or off the job.

Illegal possession or use of firearms, weapons, or hazardous materials including chemical and biological agents and explosives. Licensed and permitted secure storage or carry of firearms must be authorized by Town Manager. For the purposes of this section, possession in a personal vehicle is not prohibited.

Theft, damage, destruction, unauthorized use, possession, or loss of Town property or the property of others, or endangering same through carelessness.

Threatening, attempting, or using personal or political influence in any way that violates federal, state, or local statutes or Town of Berryville ethical conduct policies, even if actions do not result in personal gain.

Disciplinary procedure

Investigations: Upon receiving a report of violation of the law or a departmental or disciplinary regulation, as set forth in these regulations, the Town Manager will conduct an investigation with the purpose of ascertaining the facts relative to the circumstances surrounding the alleged offense. Violation or alleged violation of law will be reported in accordance with the law.





Reports: Any disciplinary action proposed by any department head shall be reported in full immediately to the Town Manager.

Sexual harassment includes unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature; as well as behavior, remarks, jokes or innuendos that intimidate, ridicule, demean or belittle a person on the basis of their gender; regardless of whether the remarks are sexually provocative or suggestive of sexual acts.

Harassment occurs when:

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

YOU HAVE THE RESPONSIBILITY TO BRING ANY FORM OF HARASSMENT OR DISCRIMINATION TO OUR ATTENTION.

All employees are responsible for helping assure that we avoid harassment and discrimination in the workplace. If you experience any problem of this sort, become aware of any other employee experiencing a problem of this sort, or have knowledge of any form of harassment or discrimination, sexual or otherwise, you must immediately report it to your supervisor. If you believe that it would be inappropriate to discuss the matter with your supervisor, or you are uncomfortable discussing the matter with your supervisor, you may elect to bypass your supervisor and report the matter directly to_____.

All claims of harassment or discrimination will be investigated thoroughly and promptly WITHOUT CONSEQUENCE TO THE EMPLOYEE EXPERIENCING OR REPORTING THE CONDUCT. We will endeavor to keep complaints, investigations, and resolutions confidential to the extent possible; however, we cannot compromise our obligation to investigate complaints. The employee who brought the complaint will be provided information on the outcome of the investigation within the limits of confidentiality. A non-employee who subjects an employee to harassment in the workplace will be informed of the LGU's policy and appropriate actions will be taken to protect the employee from future harassing conduct.





Sexual Harassment

The Town of Berryville is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's legally protected characteristic will not be tolerated.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes gender-based harassment of a person of the same sex as the harasser and intentional exposure of a third party to sexual conduct, imagery, etc.

Verbal or physical conduct of a sexual nature constitutes sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, confidentiality of the complainant and/or potential victim, witnesses, and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, all subject parties will be informed of the outcome of the investigation.

A non-employee who subjects an employee to harassment in the workplace will be informed of the Town of Berryville's policy and appropriate actions will be taken to protect the employee from future harassing conduct.

No-Harassment/No-Discrimination Policy

The LGU will not tolerate any form of harassment or discrimination. In accordance with Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, our No-Harassment/No-Discrimination Policy prohibits harassment, discrimination or intimidation of others based on age, sex, color, race, (including traits historically associated with race, including hair texture, hair type, and protective hairstyles), creed, religion, national origin, gender, gender identity/expression, sexual orientation, ethnicity, pregnancy, disability, political affiliation, marital status, military/veteran status, status in any other group protected by federal or local law or for any other reason.

Harassment includes, but is not limited to, remarks, jokes, written materials, symbols, paraphernalia, clothing or other verbal or physical conduct which may intimidate, ridicule, demean, or belittle a person because of their age, sex, color, race, (including traits historically associated with race, including hair texture, hair type, and protective hairstyles), creed, religion, national origin, ethnicity, pregnancy, disability,





gender, gender identity/expressions, sexual orientation, political affiliation, marital status, military/veteran status, or status in an other group protected by federal, state or local law.

No-Harassment/No-Discrimination Policy

The Town of Berryville will not tolerate any form of harassment, discrimination, or retaliation. In accordance with Title VII of the Civil Rights Act of 1964 the Age Discrimination in Employment Act of 1967, Town policy prohibits harassment, discrimination, or intimidation of others based on age, sex, color, race, (including traits historically associated with race, including hair texture, hair type, and protective hairstyles), creed, religion, national origin, gender, gender identity/expression, sexual orientation, ethnicity, pregnancy, disability, political affiliation, marital status, military/veteran status, genetic information, status in any other group protected by federal or local law or for any other reason.

Harassment includes, but is not limited to, remarks, jokes, written materials, symbols, paraphernalia, clothing or other verbal or physical conduct which may intimidate, ridicule, demean, or belittle a person because of their age, sex, color, race, (including traits historically associated with race, including hair texture, hair type, and protective hairstyles), creed, religion, national origin, ethnicity, pregnancy, disability, gender, gender identity/expressions, sexual orientation, political affiliation, marital status, military/veteran status, or status in another group protected by federal, state or local law. Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time while conducting Town business, or when representing the Town either on or off premises, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

A non-employee who subjects an employee to harassment or discrimination in the workplace will be informed of the Town of Berryville's policy and appropriate actions will be taken to protect the employee from future harassing conduct.

8.4 Workplace Violence

ENTITY is committed to preventing workplace violence and to maintaining a safe work environment. All employees should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited on the ENTITY premises without proper authorization.

Conduct that threatens, intimidates, or coerces another employee or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law. All threats of (or actual) violence, both direct and indirect,





should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees as well as threats by members, insureds, vendors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible. Any person engaging in threats of (or actual) violence may be removed from ENTITY premises as quickly as safety permits. Individuals who have been removed from ENTITY premises shall remain off the premises pending the outcome of ENTITY and/or criminal investigations.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. No employee will be subjected to retaliation for reporting any threat or perceived threat. ENTITY will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. Violation of this policy may lead to disciplinary action, up to and including dismissal, arrest, and prosecution.

Workplace Violence

The Town of Berryville is committed to preventing workplace violence and to maintaining a safe work environment and has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors and temporary employees, must be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. The Town of Berryville encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Town Manager before the situation escalates into potential violence.

All threats of (or actual) violence, both direct and indirect, must be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you must be as specific and detailed as possible.

The Town of Berryville will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the Town of Berryville may suspend employees, either with or without pay, pending investigation. At no time will any employee be subjected to retaliation for reporting any threat or perceived threat, regardless of the outcome of the investigation. The Town will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. Violation of this policy may lead to disciplinary action, up to and including termination, arrest, and prosecution.





Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited during all work activities, while representing Berryville in any capacity, and on Town premises. Exceptions exist for members of the Town of Berryville’s Police Department or with prior authorization by Town Manager. Licensed and permitted secure storage or carry of firearms must be authorized by Town Manager. For the purposes of this section, possession in a personal vehicle is not prohibited.

All suspicious individuals or activities must also be reported as soon as possible to a supervisor. Employees must not endanger themselves or others by interceding or failing to report a concern.

Retaliation

Retaliation is illegal and contrary to the policy of the LGU. Employees who bring complaints of discrimination or who identify potential violations, witnesses interviewed during the investigation, and others who may have opposed discriminatory conduct are protected from retaliatory acts.

If an employee believes that he or she is being retaliated against, a written or verbal report shall be immediately made to the CAO. Those who are found to be acting in a retaliatory manner will be disciplined for such conduct.

Retaliation

Retaliation is illegal and contrary to the policy of the Town of Berryville. Employees who bring complaints of discrimination or who identify possible violations, witnesses interviewed during the investigation, and others who may have opposed discriminatory conduct are protected from retaliatory acts.

If an employee believes that they are being retaliated against, a written or verbal report must be immediately made to the Town Manager. Those who are found to be acting in a retaliatory manner will be disciplined for such conduct.

C. 13.4 Grievance

The LGU grievance procedure is available for employees of the LGU, except as noted in the procedure. (Note: if your LGU has less than 15 employees, the LGU is not required to have a grievance procedure. In that case, your LGU would not include the grievance procedure. (**State Law Reference § 15.2-1506.**)





A Grievance Procedure is mandatory for Firefighters, Emergency Medical Technicians, and Law Enforcement Officers.

For additional information see Grievance Appendix.

Grievance Procedure

All complaints and grievances which an employee may have because of any action affecting his status or conditions of employment shall be handled in accordance with the Town of Berryville grievance procedure. (VA State Law Reference § 15.2-1506). This is included in Addendum V.





Occupational Safety and Health

The Town of Berryville is committed to providing employees with a safe and healthful work environment. To accomplish this goal, all employees and their supervisors must make diligent efforts to promote safety, and to develop and implement safety rules and regulations. This process is ongoing and requires periodic review and training. Safety audits are undertaken to determine the necessity and feasibility of providing devices, work practices, policies, or other safeguards to make the workplace safe and healthful. To address specific safety concerns, departments including the Town of Berryville Police Department, may develop and institute specific safety protocols in addition to this manual.

Employees are expected to always follow safety rules and regulations, including using appropriate protective clothing and equipment, attending all training sessions related to their scope of work, following the directions of supervisory personnel, and exercising care in the execution of their duties.

Safety rules and regulations will be issued or modified from time to time and will be effective immediately upon communication. Departments will have specific job/task related rules and procedures that employees are expected to know and follow.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

8.2 Occupational Safety and Health

The LGU is committed to providing our employees with a safe and healthful work environment. To accomplish this goal, all employees and their CAOs must make diligent efforts to promote safety. We develop and implement safety rules and regulations through our CAOs, supervisors, and safety committees. This process is ongoing and requires periodic review. Safety audits are undertaken to determine the necessity and feasibility of providing devices, work practices, policies, or other safeguards to make the workplace safe and healthful. We also provide training for our employees regarding workplace hazards and the proper and safe methods to use in performing their job tasks.

You are expected to give your full skill and attention to the performance of your duties using the highest standard of care and good judgment. You are also expected to always follow safety rules and regulations, including using appropriate protective clothing and equipment, attending all training sessions related to your job, and following the directions of supervisory personnel.





Safety rules and regulations will be issued or modified from time to time and will be effective immediately upon communication. General safety rules and regulations will be distributed to you and posted on employee-accessible bulletin boards. Departments will have specific job/task related rules and procedures that you are expected to know and follow.





8.3 Accident Reporting and Investigation

All job-related injuries or illnesses shall be reported to your supervisor immediately, regardless of severity. (In the case of serious injury, your reporting obligation will be deferred until circumstances reasonably permit a report to be made.) Failure to report an on-the-job injury or illness may preclude or delay the payment of any benefits you may be eligible for and could subject The LGU to fines and penalties.

A. Employer's Responsibilities

1. Each employer is to investigate the cause of every lost-time accident and determine the means in which to prevent recurrence. Employers are required to install any safeguards or take corrective measures indicated or found advisable.
2. Create a safety committee which is responsible for establishing procedures to investigate all safety related incidents. This doesn't mean that they take the responsibility away from supervisors for the actual investigation. However, committees should evaluate the cause, look for any trends, or identify tools, equipment, procedures, or training that will serve to prevent the accident/injury from recurring.

B. Employees Responsibilities

The employee shall:

1. Report all injuries, regardless of severity, to the supervisor immediately but no later than 24 hours. If the supervisor is not available, the injury must be reported to the CAO before medical treatment is sought;
2. Report and, if possible, correct all unsafe conditions or acts;
3. Take all standard safety precautions to prevent injury;
4. Follow all safety rules.

Accident Reporting and Investigation

All job-related injuries or illnesses shall be reported to a supervisor immediately, regardless of severity. In the case of serious injury, reporting obligation may be deferred until circumstances reasonably permit a report to be made. Failure to report an on-the-job injury or illness may





preclude or delay the payment of benefits and could subject the Town of Berryville to fines and penalties.

Each supervisor is to investigate the cause of every lost-time accident and determine the means by which to prevent recurrence. They will prepare a written report (included in Addendum IV), which will be submitted to Director of Finance/Treasurer. The Town of Berryville will install any safeguards or take corrective measures indicated or found advisable.





Drivers Policy

The Town of Berryville expects its drivers to operate in a safe, legal, and professional manner at all times. Drivers convicted of moving violations jeopardize their livelihood and the Town's safety standards. All drivers for the Town are expected to maintain an acceptable driving record. Substantive changes to driving records are expected to be reported within (72) hours. Three or more tickets and/or chargeable accidents (where driver is determined to be at fault) within one year may result in discipline up to and including termination. If an employee's license is revoked or suspended, they must notify their supervisor by close of next business day and immediately refrain from operating a Town owned vehicle. Motor Vehicle Records (MVRs) will be obtained annually after authorization is received from the employee. The Town Manager will review the MVR to assure that Town safety standards regarding driving are upheld.

Use of Equipment and Vehicles

At no time may a Town vehicle be used for purposes other than for the transaction of Town business. When using Town property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. Supervisor must be notified if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair.

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. Drivers must report ticket violations received while driving a Town vehicle or while conducting Town business within (72) hours.

Employees involved in automobile accidents while driving a Town vehicle must:

- Notify local law enforcement and their immediate supervisor.
- Collect names and addresses of other persons involved in the accident and of witnesses.
- Not leave the scene of the accident until released by the responding police officer.

Use of Town of Berryville vehicles for personal transportation to and from an employee's home is established at the sole discretion of the Town Manager and is reserved for rapid response to Town needs, i.e., expectation of severe weather.





Timekeeping

Federal and state laws require the Town of Berryville to keep an accurate record of time worked in order to calculate employee pay and benefits. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment. It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded. The supervisor will review and then initial the time record before submitting it for payroll processing.

Identification Cards

To provide a consistent method of identification for Town conducting business off-premises, employees shall display Town-issued identification cards when on duty or operating in their capacity as Town employees. Variation from this directive is provided for members of Town of Berryville Police Department. Other divergences must be pre-approved by the Town Manager or department head.

Identification cards will include: employee name, title or department, and a photograph of employee.

Identification cards shall not be displayed during non-work hours or events. Cards remain the property of the Town of Berryville and must be returned upon request. Lost or damaged cards must be reported to a department head. Replacement cost may be borne by employee.

Fuel Cards

The Town of Berryville is liable for all authorized charges made on the Voyager Fuel Card. Fuel for vehicles is to be obtained from any Voyager accepted commercial fuel station. A directory of Voyager locations can be found at www.usbank.com/voyagerfleet/search.jsp. Fuel cards will only allow fuel purchases. The use of this card for any other purpose than fuel and oil for Town of Berryville vehicles is prohibited.

Fuel cards are assigned to each vehicle. Each fuel card must remain in the assigned vehicle. Any vehicle containing the card shall be locked when not in use. If a fuel card is not in the vehicle, report immediately to the supervisor.

The odometer reading must be keyed correctly at the pump. Odometer readings are used to monitor the vehicle's preventative maintenance schedule and provide verification for billing. All purchases using the Voyager card are assigned and tracked to a specific vehicle. Voyager purchases that do not appear to be consistent with established policies will be investigated by the Department Head.





Phone and Mail Systems

As a representative of the Town of Berryville, phone users are reminded that all standards of conduct established in this manual and supplementary guides/trainings apply to telephone usage as well as in-person interactions.

Personal use of the telephone must be brief, limited to regularly scheduled breaks or emergencies, and non-disruptive to the workplace and neighbors. Mobile phones provided by the Town of Berryville are considered Town-owned equipment. In case of negligent loss or damage beyond normal wear and tear, the cost of repair or replacement of mobile phone may be borne by employee. Data charges over and above what is routinely necessary for work-related use may also be charged to employee.

Employees engaged in emergency operations, including providing direction to employees engaged in such operations, are permitted to use a "hands free" device while operating a vehicle or other equipment. All other situations and employees are prohibited from use of handheld devices while driving, operating equipment or machinery, or engaging in potentially hazardous activities.

The use of Town of Berryville-paid postage, letterhead/envelopes, etc., for personal correspondence is not permitted.

9.0 ELECTRONIC COMMUNICATIONS

9.1 Internet

A. Provision of Internet

The LGU may provide electronic, digital and wire communications equipment for business purposes. The use of this equipment for personal use should be minimal and limited to breaks. Messages received, sent, and stored on this equipment will be subject to monitoring from time to time and in the course of this monitoring may be read for content. Employees should be aware that there are stored records of all communications. There should be no expectation of privacy in any communications received, sent, or stored on equipment or service provided by the LGU.

B. Employees Access

The LGU may provide unlimited access to the Internet and the World Wide Web to its employees as one of the many resources available to assist them in doing their jobs better and more efficiently. Therefore, the LGU may establish an Internet account that may be accessed by employees.

C. Passwords and Email Addresses





1. Employees may be provided with passwords and e-mail addresses to enable them to use the account; these addressees and passwords are not provided to make employees' usage confidential or private. E-mail records are business records of the LGU. The usage of the Internet is subject to the same code of conduct which applies to all other actions in the workplace and using the LGU's Internet account in a manner that violates any rules or regulations constitutes grounds for disciplinary action, up to and including discharge. The electronic use, transmission, and storage of messages, files, images, and sounds are subject to monitoring by (the LGU).

2. Employees must not share their passwords with any other individuals, including other employees or outsiders. Nor is it appropriate to attempt to subvert network security either by accessing the Internet without using your password or by seeking to discover other passwords to gain access. Employees are representatives of the LGU when using the LGU's Internet account. Accordingly, they are expected to act and to communicate professionally on the Internet, not to engage in any commercial or illegal activities, or to use the account for personal business.





D. Employer Access

The LGU will have access to a log of all usage, including a list of employees who have used the Internet and the sites they visited. The LGU will monitor this usage from time to time, and employees found to be abusing usage or using the Internet inappropriately will be subject to disciplinary action.

9.2 Consent to Monitoring

Employees will be required to consent to the monitoring of communications sent, received and stored on equipment provided by the LGU or an electronic, wire, or digital services provided by the LGU is a requirement for employment by the LGU.





Computer and Email Usage and Conduct

Email, computer, and other electronic or virtual communication is subject to the same code of conduct which applies to all other actions in the workplace, and violation may constitute grounds for disciplinary action, up to and including discharge. Computers, computer files, the email system, and software furnished to employees are Town of Berryville property intended for business use. Computers, tablets, and other electronic devices provided by the Town of Berryville must be utilized only for work-related purposes. In case of negligent loss or damage beyond normal wear and tear, the cost of repair or replacement of device may be borne by employee.

Where password protection is authorized, passwords must be at least (10) characters in length and contain at least (3) of the following (4) types of characters: lower case letters, upper case letters, numbers, and special characters. Passwords must be changed at least every (60) days or as directed, must not be a common keyboard sequence, must not include personal information, and must not include discriminatory language or terms in violation of Town of Berryville Discrimination Policy.

The Town of Berryville purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Employees may only use software according to the software license agreement. Employees must notify their immediate supervisor or the Town Manager upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

The use of this equipment for personal use must be minimal and limited to breaks. Employees must be aware that there are stored records of all activity and communications. There must be no expectation of privacy in any communications received, sent, or stored on equipment or service provided by the Town of Berryville.

Internet Usage

Access to resources on the Internet is provided by the Town of Berryville to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. Members of the Town of Berryville Police Department may be subject to additional or alternate restrictions on internet usage.

Social Media posts by employees regarding current or future Town of Berryville actions are restricted to topics of general public knowledge unless the post is an authorized public notice or educational outreach. Employees may not represent themselves in their professional capacity in any social media post, commentary, image, video, etc. Employees are free to express themselves as private citizens on social media sites to the degree that their speech does not impair Town of Berryville operations, violate confidentiality, or create a conflict of interest. Employees are cautioned that comments, posts, etc. that are made pursuant to their official duties, i.e., that owes





its existence to official duties and responsibilities, is not protected speech under the First Amendment and may form the basis for disciplinary action.

Before an employee logs on to a website, https (not http) must be in the URL to indicate there is a secure connection. If a secure connection is not present, employee will request a secure web page from the service provider.

All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of Town of Berryville and, as such is subject to disclosure to law enforcement or other third parties. Consequently, employees must always ensure that the business information contained in Internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.

Town of Berryville reserves the right to monitor Internet traffic and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems. All communications, images, data, etc., are subject to the personnel policies included in this manual, including privacy policies, confidentiality and proprietary information, and harassment and discrimination prohibitions.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited.

Internet users must take the necessary anti-virus precautions before downloading or copying any file from the Internet or other sources. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

Data Protection and Breach Plan

A Data and Security Breach Response Team (DSBRT) consisting of Town Manager, Deputy Town Manager, Chief of Police, and Town Clerk is tasked with developing practices and responses to protect the privacy and security of data collected and stored while conducting Town Business. Response activities are governed by Virginia code §2.2-5514.

Known or suspected loss of secure device or unauthorized access to Town confidential physical or electronic records must be reported to a member of the DSBRT. The DSBRT will assemble to investigate the extent and impact of the breach and develop a response. The team and response may be modified and extended as information becomes available and may require the intervention of Town IT professionals, independent secure investigators, and local, state, and/or federal law enforcement.

The DSBRT response will include, at a minimum, disclosing the known and suspected impact to stakeholders, assessing security measures, and adjusting security policies to reduce future risk.

Purchasing Cards (P-Cards)

Purchasing Cards are provided to expedite purchasing and manage cash flow. The purchasing cards are issued upon request and at the discretion of the Town Manager, who may deny, limit, or suspend individual(s) or department(s) purchasing card(s). The Director of Finance/Treasurer





manages the purchasing card program and is responsible for establishing and enforcing card related policies and procedures and serves as Program Administrator. The Director of Finance/Treasurer may delegate purchasing card duties to Finance Department staff.

All rebates earned will be credited to the Town's General Fund for administrative and processing costs.

Each Department Head authorizes and monitors card activity and ensures that vendor receipts, invoices and delivery documentation are retained for each purchase, in accordance with established policies and procedures. The Department Head will serve as the primary contact for the department and will ensure accuracy of p-card statements, assign the appropriate expenditure codes, and submit report to Director of Finance/Treasurer.

The Cardholder is an individual employee assigned a card with their name. The cardholder is responsible for card activity and retaining vendor receipts, invoices and delivery documentation. The cardholder is also responsible for submitting required documentation, in a timely manner, for coding and approval to the designated person in their department.

Purchases are limited to authorized work-related expenses by authorized employees. Personal charges and split payments that seek to circumvent spending limits are prohibited.

Most Town purchases are exempt from Virginia state sales tax. When making a p-card purchase, card users must remind the vendor of our tax-exempt status and examine the receipt to verify sales tax was not charged. By state statute, the Town is not exempt from sales tax for meals, catered events, lodging or other accommodations. The Town is not exempt from sales tax imposed by other states on goods and services purchased outside of Virginia.

This program is subject to all restrictions and regulations required by federal, state, and local statute as well as the card issuer, department heads, and Town Manager. Program documents must be retained for a minimum of three (3) years. The p-card program is subject to review by the Town Manager and both internal and external auditor. Additional protocols are available in Addendum VIII.





E. 12.0 SMOKING – LGU-- OWNED AND CONTROLLED BUILDINGS AND WORK PLACES

The LGU CAO may develop and implement policies and procedures governing smoking in parts of LGU-owned and controlled buildings or work areas not open to the general public in the normal course of business, except by invitation. The LGU CAO shall enforce these policies and procedures through administrative methods.

State law reference(s) – §§ 15.2-2801, 15.2-2802

Smoking and Tobacco Use

In keeping with the Town of Berryville's intent to provide a safe and healthful work environment, smoking and the use of e-cigarettes and vaping devices including smoke-free and tobacco free vaping devices is prohibited except at designated smoking areas as listed in Addendum II (a). The workplace shall include Town-owned vehicles as well as other areas where employees are performing Town work.

Those using smokeless tobacco must do so in a manner that cannot be detected by the public or coworkers. Employees who use smokeless tobacco must maintain an opaque container for spitting and may not spit into trashcans or dispose of used tobacco in a manner that may spill, stain, or cause odors. This policy applies equally to all employees, customers, and visitors.

F. 10.0 ALCOHOL AND DRUG FREE WORKPLACE

10.1 Employee Responsibilities

- A. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
- B. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the CAO within five days after the conviction.
- C. No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
- D. No employee shall be impaired by alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
- E. No employee shall represent the LGU in an official capacity while impaired by alcohol, illegal drugs, or medication.





- F. No employee, using medication that may impair performance, shall operate a motor vehicle or engage in safety sensitive functions while on duty for the LGU.
- G. If an employee is using a prescription or non-prescription medication that may impair performance of duties; the employee shall report that fact to his or her supervisor.
- H. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the supervisor or CAO.

10.2 Disciplinary Action

Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or non-prescribed use of medication, appropriate employee disciplinary action will be taken, up to and including termination.





Alcohol and Drug Free Workplace

No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol in violation of federal, state, or local law. For the purposes of this section, possession in a personal vehicle is not prohibited.

Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the Town Manager within five days after the conviction.

No employee shall consume alcoholic beverages or Class I or II drugs as identified by the United State Drug Enforcement Agency (DEA) immediately before beginning work, during work hours, or while at work during breaks or lunches. No employee shall represent the Town of Berryville in an official capacity while impaired by alcohol, illegal drugs, or medication.

No employee, using medication that may impair performance, shall operate a vehicle or engage in safety sensitive functions while on duty for the Town of Berryville. If an employee is using a prescription or non-prescription medication that may impair performance of duties, the employee shall report that fact to their supervisor.

An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the supervisor or the Town Manager. Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or non-prescribed use of medication, appropriate employee disciplinary action will be taken, up to and including termination.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program through the Town of Berryville's health insurance benefit coverage. Leave may be granted if the employee agrees to abide by the treatment and/or counseling protocol and if granting the leave will not cause the Town of Berryville any undue hardship.

Employees with questions about this policy or matters relating to drug or alcohol use in the workplace must raise their concerns with their supervisor or the Town Manager without fear of reprisal.

10.3 Drug & Alcohol Testing

In order to achieve a drug-free work place, employees in, and applicants for, safety sensitive positions shall be required to participate in all of the following alcohol and controlled substances testing:

- A. When an applicant for a safety-sensitive position has been extended a conditional offer of employment but before beginning work.





- B. When there is a reasonable suspicion to believe that the employee is in an impaired state.
- C. When the employee has been involved in an on duty accident or has endangered others in the workplace.
- D. On a random basis for safety sensitive positions.
- E. As a condition for return to duty after testing positive for controlled substances or alcohol.
- F. As part of follow-up procedures to return-to-duty related drug or alcohol violations.

Drug & Alcohol Testing

Applicants and employees may be asked to provide body substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing may result in rescission of employment offer or disciplinary action, up to and including termination of employment.

The Employee Assistance Program (EAP) provides confidential counseling and referral services to employees for assistance with problems such as drug and/or alcohol abuse or addiction. It is the employee's responsibility to seek assistance from the EAP prior to reaching a point where their judgment, performance, or behavior has led to imminent disciplinary action. Participation in the EAP after the disciplinary process has begun may not preclude disciplinary action, up to and including termination of employment.

Drug and/or alcohol tests shall be required when a conditional offer of employment has been made; when an employee in a Town position critical to the safety and security of employees or citizens has been selected for a random drug screening; following an on-duty accident; when there is reasonable suspicion that any Town employee, regardless of position or employment status, is under the influence of illegal drugs or alcohol; and for a period of (18) months after a Town employee, regardless of position or employment status, has been authorized to return to work after participation in employee assistance program.

Additional information regarding drug screening/testing is found in Addendum III.





Emergency Closings

Emergencies such as severe weather, fires, power failures, etc., can disrupt operations. In extreme cases, these circumstances may require the closing of a work facility. If in doubt about such closing, it is employees' responsibility to contact their supervisor.

Responses to weather events and other emergencies may range from normal operations to: opening late to public, closing early to public, closed to public, and closed to public and employees. When operations are officially closed at the direction of the Town Manager because of emergency conditions, the time off from scheduled work will be unpaid unless otherwise declared. However, the Town Manager may permit employees to use available PTO.

Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay. If essential personnel do not report to work on a day when the Town is officially closed, they shall be subject to loss of pay or be charged leave, depending on the reason they do not report. In addition, such employees may be subject to disciplinary action.

Telecommuting

Telecommuting is a work alternative that the Town of Berryville may, at its sole discretion, offer to some employees when it would benefit both the Town and the employee.

All telecommuting arrangements must be approved in advance by the Town Manager. The decision to approve a telecommuting arrangement will be based on factors such as position and job duties, performance history, related work skills, and the impact on the Town.

The employee's compensation, benefits, work status, work responsibilities, and the amount of time the employee is expected to work per day or per pay period will not change as a result of participation in the telecommuting program (unless otherwise agreed upon in writing).

The employee's at-home work hours will conform to a schedule agreed upon by the employee and their supervisor. The Town of Berryville has the right to refuse to make telecommuting available to an employee and to terminate a telecommuting arrangement at any time.





Travel Expenses

The Town of Berryville will reimburse employees for approved business travel expenses incurred while on assignments away from the normal work location. A list of approved expenditures is included in Addendum XV. Under no circumstances are alcoholic beverages to be charged to or reimbursed by the Town. Tips up to 15% may be included as long as total does not exceed per-meal or daily limit.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives.

Hotel and conference shuttles should be used whenever available in lieu of personal vehicles, taxis, or rideshare services. Cost of such mileage or services shall only be reimbursed for travel related to Town business and when no cost or low-cost shuttles are unavailable or impractical.

When travel is completed, employees will submit completed travel expense reports within 30 days. Incidental expenses over several days/trips may be compiled on a single report but still are due within 30 days. Reports must be accompanied by receipts for all individual expenses. Mileage is reimbursed at the official IRS mileage rate at the time of travel. When using a private vehicle for travel, charges for gasoline/oil to a Town purchasing card shall be deducted from the mileage reimbursement. In no case shall charges for any other vehicle maintenance items for a private vehicle be made to a Town purchasing card.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Employees involved in automobile accidents while driving a Town vehicle must:

- Notify local law enforcement and their immediate supervisor.
- Collect names and addresses of other persons involved in the accident and of witnesses.
- Not leave the scene of the accident until released by the responding police officer.

All accidents, whether vehicular or otherwise, must be reported to supervisor or Town Manager.





Visitors

Only authorized visitors are allowed in the workplace. All visitors must enter Town facilities at the main entrance and will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors. If an unauthorized individual is observed on the Town of Berryville's premises, employees must direct the individual to the main entrance or, if necessary, immediately notify their supervisor.

G. 11.0 POLITICAL ACTIVITY

- A. An employee shall not be coerced to support a political activity, whether funds or time are involved.
- B. An employee shall not engage in political activity on work premises during work hours.
- C. An employee shall not use LGU-owned equipment, supplies or resources, and other attendant material (diskettes, paper, computer online and access charges, etc.) when engaged in political activities.
- D. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
- E. An employee shall not use the employee's title or position while engaging in political activity.

Employees shall not use locality phones, cell phones, computers and related devices to carry out political activities as defined in § 15.2-1512.2.

Political Activity

Employees of the Town of Berryville are prohibited from publicly taking part in municipal elections or from using their positions to influence anyone to contribute or pay anything of value to an organization or person for political purposes. This policy is not intended to prevent an employee from casting their vote, or joining a political organization, or expressing any opinions in private.

An employee shall not be coerced to support a political activity, whether funds or time are involved. An employee shall not engage in political activity on work premises during work hours. An employee shall not use Town of Berryville-owned equipment, supplies, or resources when engaged in political activities. An employee shall not discriminate in favor of or against any person or applicant for employment on the basis of political activities. An employee shall not use their title or position while engaging in political activity.





Employees shall not use Town phones, cell phones, computers and related devices to carry out political activities as defined in §15.2-1512.2.

For the purposes of this section, Town Council members are excepted from the restrictions herein listed.

Solicitation

Solicitation is prohibited on Town of Berryville premises. Town employees may not solicit or distribute literature during working time. In addition, the posting of written solicitations on company bulletin boards is prohibited.





14.0 TERMINATION OF EMPLOYMENT

14.1 Resignation

To resign in good standing, an employee must give at least two weeks advance notice. If special circumstances exist, the notice requirement may be waived by the CAO. Failure to give the required advance notice will result in forfeiture of compensation for accrued leave, other than compensatory leave for non-exempt employees. Failure to return to work at the expiration of an approved leave of absence shall be interpreted as a resignation.

14.2 Lay-off

The LGU reserves the right to dismiss/lay-off employees for lack of available work or funds. In such cases the employees affected will be given a minimum of two weeks advance notice. (alternative - two weeks pay in lieu of notice)

14.3 Termination for Inability to Perform

An employee may be terminated if he or she becomes physically or mentally unable to perform the duties of the position. However, any such action shall be taken in a manner that complies with the requirements of the American's with Disabilities Act.

Employment Separation

Since employment with the Town of Berryville is based on mutual consent, both the employee and the Town of Berryville have the right to terminate employment at will, with or without cause, at any time.

Resignation: To resign in good standing, an employee must give at least two weeks' advance notice. Supervisors and Department Heads must provide 30 days' notice. If special circumstances exist, the notice requirement may be waived by the Town Manager. Failure to give the required advance notice will result in forfeiting compensation for accrued leave, other than compensatory leave for nonexempt employees. Failure to return to work at the expiration of an approved leave of absence shall be interpreted as a resignation.

Layoff: The Town of Berryville reserves the right to dismiss/lay off employees for lack of available work or funds. In such cases the employees affected will be given a minimum of two weeks' advance notice or two weeks' pay in lieu of notice.





Non-Disciplinary Termination: An employee may be terminated if they become physically or mentally unable to perform the duties of the position. However, any such action shall be taken in a manner that complies with the requirements of the Americans with Disabilities Act.

Termination: Termination as a result of disciplinary action may be performed by the Town Manager or department head. At the time of termination, employees are required to relinquish all materials, tools, equipment, access tools including passwords and keys, uniforms, and any other item(s) that are proprietary to the Town of Berryville or were acquired at the expense of the Town. Employees are expected to immediately leave the workplace. Future admittance is limited to the normal access granted to members of the public conducting business with the Town.

The Town of Berryville will generally schedule exit interviews at the time of employment separation. The exit interview will afford an opportunity to discuss such matters as employee benefits, conversion privileges, repayment of outstanding debts to the Town of Berryville, or return of the Town of Berryville-owned property. Suggestions, complaints, and questions can also be voiced.

Employee benefits will be affected by employment termination. All accrued, vested PTO, holiday, and compensatory leave that is due and payable at termination will be paid within (5) days of issuance of last paycheck to: department heads who have provided greater than (30) days' notice; and other employees who have provided greater than (14) days' notice. The Town reserves the right to withhold PTO hours, accrued leave, and accrued holiday pay if an employee leaves without notice. Any outstanding charges for damages or loss associated with Town owned equipment, vehicles, etc., may be withheld from last check or value of PTO, compensatory, or holiday leave balances. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Return of Property

Employees must return all Town of Berryville property immediately upon request or upon employment separation. Where permitted by applicable laws, the Town of Berryville may withhold from the employee's final paycheck the cost of any items that are not returned when required. The Town of Berryville may also take all action deemed appropriate to recover or protect its property.

References

It is illegal for the Town of Berryville to give a negative or false employment reference due to a former employee's age, sex, color, race, (including traits historically associated with race, including hair texture, hair type, and protective hairstyles), creed, religion, national origin, gender, gender identity/expression, sexual orientation, ethnicity, pregnancy, disability, political affiliation, marital status, military/veteran status, status in any other group protected by federal or local law. The Town reserves the right to limit reference reports to confirmation of employment duration and scope of work. All other reference(s) reports, if any, will be provided in writing, and a copy will be maintained in employee file for a period set by federal or state statute.





15.0 MODIFICATION OF POLICIES

These policies do not constitute a contract of employment. The policies as a whole, or individually by section, may be modified, amended, or rescinded at the sole discretion of the LGU without notice.

Addendum I: Employee Acknowledgement Form

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

I have entered into my employment relationship with the Town of Berryville voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the Town of Berryville can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to the Town of Berryville's policy of employment-at-will. 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 Council of the Town of Berryville has the ability to adopt any revisions to the policies in this handbook.

Contained in the handbook are a Drug Free Workplace Policy and a Drug and Alcohol Testing Policy. Employees are encouraged to read all of the handbook and familiarize themselves with the policies, procedures, and requirements contained herein. Again, questions regarding the policies contained in this handbook should be directed to the Town Manager.

In addition to this handbook, I have received a copy of the job description for the position for which I was hired. I acknowledge receipt of this job description and I understand that this job description is not intended to be all-inclusive and that I will also perform other reasonably related duties as assigned by my immediate supervisor and other management as required. I understand that the Town of Berryville reserves the right to revise or change job duties and responsibilities as the need arises. I understand that the job description does not constitute a written or implied contract of employment.

Furthermore, I acknowledge that I have received the handbook and the policies therein, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

I understand that I will be provided with additional policies for my department and that when a department policy conflicts with policies in the handbook, the most restrictive policy will apply.





EMPLOYEE NAME (printed): _____

EMPLOYEE SIGNATURE: _____

DATE: _____





Addendum II: Policy Statement- Town of Berryville Declaration: Drug-Free Workplace

The Town Council of the Town of Berryville hereby declares that the Town of Berryville shall be a Drug-Free Workplace in compliance with the Drug-Free Workplace Act of 1988 (44 CFR Part 17, Subpart F).

- ~ The use of illegal drugs, controlled substances, and alcohol is a DANGER to all.
- ~ The unlawful manufacture, distribution, dispensation, possession or use of illegal drugs, controlled substances, and/or alcohol at any time during the work day, or anywhere on Town premises, or while conducting Town business of Town premises is absolutely prohibited.
- ~ Employees must report any conviction(s) under a criminal drug statute for violations occurring on or off Town premises while conducting Town business within five (5) days after any such conviction.
- ~ Employees violating the Town of Berryville Drug-Free Workplace Policy will be disciplined pursuant to the Town of Berryville Personnel Policies, Section 701, Employee Conduct and Work Rules.
- ~ Substance abuse is treatable. Treatment services are available through the Town's employee health benefits program. We will gladly help any employee to receive assistance- all you have to do is ask.

POLICY

It is the policy of the Town of Berryville that all Town work sites shall be maintained as a drug-free workplace.

No employee shall unlawfully manufacture, distribute, dispense, possess, or use on or in the workplace, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. Sec. 812) and as further defined by Federal regulation at 21 CFR Sections 1300.11 through 1300.15.

"Workplace" is defined to mean any site for the performance of work by the employee, including but not limited to any Town building or premise; any Town-owned vehicle or equipment; any building or premise used by the Town for Town business. This shall not limit an off-duty employee from consuming alcohol at festivals or events held on Town Property. "Workplace" also includes all Town-owned property such as, but not limited to offices, desks, lockers, safes, file cabinets, tool boxes, etc.

As a condition of employment, each employee shall notify their supervisor of their conviction of any criminal drug statute (which includes drug and alcohol convictions) no later than five (5) days after such conviction.





As a condition of employment, each employee shall abide by the terms of this Town policy and regulations respecting a drug-free workplace. All Town work sites and Town-owned property are subject to drug detection inspection at the discretion of the Town.

The possession and/or consumption of illegal drugs or alcoholic beverages in the workplace is prohibited. Violation of the policy and regulations will result in appropriate disciplinary action up to and including termination of employment.

All employees will be required to sign a form indicating that they have received and read a copy of this policy.





Addendum II (a): Designated Smoking Areas

To reduce secondhand smoke exposure, the Town of Berryville restricts smoking in all interior spaces, vehicles, and gatherings (even held outside). No smoking, vaping, or use of e-cigarettes including smoke-free and tobacco-free devices is permitted within (50) feet of an entrance, handicapped or otherwise limited availability parking space, gathering area, or walkway. Smoking is permitted in personal vehicles and parking lots, except as noted. Disposal of smoking-related waste, including stubs/butts and ash, must be in designated receptacles or a container maintained and disposed of by employee.

When conducting work off-site or representing the Town of Berryville in any capacity, employees are required to abide by local smoking restrictions. When restrictions are not posted or otherwise communicated, employees should smoke at least (50) feet away from nonsmokers, worksites, walkways, entrances, or limited availability parking spaces. The presence of flammable or other reactive materials may require a greater distance. Disposal of smoking-related waste, including stubs/butts and ash, must be in designated receptacles or a container maintained and disposed of by employee.

Designated Smoking Areas are established at each Town-owned property/facility. Supervisors, Department Heads, and the Town Manager may establish additional or alternate smoking areas at will depending on stakeholder context, location, scope of work, etc.

Berryville-Clarke County Government Center	Public Works Yard	Wastewater Treatment Plant	Roy E. Potts Water Treatment Plant
Southwest side, (50) feet away from Employee Entrance			





Addendum III: Drug Testing

Commercial Driver's License As required by the Omnibus Transportation Employee Testing Act of 1991, Regulations of the Federal Highway Administration (49 CFR, parts 40 and 382, et al), all Employees and applicants who hold or are offered a position that requires a Commercial Driver's License (CDL) as a condition of employment and continues employment will be tested for drugs and alcohol under the following conditions:

- Pre-employment
- Random selection
- Post-accident
- Reasonable suspicion
- Return to work after testing positive and follow up

A refusal to immediately submit to a drug test when requested under the circumstances above or a verified finding of alcohol or illegal drug use may result in withdrawal of a conditional offer of employment or disciplinary action up to and including termination.

Test Procedures in General

The administration of the Drug and Alcohol Testing Program will be in accordance with the Department of Transportation Regulations 49 CFR Part 40 and certain DOT agency regulations. Additional information is available at www.transportation.gov through a downloadable guide titled, "What Employees Need to Know About DOT Drug and Alcohol Testing".

Failure to appear for testing without prior notice acceptable to the Town will be considered refusal to participate in testing and will subject the employee to the full range of disciplinary action, up to and including termination; or in the case of an applicant, the rescinding of a conditional offer of employment.

The laboratory may disclose laboratory results only to the Town Manager or Director of Finance/Treasurer. All drug testing information specifically relating to employees and applicants is confidential and must be treated as such by anyone authorized to review such information. In order to implement this program efficiently and make information readily retrievable, the Director of Finance/ Treasurer's office shall maintain all records relating to reasonable suspicion, suspicion of tampering with evidence, and other authorized documentation necessary to implement and maintain this program

All records and information of any personnel action taken on employees with verified positive test results shall be maintained in confidential and secured files in the Director of Finance/Treasurer's office and disseminated only to authorized individuals on a confirmed "Need to Know" basis as determined by the Town Manager.

Guideline for Reasonable Suspicion Testing The following guidelines are provided as an aid in administering and enforcing the Town's Drug-Free Workplace Policy. They are not meant to cover every situation; however, they are designed to help avoid allegations of unlawful





treatment. These guidelines cannot be used as a substitute for good judgement; each situation must be reviewed on a case-by-case basis. When a supervisor, in their judgement, has reason to believe that an employee has used and is under the influence of drugs or alcohol, the following examples, alone or in combination, may comprise reasonable suspicion.

- 1) Unexplained inability to perform normal job functions.
- 2) Slurred speech.
- 3) Smell of alcohol or drugs on breath.
- 4) Any unusual lack of physical coordination or loss of equilibrium.
- 5) Unexplained hyperactivity or depression and withdrawal.
- 6) Unexplained inability to think or reason at the employee's normal level.
- 7) Bizarre behavior.
- 8) Possession of alcohol or illegal drugs; or the presence of alcohol containers, illegal drugs, or drug paraphernalia in an area subject to the employees' control.
- 9) Information provided by a reliable and creditable person.

If during normal working hours reasonable suspicion is confirmed, the supervisor shall contact the Town Manager (or the Personnel Committee Chairman if the Town Manager is suspected to be under the influence) to discuss the observations and to determine the appropriate course of action. If the employee is to be tested, the Town Manager (or the Personnel Committee Chairman) shall be notified to make arrangements with the Town's designated collection center for the necessary drug and/or alcohol tests.

The employee will be transported to the testing site. If the reasonable suspicion is confirmed outside of normal working hours, then the supervisor shall arrange to have the employee transported to the approved collection center.

If the employee refuses to be tested, the employee shall be immediately suspended from duty without pay and transported home. The refusal of an employee to submit to a reasonable suspicion test shall comprise insubordination and may be the basis for disciplinary action, up to and including termination.

The supervisor who orders a drug and/or alcohol test shall document, in writing within 24 hours of the observed behavior, the conduct giving rise to the reasonable belief of drug use. The documentation must include any statements made and any actions taken by any persons involved in the incident. All records must immediately be forwarded to the Director of Finance/Treasurer.

For purposes of maintaining a workplace free of drugs and alcohol, the Town of Berryville will maintain the right to search lockers, file cabinets, desks and other Town-owned or provided fixtures and fixtures owned by the employees but used for Town business.





Testing Authorization

DATE: _____ TEST SITE: 607 E Jubal Early Drive, Winchester, VA

EMPLOYEE: _____ SS#: _____
Required at time of collection

Test(s) Requested:

- _____ DOT Urine Drug Screen
- _____ Non-DOT Urine Drug Screen
- _____ Saliva Alcohol Test *
- _____ Evidential Breath Testing (Alcohol)
- _____ Other: _____

* If Saliva Alcohol Test result is POSITIVE (i.e. .02 or greater), a Evidential Breath Test is required and authorized.

Test Authorized by _____ Date _____

Employee Notification of Required Test: _____ Initials: _____

Departure Time From Work Site: _____ Initials: _____

Arrival Time at Test Site: _____ Initials: _____

Departure Time From Test Site: _____ Initials: _____

Results Reporting

Results of Test(s) are to be reported to one of the following authorized persons:

Town Manager Tele. 540-955-1099

Director of Finance/Treasurer Tele. 540-955-4081

After acknowledgement that an authorized person is standing by, test results may be transmitted by Fax. The Town of Berryville Fax number is 540-955-4524.





Workers' Compensation Policy:

Our first responsibility is the prevention of occupational injuries and illnesses. Despite our best efforts, injuries and illnesses do sometimes occur. Workers' Compensation provides benefits for an employee in the event of certain occupational illnesses, injuries or death.

Reporting

Employees are required to immediately report, all workplace injuries, conditions or illnesses, to their supervisor. All incidents shall be reported no matter how insignificant and regardless if medical treatment is necessary. If the immediate supervisor is not available, report must be made to the **[department manager/director/ human resources]**. Late reporting by the employee can result in delayed or denied workers' compensation benefits.

When Reporting claims through CompCare On-Call, VRSA nurse triage and reporting services, the following language is suggested:

The **[supervisor/manager/director]** shall immediately have the injured worker call CompCare On-Call, the nurse triage injury hotline: 1-877-234-0898 and report the claim. CompCare On-Call is available 24-7-365. Employees have the option of speaking with a registered nurse to receive treatment advice or simply report their claim. If the employee is unable to call CompCare On-Call or unwilling to call, the supervisor must make this call and report the claim on the employee's behalf. Ensuring all claims are reported and reported timely is **[member name]** responsibility. Delays in reporting can jeopardize the employees' rights under the workers' compensation law and subject **[member name]** to penalties, which can be assessed by the Virginia Workers' Compensation Commission. All occupational incidents shall be called into CompCare On-Call immediately upon the notification of a work-related injury or illness (within 24 hours).

When reporting claims through the VRSA website, the following language is suggested:

The **[supervisor/manager/director]** shall immediately complete an accident report on-line by going to Virginia Risk Sharing Association (VRSA) website: www.vrsa.us Delays in reporting can jeopardize the employees' rights under the workers' compensation law and subject **[member name]** to penalties, which can be assessed by the Virginia Workers' Compensation Commission. All occupational reports shall be submitted to Virginia Risk Sharing Association (VRSA) immediately upon the notification of a work-related injury or illness (within 24 hours).

Panel of Physicians

[Member name] has an approved Panel of Physicians for treating workers' compensation injuries and illnesses. The supervisor shall, immediately upon notification of a work-related injury or illness, provide the employee with the Panel of Physicians. The employee shall sign and date an acknowledgement of receipt of the Panel of Physicians and the supervisor shall witness the employee's signature. The supervisor will retain the original signed panel and provide the employee with a signed copy. The Panel of Physicians shall be offered and provided to the employee, regardless if the employee intends to receive medical attention.





Treatment by a physician or medical facility outside of the panel will be at the employee's expense.

In the event of an emergency the employee may treat at the closest emergency facility. Once the emergency treatment is completed a panel physician must be chosen for follow up care.

All departments shall post a copy of the Panel of Physicians in a conspicuous location.

Medical Treatment

An employee shall not utilize health insurance for situations believed to be work related unless the claim is denied.

The supervisor will provide employees with a Medical First Report form to take with them for initial treatment. This form is for the physician to complete. The employee shall provide the completed form to their supervisor following treatment, so the employer is aware of the employee's return to work capabilities or restrictions.

Immediately upon receipt all medical bills, reports and other medical correspondence shall be forwarded to Virginia Risk Sharing Association (VRSA). All medical facility inquiries shall be referred to Virginia Risk Sharing Association (VRSA).

Only Virginia Risk Sharing Association (VRSA) has the authority to authorize treatment, testing, physical therapy, surgery, change in physician, second opinion, etc.

The employee shall cooperate with **[member name]** workers' compensation administrator, Virginia Risk Sharing Association (VRSA). This includes supplying disability slips, medical information, keeping appointments etc. Additionally, the employee shall keep their **[supervisor/director/manager/human resources representative]** advised of their work status and cooperate with return to work efforts.

Prescriptions

The supervisor shall complete and provide the employee with first fill prescription form/letter. The employee will take this authorization to a participating network pharmacy and will be provided a 10-day supply of medication at no cost. This authorization is valid for one time use only. Virginia Risk Sharing Association (VRSA) must authorize any additional medication prescribed beyond the first fill.

Should an employee incur the cost for any medication, a receipt, which includes the employee's name, prescribing physician's name, date of purchase, name of medication and cost of medication, may be submitted to Virginia Risk Sharing Association (VRSA) for reimbursement consideration.





Wage Loss Benefits

An employee is not entitled to lost wage compensation for the first seven days of incapacity resulting from a work-related disability. The Virginia Workers' Compensation Law includes weekends/holidays in this count, and these days do not need to be consecutive.

The employee will be given the option of using earned *[sick/annual/vacation/personal]* leave for up to seven days. If the employee chooses not to use earned leave this will be excused leave without pay. It is the employee's responsibility to notify their *[supervisor/director/manager/human resources representative]* regarding how they would like to charge the first seven days missed. If a designation is not made, the employee's pay will be docked.

Temporary and part-time employees who are not eligible for annual leave and employees, who have no earned leave available, will not receive pay for the first seven days.

When the absence is longer than seven days and is authorized by a panel physician and is the result of a compensable injury under the Virginia Workers' Compensation Act, the employee will receive compensation benefits from Virginia Risk Sharing Association (VRSA) in accordance with the provisions of the Virginia Workers' Compensation Act.

When an employee is out of work over twenty-one days for a covered injury/illness, which disability is authorized by a panel physician, the employee will receive from Virginia Risk Sharing Association (VRSA), compensation for the first seven days. *Option for Employers, but not required by law – providing this option creates an additional administrative burden for members:* The employee has the option of signing this check over to *[member name]* and in return their earned leave will be restored or the employee can keep the compensation and their earned leave will not be reinstated.

Injured employees do not continue to accrue sick and annual leave while out of work due to a workers' compensation injury/illness.

Earned *[annual/sick/consolidated]* leave cannot be used concurrently with workers' compensation benefits.

Work related disability will be designated under the Family Medical Leave Act (FMLA) and will run concurrently with workers' compensation benefits, when the disability constitutes a "serious health condition".

While receiving workers' compensation benefits, any voluntary deductions are the responsibility of the employee.





Earned **[annual/sick/consolidated]** leave may be used for disability resulting from a denied workers' compensation claim and disability will be designated under FMLA, when the disability constitutes a "serious health condition".

Return to Work – Light / Modified Duty:

[Member name] shall make every effort to provide light/modified duty for employees with temporary restrictions resulting from a work-related disability. All light/modified assignments will be within the employee's medical capability and will adhere to the treating physician's recommendations. The light/modified assignment may or may not be in the same occupation, department, pay scale, hours, etc. as the employee was performing prior to the work-related injury or illness. Light/modified assignments are temporary and will be reviewed periodically to determine continued availability of the assignments.

If an employee refuses a light/modified assignment that has been approved by their treating physician and is within their capabilities, their workers' compensation benefits will be jeopardized.

Workers' Compensation Administrator Information

Virginia Risk Sharing Association (VRSA)
P. O. Box 3239
Glen Allen, VA 23058
Telephone Number: 804-273-0038
Toll Free Number: 800-963-6800
Fax Number: 804-273-0560





Addendum IV: Worker's Compensation Administrative Procedures

Worker's Compensation provides benefits for an employee in the event of certain occupational illnesses, injuries or death.

Reporting

Employees are required to immediately report, all workplace injuries, conditions or illnesses to their supervisor, who will guide the reporting process through CompCare On-Call, a service of Virginia Risk Sharing Association (VRSA). All incidents shall be reported no matter how insignificant and regardless if medical treatment is necessary. If the immediate supervisor is not available, report must be made to the Director of Finance/Treasurer. Late reporting by the employee can result in delayed or denied workers' compensation benefits.

When Reporting claims through CompCare On-Call, VRSA nurse triage and reporting services, the following protocol must be followed:

The supervisor or Director of Finance/Treasurer shall immediately have the injured worker call CompCare On-Call, the nurse triage injury hotline: 1-877-234-0898 and report the claim. CompCare On-Call is available 24-7-365. Employees have the option of speaking with a registered nurse to receive treatment advice or simply report their claim. If the employee is unable to call CompCare On-Call or unwilling to call, the supervisor must make this call and report the claim on the employee's behalf. Ensuring all claims are reported and reported timely is the Town of Berryville's responsibility. Delays in reporting can jeopardize the employees' rights under the workers' compensation law and subject [the Town to penalties, which can be assessed by the Virginia Workers' Compensation Commission. All occupational incidents shall be called into CompCare On-Call immediately upon the notification of a work-related injury or illness (within 24 hours).

When reporting claims through the VRSA website, the following protocol is required:

The supervisor or Director of Finance/Treasurer shall immediately complete an accident report on-line by going to Virginia Risk Sharing Association (VRSA) website: www.vrsa.us. Delays in reporting can jeopardize the employees' rights under the workers' compensation law and subject the Town of Berryville to penalties, which can be assessed by the Virginia Workers' Compensation Commission. All occupational reports shall be submitted to Virginia Risk Sharing Association (VRSA) immediately upon the notification of a work-related injury or illness (within 24 hours).





Report of Job Accident

Report completed by (print and sign): _____

Date of report: _____

The following employee reports an injury sustained in the work-related incident described below.

Employee Name:

Employee Address:

Date of Injury: _____ Time of Injury: _____

Address/location where incident occurred:

Description of injury, including part of body affected:

Additional comments:

Employee signature and date:





Panel of Physicians

The Town of Berryville has an approved *Panel of Physicians* for treating workers' compensation injuries and illnesses. The supervisor will, immediately upon notification of a work-related injury or illness, provide the employee with the *Panel of Physicians*. The employee shall sign and date an acknowledgement of receipt of the *Panel of Physicians* and the supervisor shall witness the employee's signature. The supervisor will retain the original signed panel and provide the employee with a signed copy. The *Panel of Physicians* shall be offered and provided to the employee, regardless if the employee intends to receive medical attention.

Treatment by a physician or medical facility outside of the panel will be at the employee's expense.

In the event of an emergency the employee may treat at the closest emergency facility. Once the emergency treatment is completed a panel physician must be chosen for follow up care.

All departments shall post the following copy of the Panel of Physicians in a conspicuous location.





Town of Berryville

Worker's Compensation Panel of Physicians 12-2022

THE CLOSEST EMERGENCY FACILITY MAY BE USED IN AN EMERGENCY. ONCE THE EMERGENCY TREATMENT IS COMPLETED A PANEL PHYSICIAN MUST BE CHOSEN FOR FOLLOW UP CARE

- I agree to select a doctor, if needed, from the below panel.
- I have declined to select a physician from the below panel. I understand that I will have to pay for any medical treatment or doctor's bills, and that I will be denied workers' compensation for any absence based on a disability, which is not certified by an approved panel physician.

Printed Name of Employee _____ Date _____

Signature of Employee _____ Date _____

Signature of Supervisor _____ Date _____

<p>Akos Telemedicine Offered Through CompCare On- Call, VA 23294 877-234-0898</p>	<p>Abraham Teklu, MD Joseph Gurrala, MD Melanie Acevedo Valle, MD</p>
<p>Valley Health Urgent Care 607 East Jubal Early Drive Winchester, VA 22601 540-536-2200</p>	<p>Kevin Culbert, DO</p>
<p>Amherst Family Practice 1867 Amherst St Winchester, VA 22601 540-667-8724</p>	<p>Brett Ripley, MD Megan Williams, DO Patricia Houser, MD</p>
<p>MedExpress Urgent Care Winchester 207 Gateway Drive Winchester, VA 22603 540-535-1029</p>	<p>Timothy Mines, MD</p>
<p>Valley Health Urgent Care 160 Merchant Street Suite 200 Winchester, VA 22603 540-536-5950</p>	<p>Kevin Culbert, DO</p>





Town of Berryville Specialist Panel

Hands	
Bone & Joint Specialists of Winchester 190 Campus Blvd #310 Winchester, VA 22603 540-667-9252	Martin Baechler, MD
Orthopedic	
Bone & Joint Specialists of Winchester 190 Campus Blvd #310 Winchester, VA 22601 540-667-9252	James Larson, MD Richard Patterson, MD Thomas Courtney, MD
Winchester Orthopedic Associates 128 Medical Circle Winchester, VA 22601 540-667-8975	Abbey Gore, MD Matt T. Mantell, MD Thomas Wise, MD
Orthopedic Back and Spine	
Winchester Orthopedic Associates 128 Medical Circle Winchester, VA 22601 540-667-8975	John Zoller, III, MD

Medical Treatment

An employee shall not utilize health insurance for situations believed to be work related unless the claim is denied and must follow protocols as directed by CompCare On-Call, the nurse triage injury hotline: 1-877-234-0898. Immediately upon receipt all medical bills, reports and other medical correspondence shall be forwarded to Virginia Risk Sharing Association (VRSA). All medical facility inquiries shall be referred to Virginia Risk Sharing Association (VRSA).

Only Virginia Risk Sharing Association (VRSA) has the authority to authorize treatment, testing, physical therapy, surgery, change in physician, second opinion, etc.

The employee shall cooperate with the Town of Berryville’s workers’ compensation administrator, Virginia Risk Sharing Association (VRSA). This includes supplying disability slips, medical information, keeping appointments etc. Additionally, the employee shall keep their supervisor, Department Head, or the Director of Finance/Treasurer advised of their work status and cooperate with return-to-work efforts.





Prescriptions

The supervisor shall complete and provide the employee with *First Fill Prescription Form/Letter*. These forms are available through the VRSA Member Services Portal. The employee will take this authorization to a participating network pharmacy and will be provided a 10-day supply of medication at no cost. This authorization is valid for one time use only. Virginia Risk Sharing Association (VRSA) must authorize any additional medication prescribed beyond the first fill.

Should an employee incur the cost for any medication, a receipt, which includes the employee's name, prescribing physician's name, date of purchase, name of medication and cost of medication, may be submitted to Virginia Risk Sharing Association (VRSA) for reimbursement consideration.

Wage Loss Benefits

An employee is not entitled to lost wage compensation for the first seven days of incapacity resulting from a work-related disability. The Virginia Workers' Compensation Law includes weekends/holidays in this count, and these days do not need to be consecutive.

The employee will be given the option of using earned PTO leave for up to seven days. If the employee chooses not to use earned leave this will be excused leave without pay. It is the employee's responsibility to notify their supervisor or the Town Manager regarding how they would like to charge the first seven days missed. If a designation is not made, the employee's pay will be docked.

Temporary and part-time employees who are not eligible for PTO leave and employees, who have no earned leave available, will not receive pay for the first seven days.

When the absence is longer than seven days and is authorized by a panel physician and is the result of a compensable injury under the Virginia Workers' Compensation Act, the employee will receive compensation benefits from Virginia Risk Sharing Association (VRSA) in accordance with the provisions of the Virginia Workers' Compensation Act.

When an employee is out of work over twenty-one days for a covered injury/illness, which disability is authorized by a panel physician, the employee will receive from Virginia Risk Sharing Association (VRSA), compensation for the first seven days.

Earned PTO leave cannot be used concurrently with workers' compensation benefits. While receiving workers' compensation benefits, any voluntary deductions are the responsibility of the employee. Earned PTO, sick, holiday, and/or compensatory leave may be used for absence resulting from a denied workers' compensation claim

Return to Work – Light / Modified Duty:

The Town of Berryville shall make every effort to provide light/modified duty for employees with temporary restrictions resulting from a work-related injury. All light/modified assignments will be within the employee's medical capability and will adhere to the treating physician's





recommendations. The light/modified assignment may or may not be in the same occupation, department, pay scale, hours, etc. as the employee was performing prior to the work-related injury or illness. Light/modified assignments are temporary and will be reviewed at a minimum of every 30 days to determine continued availability of the assignments.

If an employee refuses a light/modified assignment that has been approved by their treating physician and is within their capabilities, their workers' compensation benefits will be jeopardized.

Workers' Compensation Administrator Information
Virginia Risk Sharing Association (VRSA)
P. O. Box 3239
Glen Allen, VA 23058
Telephone Number: 804-273-0038
Toll Free Number: 800-963-6800
Fax Number: 804-273-0560





Addendum V: Grievance Procedure

The purpose of this procedure is to provide a prompt, fair, and orderly method for the resolution of employee grievances initiated by eligible employees of the Town of Berryville.

Definition of Grievance- A grievance is a complaint or dispute by an employee relating to their employment, including but not necessarily limited to:

Disciplinary actions, including disciplinary demotions, suspensions, and terminations provided that such terminations result from formal discipline or unsatisfactory job performance.

The application of personnel policies, procedures, rules, and regulations, and the application of ordinances and statutes.

Acts of retaliation as the result of the use of or the participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth of Virginia, has reported any violation of such law to a governmental authority, has sought any change in law before the United States Congress or the General Assembly of Virginia, or has reported an incident of fraud, abuse, or gross mismanagement.

Discrimination on the basis of race (including traits historically associated with race, including hair texture, hair type, and protective hairstyles), color, religion, national origin, sex, pregnancy, childbirth, and medical conditions related to pregnancy/childbirth (including lactation), sexual orientation, gender identity, disability, marital status, military status (including active duty, veteran, or dependent), age, any other protected class.

Management Rights and Prerogatives- The Town of Berryville reserves to itself the exclusive right to manage the affairs and operations of Town government. Accordingly, complaints involving the following management rights and prerogatives are not grievable:

Establishment and revision of wages or salaries, position classification, or general benefits.

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 contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations.

The methods, means, and personnel by which work activities are to be carried on, including but not necessarily limited to:

The provision of equipment, tools, and facilities necessary to accomplish tasks.

The scheduling and distribution of manpower/personnel resources.

Training and career development.

The hiring, promotion, transfer, assignment, and retention of employees in positions within the Town's service.

Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly.





The relief of employees from duties, or taking action as may be necessary to carry out the duties, of the Town in emergencies.

Direction and evaluation of the work of Town employees.

Termination, layoff, demotion, or suspension from duties because of lack of work, reduction in 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 this paragraph, the action shall be upheld upon a showing by the Town that:

*There was a valid business reason for the action, and
The employee was notified of the reason in writing prior to the effective date of the action.*

Coverage of Personnel- Except as noted below, all non-introductory full-time and part-time employees are eligible to file grievances under this procedure. The following are the exceptions:

Key officials of the Town of Berryville. For purposes of this procedure, a key official is defined as the head of any separate Town department.

Members of boards and commissions.

Employees whose terms of employment are limited by law.

Officials and employees who serve at the will or pleasure of an appointing authority.

Appointees of elected individuals or elected groups.

Introductory employees in matters concerning their termination. Introductory employees may, however, use this procedure for complaints or disputes other than terminations that are determined to be grievable.

Temporary, limited term, and seasonal employees.

Law enforcement officers as defined in Chapter 10.1 (§2.1-116.1, et seq.) of Title 2.1 of the Code of Virginia whose grievance is subject to the provisions of Chapter 10.1 and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of his grievance.

The Town Manager shall determine the officers and employees (by position) excluded from this grievance procedure and shall maintain a list of such excluded positions.

Operation of the Grievance Procedure

Step 1. An employee who believes they have a grievance and wishes to utilize this procedure shall discuss the grievance informally with their immediate supervisor within twenty calendar days of the occurrence of the incident giving rise to the grievance or within twenty calendar days following the time when the employee reasonably should have gained knowledge of its





occurrence. A response to the grievance shall be communicated, either orally or in writing, to the grievant within ten calendar days.

Note: If the complaint is alleging discrimination or retaliation by the immediate supervisor the grievance may be presented at Step 1 to the department head or, if there is no department head above the immediate supervisor to the Town Manager. If Step 1 is with the Town Manager, Step 2 is omitted and the written grievance is presented to the Town Manager. The grievance proceeds immediately to Step 3.

Step 2. If the grievant is not satisfied with and does not accept the Step 1 response, or if a response is not provided within the required time frame, the grievant may proceed by putting the grievance in writing on the Grievance Form which is attached to this procedure. The Grievance Form shall be delivered, by mail or in person, to the department head within ten calendar days of receipt of the supervisor's response or the deadline for that response, whichever occurs first. If the immediate supervisor is the department head, the written grievance should be presented to the Town Manager and it will proceed as if it were at Step 3. The grievant shall specify the relief that they expect to gain through the use of this procedure. The department head shall promptly meet with the grievant. Normally, the only persons who may be present at the meeting or hearing shall be the agency head, the grievant, and the appropriate witnesses. The department head shall render a written response to the grievance within ten calendar days following receipt of the completed request form with a copy of the response being sent to the manager. By mutual consent of the grievant and the department head or the grievant may skip Step 2 and proceed directly to Step 3.

Step 3. If the grievant does not accept the response at Step 2, or if the department head fails to respond within the required time frame, the grievant shall indicate their desire to advance the grievance to Step 3 on the Grievance Form. The Grievance Form shall be delivered by mail or in person, directly to the Town Manager within ten calendar days following receipt of the Step 2 response or immediately after the deadline for that response, whichever occurs first. If the Town Manager determines (or has previously determined) that the complaint is grievable, a meeting with the grievant, the grievant's representative if there is one, a representative of the affected department and the Town Manager will be held within five days. Appropriate witnesses for each side and such other persons as the Town Manager or the grievant may want to call, may be present to offer testimony only. The Town Manager shall render a written response to the grievance within ten calendar days following receipt of the completed request form. In the event that the Town Manager determines that the complaint, or a portion of the complaint, is not grievable, the grievant may appeal that decision to the Circuit Court as set out in Section IV (B) of this procedure.

Step 4. If the grievant does not accept the Step 3 written response, or if the Town Manager fails to respond within the required time frame, and the grievant wishes to advance to a grievance panel hearing, the grievant shall complete step 4 of the Grievance Form. The Grievance Form shall be delivered, by mail or in person, directly to the Town Manager within ten calendar days following receipt of the Step 3 response or the deadline for that response, whichever occurs first. The Grievance Form shall contain the name of the person whom the grievant desires to serve on





the grievance panel. The grievant shall not name a person to serve on the grievance panel unless and until the grievant has received that person's consent to do so. The grievance shall be heard by an impartial grievance panel as set out in Section VI of this procedure.

Grievability and Access- Grievability and access are determined by the Town Manager generally after the grievance reaches Step 3. Only after the Town Manager has determined that a complaint is grievable and/or the grievant has access to the procedure may a grievance be advanced through Steps 3 and 4. Should the question of grievability or access arise at Step 2 the grievant or the department head may request a ruling on grievability and/or on access by the Town Manager. The Town Manager shall render a decision within (10) ten calendar days of receipt of the ruling request and shall send a copy of the decision to the grievant and the department head.

The Town Manager's decision on grievability and/or access may be appealed to the Circuit Court of the County. Such appeals shall be instituted by the grievant by filing a notice of appeal with the Town Manager within (10) ten calendar days from the date the grievant received the decision. Within (10) ten calendar days after the filing of the notice of appeal, the Town Manager or their designee shall transmit to the Clerk of the Circuit Court a copy of the Town Manager's decision on grievability or access to the procedure, a copy of the notice of appeal, a copy of the grievance record, and copies of all exhibits. A list of the evidence furnished to the Court shall also be furnished to the grievant. The appeal will be heard by the Court as provided by law. The decision of the Court is final and is not appealable.

General Terms- Except as otherwise noted, the following rules apply to all levels of grievance hearings:

Time intervals specified in Steps 1 through 4 may be extended by mutual consent of the parties.

When a deadline falls on a Saturday, Sunday, or Town holiday, the next calendar day that is not a Saturday, Sunday, or Town holiday shall be considered the last calendar day.

All grievance meeting and hearings shall be held during normal Town working hours unless both the grievant and the Town Manager should mutually agree otherwise.

Town employees who are necessary participants at grievance hearings shall not lose pay for time necessarily lost from their jobs and will not be charged leave because of their attendance at the grievance proceedings.

At the Step 3 meeting, the grievant, at their option, may have present, a representative of their choice. If the grievant is represented by legal counsel, (the Town) likewise has the option of being represented by counsel.

The use of recording devices or a court reporter is not permitted at Step 1, 2, and 3 meetings. Only Step 4 hearings may be recorded.

Hearings are not intended to be conducted like proceedings in court and the rules of evidence do not necessarily apply.





At Step 4, the grievance panel shall have the discretion to limit the attendance at the hearing of persons not having a direct interest in the hearing.

At the request of either party, Step 4 hearings shall be private.

Except in grievances involving discipline or in cases where the grievance panel determines otherwise, the grievant shall present his evidence first.

The grievance panel shall determine the propriety of and the weight to be given the evidence submitted.

Both the grievant and (the Town) may call appropriate witnesses. All witnesses, including the grievant, shall be subject to examination and cross-examination.

Witnesses shall be present only while actually giving testimony and shall otherwise be excluded from the room.

The grievant shall not be entitled to financially recover more than that which they has lost; the grievant's costs are not to be assessed against (the Town).

Where a grievant has obtained partial relief at one level of this grievance procedure but decides to appeal to the next higher level, the filing of a request form to the next higher level shall constitute rejection of, and relinquishment of any claim to, any and all relief granted at the previous level.

Each party shall bear the costs and expenses, if any, of their legal counsel or representative.

Rules Concerning Grievance Panels and Panel Hearings

Selection of Grievance Panel- Within five calendar days of receipt of the Step 4 request form, the Town Manager shall appoint a member to serve on a grievance panel. The member selected by the grievant and the member selected by the Town Manager shall then select a third member.

If the panel member appointed by the grievant and the panel member appointed by the Town Manager or their designee cannot agree upon a third panel member within 20 calendar days of (the Town's) receipt of the selection of the first two panel members, then the chief judge of the Circuit Court shall choose an impartial, third panel member. The third panel member shall act as chair of the panel.

Eligibility to Serve on Grievance Panel- The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute, giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant, and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew, and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee, or co-employee of the attorney shall serve as a panel member. The





following rules apply to Step 4 grievance panels and the conduct of Step 4 grievance panel hearings:

The grievant shall bear the reasonable costs and expenses, if any, of their panel member.

The Town of Berryville shall bear the reasonable costs and expenses, if any, of its panel member and those of the third panel member unless the grievant objects. Upon objection, the reasonable costs and expenses of the third panel member shall be shared equally between (the Town) and the grievant.

No person shall receive any compensation, whether monetary or otherwise, for his time in serving as a member of a grievance panel. Notwithstanding this prohibition, a Town employee serving as a member of a grievance panel may receive his usual Town salary for the period they serves on such a panel.

The panel shall promptly set the date, time, and location for hearing the grievance and shall notify the parties.

The Town of Berryville shall provide the panel with copies of the grievance record prior to the hearing, and shall provide the grievant with a list of the documents furnished to the panel.

Each party shall furnish to the other with copies of all documents, exhibits, and a list of witnesses it intends to use at the panel hearing seven calendar days in advance of the hearing.

Both the grievant and (the Town) may be represented by legal counsel or other representative at the panel hearing. Such representatives may examine, cross-examine, question, and present evidence on behalf of the grievant or (the Town) before the panel without being in violation of the provisions of Virginia Code §54.1-3904.

The panel shall have the authority to determine the admissibility of evidence without regard to the burden of proof so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence. (The Town) shall present its evidence first in grievances challenging a disciplinary action and shall have the burden of persuasion on such issue.

All evidence shall be presented in the presence of the panel and the parties except by mutual consent of the parties.

The decision of the panel should be rendered as soon as possible, but, in any case, not later than five calendar days following the conclusion of the hearing.

The panel shall have the authority, if it finds (based on the greater weight of the evidence) that the grievant has been denied a benefit or wrongly disciplined without just cause (where such cause is required) to reverse, reduce, or otherwise modify such action and, where appropriate, to order the reinstatement of such employee to his former position with back pay.

Back pay shall not exceed pay for time actually lost or paid leave required to be taken due to such suspension or discharge, in an amount the panel believes equitable up to the amount of actual loss.





Any award of back pay shall be offset by interim earnings the grievant earned during the period of separation.

The panel also has the power to sustain, modify, or reverse (the Town's) action.

The panel shall not have authority to do any of the following:

Formulate policies or procedures.

Alter existing policies or procedures.

Circumscribe or modify the rights afforded the parties in this procedure.

Grant relief greater than that which the grievant has requested in the request form.

The majority decision of the panel, acting within the scope of its authority, shall be final and binding, subject to existing policies, procedures, and law.

The question of whether the relief granted by a panel is consistent with written policy shall be determined by the Town Manager or their designee, unless the Town Manager or their designee has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Attorney for the Commonwealth for the County.

Either party may petition the Circuit Court for an order requiring implementation of the panel decision.

Compliance- Except as noted, after the initial submission of the grievance to the immediate supervisor, the failure of either party to comply with all substantial procedural requirements of this procedure without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five work days of receipt of written notification by the other party of the noncompliance. Such written notification by the grievant shall be made directly to the Town Manager.

If one of the management respondents in Steps 1, 2, or 3 does not respond to the grievance, the grievant at his option may move the grievance to the next level by submitting it without the response to the next Step or the grievant can provide the Town Manager notice of the non-compliance as set forth in paragraph VII (A).

The Town Manager shall determine compliance issues. Compliance determinations made by the Town Manager or his designee shall be subject to judicial review, which shall be initiated by the grievant filing a petition with the Circuit Court of the County within (30) thirty calendar days of the compliance determination.

The following must be included in any municipality's grievance procedure pursuant to the "Law-Enforcement Officer's Procedural Guarantees Act," hereafter referred to as "LEOPGA" (§§9.1-500 through 9.1-507 of the Code of Virginia, 1950 as amended):

Definitions

"Agency" means the Department of State Police, the Division of Capitol Police, the Virginia Marine Resources Commission, the Virginia Port Authority, the Department of Game and Inland Fisheries, the Virginia Alcoholic Beverage Control Authority, the Department of Conservation





and Recreation, or the Department of Motor Vehicles; or the political subdivision or the campus police department of any public institution of higher education of the Commonwealth employing the law-enforcement officer.

"Law-enforcement officer" means any person, other than a Chief of Police or the Superintendent of the Department of State Police, who, in his official capacity, is (i) authorized by law to make arrests and (ii) a non-introductory officer of one of the following agencies:

- a. The Department of State Police, the Division of Capitol Police, the Virginia Marine Resources Commission, the Virginia Port Authority, the Department of Wildlife Resources, the Virginia Alcoholic Beverage Control Authority, the Department of Motor Vehicles, or the Department of Conservation and Recreation;
- b. The police department, bureau or force of any political subdivision or the campus police department of any public institution of higher education of the Commonwealth where such department, bureau or force has 3 or more law-enforcement officers; or
- c. Any conservation police officer as defined in § 9.1-101.

For the purposes of this chapter, "law-enforcement officer" shall not include the sheriff's department of any city or county.

Conduct of Investigation- The LEOPGA specifies that whenever a law-enforcement officer is the subject of an investigation by an agency, and the focus of the investigation concerns matters, which could lead to the termination, demotion, suspension or transfer for punitive reasons:

The officer shall be questioned at a reasonable time and place as designated by the investigating officer, preferably when the officer under investigation is on duty and at one of the following locations: office of the command of the investigating officer; or the office of the local precinct or unit of the officer being investigated, unless the matters being investigated are of such a nature that requires immediate action.

Prior to the officer being questioned, they shall be informed of (i) the name and rank of the investigating officer and of any individual to be present during the questioning and (ii) the nature of the investigation.

If a blood or urine specimen is taken from a law-enforcement officer for the purpose of determining whether the officer has used drugs or alcohol, the specimen shall be divided and placed into two separate containers. One container shall be tested while the other is held in a proper manner, to preserve the specimen, by the facility collecting or testing the specimen. Should the first specimen test positive, the law-enforcement officer shall have the right to have the second specimen tested by an independent laboratory of their choice (pursuant to §§18.2-268.1 through 18.2-268.12); the laboratory chosen by the officer must be accredited or certified by one or more of the following bodies: the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB), the College of American Pathologists (CAP), the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA), or the American Board of Forensic





Toxicology (ABFT). The officer shall notify the chief of their agency, in writing, of their request within 10 days of being notified of positive specimen results. The laboratory chosen by the officer shall be accredited or certified by one or more of the following: the College of American Pathologists (CAP), the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA), the American Board of Forensic Toxicology (ABFT), or an accrediting body that requires conformance to forensic-specific requirements and that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement with a scope of accreditation that covers the testing being performed.

Notice of charges; response; election to proceed under grievance procedure of local governing body

Prior to dismissing, demoting, suspending without pay, or transferring for punitive reasons, the following rights shall be afforded the law-enforcement officer:

Notified in writing of all charges, the basis therefore, and the action which may be taken;

Given an opportunity, within a reasonable time limit after the date of the written notice provided above, respond orally and in writing to the charges. The time limit shall be determined by the agency, but in no event shall it be less than five calendar days unless agreed to by the law-enforcement officer;

The law-enforcement officer may be assisted by counsel at his own expense; and

Given written notification of his right to initiate a grievance under the grievance procedure established by the local governing body pursuant to §§15.2-1506 and 15.2-1507. A copy of this grievance procedure must be provided upon his request.

A law-enforcement officer may proceed under either the local governing body's grievance procedure or the LEOPGA, but not both.

Personal assets of officers

No law-enforcement officer shall be required or requested to disclose any item of his property, income, assets, source of income, debts, or personal or domestic expenditures, including those of any member of his family or household, unless (i) such information is necessary in investigating a possible conflict of interest with respect to the performance of his official duties (ii) such disclosure is required by law, or (iii) such information is related to an investigation. Nothing in this section shall preclude an agency from requiring the law-enforcement officer to disclose any place of off-duty employment where he may be contacted.





Hearing; hearing panel recommendations

Whenever a law-enforcement officer is dismissed, demoted, suspended or transferred for punitive reasons, he may, within a reasonable amount of time (as set by the agency) following such action, request a hearing. If the law-enforcement officer makes a timely request, a hearing shall be held within a reasonable amount of time (as set by the agency). This hearing shall not be set later than fourteen calendar days following the date of the request unless agreed upon by the law-enforcement officer. The law-enforcement officer and the agency will have the opportunity to present evidence, examine, and cross-examine witnesses. The law-enforcement officer can be represented by counsel unless the officer and agency are afforded, by regulation, the right to counsel in a subsequent de novo (new) hearing.

The Grievant and the Agency head are each allowed to pick one panel member

Grievant- chooses one member from within the agency	Agency head- chooses one member of equal rank to, but no more than two ranks above, the grievant
--	---



These two panel members then select a **third member** from within the agency
*If the two appointed members cannot agree upon a third member, then the Chief Judge of the judicial circuit wherein the grievant’s duty station lies, will choose the third party.

The hearing panel may, and on the request of either the law-enforcement officer or his agency shall, issue subpoenas requiring the testimony of witnesses who have refused or failed to appear at the hearing. The hearing panel shall rule on the admissibility of the evidence. A record shall be made of the hearing.

At the discretion of the agency, it may, in lieu of complying with §9.1-502 give the law-enforcement officer a statement, in writing, of the charges, the basis therefore, the action which may be taken, and provide a hearing as provided for in this section prior to dismissing, demoting, suspending or transferring for punitive reasons the law-enforcement officer. Any recommendations of the hearing panel and the reasons therefore, shall be in writing and transmitted promptly to the law-enforcement officer or his attorney and the agency head. Such recommendations shall be advisory only, but shall be given significant weight.

Immediate suspension

Nothing in this chapter shall prevent the immediate suspension without pay of any law-enforcement officer whose continued presence on the job is deemed to be a substantial and





immediate threat to the welfare of his agency or the public, nor shall anything in this chapter prevent the suspension of a law-enforcement officer for refusing to obey a direct order issued in conformance with the agency's written and disseminated regulations. In such a case, the law-enforcement officer shall, upon request, be afforded the rights provided for under this chapter within a reasonable amount of time set by the agency.





Grievance Hearing Form

- Please type or print -

Name of Grievant

Job Title

Department

Telephone Number(s)

Step 2 – Department Head Meeting: To be completed by the grievant at Step 2 only and filed with the grievant’s department with a copy sent to the Manager.

1. Date of the incident-giving rise to this grievance. _____

2. Date of the grievant’s first awareness of the incident. _____

3. Have you had a Step 1 informal hearing with your immediate supervisor?

___ Yes ___ No (check one)

4. If yes, when? _____

5. Person(s) against whom this grievance is directed. _____

6. Specify the incident that resulted in this grievance. (Use separate sheets if necessary)





7. Specify the policy(ies), rule(s), or regulation(s) at issue. (Use separate sheets if necessary)

8. Specify why the action taken was not proper. (Use separate sheets if necessary)

9. Specify the relief sought. (Use separate sheets if necessary) _____

Signature of Grievant

Date Submitted





Department Head Response:

Signature of Departmental Head and Date

Date Grievance Was Received





Request for Step 4 – Grievance Panel Hearing: To be completed by the grievant at Step 4 only and filed directly with the Berryville Town Manager.

1. I wish to have my grievance heard at the Step 4 (grievance panel) level. I understand that, by requesting to have my grievance heard at Step 4, I am giving up the relief, if any, that was awarded to me at Step 3.

2. Name of grievant’s panel member: _____

Address: _____

Telephone Number: (Home) _____

(Work) _____

Signature of Grievant

Date Submitted

Town of Berryville Panel Member

Name of Town of Berryville’s panel member: _____

Address: _____

Telephone Number: (Home) _____

(Work) _____





Uniformed Services Employment and Re-Employment Rights Act of 1994

The Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA) applies to all employers in the public and private sectors, including Federal employers. The Act protects all members of the uniformed services from discrimination in employment regardless of whether their uniformed service was in the past, present, or future (intent to join). The discrimination provisions of USERRA, set forth in section 4311, address problems regarding initial employment, reemployment, retention in employment, promotion, or any other benefit of employment.

Any person re-employed after military service is entitled to all seniority and other rights and benefits, including medical insurance coverage, which would have been available if the employment had not been interrupted by military service. The veteran re-employment rights are effective unless the cumulative length of the current absence plus any previous absences exceed five (5) years. USERRA requires that service members provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. Upon return from military duty, the period an individual has to make application for reemployment or report back to work is based on the time spent on military duty. For service of 30 days or less, the service member must report back to work at the beginning of the next regularly scheduled work period on the first full day after release from service. For service of 31 - 180 days, the service member must submit an application for reemployment within 14 days of release from service. For service of 181 days or more, an application for reemployment must be submitted within 90 days of release from service.

Reemployment of a person is excused if an employer's circumstances have changed so much that reemployment of the person would be impossible or unreasonable. Employers are excused from making efforts to qualify returning service members, or from accommodating those with disabilities incurred during service, when doing so would be of such difficulty or expense as to cause "undue hardship." Reemployment is not required where the position left to enter the service was for a brief and non-recurrent period and which could not reasonably be expected to continue indefinitely or for a significant period. The employer has the burden of proving (not simply asserting) the impossibility or unreasonableness, undue hardship, or the brief, non-recurrent nature of the employment.





An employer may not use the lack of documentation at the time the individual requests return as a basis for delaying or denying reinstatement. If the documentation received later shows that the individual is not eligible for protection under USERRA, the person may be terminated at that point. An employer has the right to require a person who is absent for a period of service of 31 days or more to provide documentation showing that: 1) the application was timely, 2) the 5-year service limit was not exceeded, and 3) the separation from service was not under circumstances specified in section 4304 of USERRA.

The following are some of the major requirements of USERRA, but is not meant to be all inclusive:

Health Benefit Coverage - on return from service, health insurance coverage must be reinstated without any waiting period or exclusions for preexisting conditions, other than waiting periods or exclusions that would have applied even if there had been no absence for uniformed service.

Pay - a person reemployed is entitled to the rate of pay he or she would have attained, with reasonable certainty, if continuously employed during the period of service. The term "pay" is not limited to the wages received. It includes all elements of compensation such as drawing accounts, bonuses, and shift premiums. It includes hourly rate, piece rate, salaries, and commissions. USERRA does not require an employer to pay an employee while performing uniformed service; however, an employer is free to do so if desired.

Promotions - unless it is impossible or unreasonable, an employer is generally required to allow a returning service member to make up a test for promotion that was missed while he or she was absent. If the reemployed employee is successful on the makeup exam, and there is a reasonable certainty that, given the results of the exam, that reemployed employee would have been promoted during the time he or she was in military service, then the reemployed employee's promotion must be made effective as of the date it would have occurred had the employment not been interrupted by military service. If it is reasonably certain that an employee would have received a promotion during his or her absence for service and the employee requires further qualification for the position as a result of the military leave, the employer must make reasonable efforts to qualify the person. USERRA provides that returning service members are reemployed in the job that they would have attained had they not been absent for military service (a.k.a. "escalator position") with the same seniority, status and pay, as well as other rights and benefits determined by seniority.





Raises - a returning service member is entitled to all general pay raises that he or she would have received with reasonable certainty but for the absence for service in the uniformed services.

Vacation - USERRA requires an employer to allow an individual to use earned vacation credits while absent for service, providing that usage is at the employee's request. An employer may not require the use of vacation for a service absence, unless the absence coincides with a period, such as a plant shutdown, when ALL employees are required to take vacation.





Addendum VI: USERRA

The Town of Berryville recommends any employee seeking relief under the Uniformed Services Employment and Re-Employment Rights Act of 1994 utilize this Addendum as a starting point for understanding the impact of their service on compensation, leave, and benefits available through the Town. Questions should be directed to a supervisor or the Town Manager.

USERRA applies to all employers in the public and private sectors, including Federal employers. The Act protects all members of the uniformed services from discrimination in employment regardless of whether their uniformed service was in the past, present, or future (intent to join). The discrimination provisions of USERRA, set forth in section 4311, address problems regarding initial employment, reemployment, retention in employment, promotion, or any other benefit of employment.

Any person re-employed after military service is entitled to all seniority and other rights and benefits, including medical insurance coverage, which would have been available if the employment had not been interrupted by military service. The veteran re-employment rights are effective unless the cumulative length of the current absence plus any previous absences exceed five (5) years.

USERRA requires that service members provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. Upon return from military duty, the period an individual has to make application for reemployment or report back to work is based on the time spent on military duty. For service of 30 days or less, the service member must report back to work at the beginning of the next regularly scheduled work period on the first full day after release from service. For service of 31 – 180 days, the service member must submit an application for reemployment within 14 days of release from service. For service of 181 days or more, an application for reemployment must be submitted within 90 days of release from service.

Reemployment of a person is excused if an employer's circumstances have changed so much that reemployment of the person would be impossible or unreasonable. Employers are excused from making efforts to qualify returning service members, or from accommodating those with disabilities incurred during service, when doing so would be of such difficulty or expense as to cause "undue hardship." Reemployment is not required where the position left to enter the service was for a brief and non-recurrent period and which could not reasonably be expected to continue indefinitely or for a significant period. The employer has the burden of proving (not simply asserting) the impossibility or unreasonableness, undue hardship, or the brief, non-recurrent nature of the employment.

An employer may not use the lack of documentation at the time the individual requests return as a basis for delaying or denying reinstatement. If the documentation received later shows that the individual is not eligible for protection under USERRA, the person may be terminated at that point. An employer has the right to require a person who is absent for a period of service of 31 days or more to provide documentation showing that: 1) the application was timely, 2) the 5-year





service limit was not exceeded, and 3) the separation from service was not under circumstances specified in section 4304 of USERRA.

The following are some of the major requirements of USERRA, but is not meant to be all inclusive:

Health Benefit Coverage - on return from service, health insurance coverage must be reinstated without any waiting period or exclusions for preexisting conditions, other than waiting periods or exclusions that would have applied even if there had been no absence for uniformed service.

Pay - a person reemployed is entitled to the rate of pay he or she would have attained, with reasonable certainty, if continuously employed during the period of service. The term "pay" is not limited to the wages received. It includes all elements of compensation such as drawing accounts, bonuses, and shift premiums. It includes hourly rate, piece rate, salaries, and commissions. USERRA does not require an employer to pay an employee while performing uniformed service; however, an employer is free to do so if desired.

Promotions - unless it is impossible or unreasonable, an employer is generally required to allow a returning service member to make up a test for promotion that was missed while he or she was absent. If the reemployed employee is successful on the makeup exam, and there is a reasonable certainty that, given the results of the exam, that reemployed employee would have been promoted during the time he or she was in military service, then the reemployed employee's promotion must be made effective as of the date it would have occurred had the employment not been interrupted by military service. If it is reasonably certain that an employee would have received a promotion during their absence for service and the employee requires further qualification for the position as a result of the military leave, the employer must make reasonable efforts to qualify the person. USERRA provides that returning service members are reemployed in the job that they would have attained had they not been absent for military service (a.k.a. "escalator position") with the same seniority, status and pay, as well as other rights and benefits determined by seniority.

Raises - a returning service member is entitled to all general pay raises (i.e. Cost of Living Adjustments, etc.) that he or she would have received with reasonable certainty but for the absence for service in the uniformed services.

Vacation - USERRA requires an employer to allow an individual to use earned vacation credits while absent for service, providing that usage is at the employee's request. An employer may not require the use of vacation for a service absence, unless the absence coincides with a period, such as a plant shutdown, when ALL employees are required to take vacation.





Addendum VII: Emergency Procedures Berryville-Clarke County Government Center

Emergency response protocols for natural or manmade disasters, terrorism, hazardous weather, fires, etc., will be cooperatively established and revised as needed by the Berryville Town Manager, Clarke County Administrator, and joint building/facilities committee. Orientation, training, and drills may be provided. A complete policy will be provided to designated emergency personnel.

Building Wardens are tasked with directing employees in the case of an emergency. They will also serve as point-of-contact for first responders. The Designated Building Wardens are the Berryville Town Manager and the Clarke County Administrator. First Alternate Building Wardens are Berryville's Deputy Town Manager and the Clarke County Planning Director. The Second Alternate Building Warden is the Berryville Chief of Police.

If ordered to evacuate by a Building Warden, proceed to the nearest emergency exit and assemble at designated area.

Specific emergency events may require additional or alternative actions by employees. These include:

In case of severe injury or illness, call 911 to request assistance, render first aid and/or make person as comfortable as possible, and notify Building Warden.

In case of fire, extinguish flames if it is safe to do so, engage nearest fire alarm, call 911, alert a Building Warden, and evacuate.

For a bomb threat, engage with caller to gather information as to location and timing of the bomb as well as help identify caller and motivation for threat. If possible, silently alert a coworker or bystander to call 911 and alert Building Warden. Once call is completed, take appropriate action, which at a minimum requires calling 911 and alerting Building Warden but may also necessitate additional action such as evacuation and/or a direct call to the target victim/area to notify those at risk.

In case of intruder or active shooter, the response will depend on the situation. As soon as safe to do so, call 911 and notify Building Warden. If a safe route exists, evacuate. If exit routes are unsafe, shelter in place behind a locked door and remain silent. Only engage with intruder if no alternatives exist. Evacuees may be directed to an alternate assembly site; follow law enforcement direction.





Addendum VIII: Purchasing Card Policy

The purpose of the purchasing card program is to provide the Town of Berryville with an efficient and reliable way to make purchases. The purchasing card should be used as an alternative to vendor direct billing.

Purchasing cards can simplify and expedite procurement but use of these cards requires strict adherence to internal control procedures and a commitment to accompanying accounting procedures.

In most cases, card use reduces staff procurement efforts, allows internet purchases; shortens delivery time and increases financial tracking and control efforts.

Unless otherwise specified, the authority to use the purchasing card (p-card) will be delegated to all departments, referred to as “department” hereafter. The Town Manager may terminate, suspend or limit a department’s p-card program. The Town Manager is authorized to terminate, suspend or limit a particular individual card.

The rebate that is earned on qualifying purchases and paid by the issuing bank will be deposited in the Town’s General Fund for administrative and processing costs.

Roles

Program Administrator-The Treasurer manages the purchasing card program and is responsible for establishing and enforcing card related policies and procedures and serves as Program Administrator. The Treasurer may delegate purchasing card duties to Finance Department staff.

Department Head- The Department Head or designee is responsible for all aspects of the department’s purchasing card program. The Department Head monitors card activity and ensures that vendor receipts, invoices and delivery documentation are retained for each purchase, in accordance with established policies and procedures. The Department Head will serve as the primary contact for the department.

Cardholder- The Cardholder is an individual employee assigned a card with his or her name imprinted on it. The cardholder is responsible for using the card in accordance with this policy. The cardholder is responsible for card activity and retaining vendor receipts, invoices and delivery documentation. The cardholder is also responsible for submitting required documentation, in a timely manner, for coding and approval to the designated person in their department.

Process Overview

Establishing an Individual Card Account- Departments request cards for an individual by submitting an application to the Treasurer. This card will be imprinted with cardholder name. The application indicates the department, card limit requested, full name of cardholder and contact information.

Obtaining Cards from Bank of America- The Treasurer receives/reviews the application and submits to BOA through WORKS. The bank establishes a new account and forwards the new





card to the Administrator. The Administrator distributes the card to the Department Head and the cardholder activates the account.

Card Use- The department uses the card in accordance with this policy and the department's own internal control procedures.

Billing and Payment Process- The Department Head will have access to a master departmental summary of charges. This will serve as a statement to reconcile charges. Once reconciled and reviewed (see process below) the departmental summary will be forwarded to the Finance Department for payment through the regular scheduled bill cycle.

There is a 25-day grace period, from the statement date, to make payment in full. Payment in full MUST be made each month. This requires specific attention to timely submission of the monthly statement to accounts payable in order to make payments by the due date. In order to meet the payment deadlines, it is advised that reconciliation be a continuous process throughout the month. This will expedite the process. The charges for the cardholder who serves as the Department Head must be reviewed by the Treasurer.

Reconciliation and Review- Purchasing card reconciliation is the process of verifying the accuracy of all posted card transactions (charges and credits). There are two (2) options for monthly reconciliation, reconciliation by the cardholder or reconciliation by the Department Head.

Reconciliation by cardholders – The cardholder is responsible to reconcile the bank record of transactions to the actual receipts to verify that all charges are proper and the correct amounts have been charged. The monthly statement must be reconciled and sent to the Department Head. It is essential that the following steps are taken when reconciling the monthly statement:

- Compare backup documents to the transactions listed on the statement;
- Ensure any exceptions are followed-up for corrections;
- Sign the monthly statement (or individual receipts) documenting your review and certification
- that all purchases listed are correct and made for official purposes which meet the appropriate business needs;
- Attach the receipts to the statement and forward all documents to the Department Head for review.

Reconciliation by Department Head – The Department Head is responsible to reconcile the bank record of transactions to the actual receipts, for all department cardholders, to verify that all charges are proper and the correct amounts have been charged. Receipts are submitted by the cardholder to the Department Head.

- Compare backup documents to the transactions listed on the department billing;
- Ensure any exceptions are followed-up for corrections;





Sign the summary sheet documenting your review and certification that all purchases listed are correct and made for official purposes which meet the appropriate business needs;

Review – Once all statements/receipts are received by the Department Head from the cardholders, the Department Head will prepare a payment summary which indicates the proper expenditure codes and payment amounts. The Department Head should also review individual statements/charges to ensure compliance to the policies and procedures. The Department Head will sign and date the payment summary and submit to the department head for approval. Once approved the entire package will be forwarded to the Finance Department for payment through the regular scheduled bill cycle.

Card Use by Reviewing Department Head – If the reviewer uses the card, the reconciliation must be reviewed by another staff member. The reviewer must sign and date the reconciliation.

Statement Due Dates- The billing cycle ends on the last business day of each month with the payment due around the 25th of each month. REMEMBER – transactions can be viewed online by the Department Head at any time. This will expedite the process rather than waiting for the end of the cycle. Statements will be due to the Finance Department on dates set by Finance.

Card Uses and Limits

Subject to the limitations discussed in this policy, the p-card may be used for the following:

- Travel Expenses;
- All goods and services; and
- Telephone and Internet ordering.

Purchasing cards may NOT be used for the following:

- Cash Advances;
- Personal Purchases of any kind;
- Purchases by Non-Employees;
- Split Purchases – A split purchase is one in which the original purchase requirement for the same or related goods or services is broken into multiple smaller purchases which are made over a short period of time. In most cases a split purchase is created to circumvent the procurement policy and/or a card's single purchase or cycle spending limits; and
- Other purchases prohibited by town policy.

The Town Manager in consultation with the Treasurer and Bank of America representatives shall approve all card limits including single transaction limits, cycle limits and authorizations per day. The Town Manager in consultation with the Treasurer and Bank of America representatives shall establish Merchant Category Codes to block purchases from certain categories of vendors to ensure that cards cannot be used for improper purposes.





Program Training

Department Head Training- All Department Heads are required to attend Department Head training. The Finance Department in conjunction with Bank of America will provide this training to primary Department Heads.

Card User Training- Departments are required to provide training in conjunction with Bank of America to all cardholders and users prior to their first card use.

Card Characteristics

Card Plastic- Card plastics will include the following information: TOWN OF BERRYVILLE, VA – FOR OFFICIAL USE ONLY – TAX EXEMPT #XXXXXXXXXXXX.

Card Imprint- Card names are assigned by the department. Each line has a maximum of 24 characters, including spaces. Each card name shall include:

Line 1 – Individual's legal name

Line 2 – Department name

Signature on Card- Cards shall be signed by the individual whose name appears on the card.

Card Security- Except for cards in personal possession, cards should be kept in secure location while not in use. Access to the location should be limited to those individuals who are permitted to access the card.

Other Program Requirements

Sales Tax Exemption- Most town purchases are exempt from Virginia state sales tax. When making a p-card purchase, card users should remind the vendor of our tax exempt status and examine the receipt to verify sales tax was not charged. By state statute, the town is not exempt from sales tax for meals, catered events, lodging or other accommodations. The town is not exempt from sales tax imposed by other states on goods and services purchased outside of Virginia.

Employee Acknowledgement Disclosure Form- A Cardholder/User Agreement form must be signed before a new card is issued and at each instance that a card is re-issued to the same individual. This will include the reissue of expired cards. The form acknowledges the employee's responsibilities regarding card use and sets forth consequences for card misuse. The Treasurer shall maintain the signed forms at least 3 years following the employee's termination of employment.

Receipts- Vendor receipt, invoice or credit slip must be retained for each transaction. Receipts should show all details pertinent to the transaction, including date of purchase, vendor name and location, item(s) purchased with corresponding description(s) and price(s), and the total amount paid. These documents shall be attached with the appropriate monthly statement.

Alternate Receipt –Department may use an alternate receipt, such as an internet screen print or faxed receipt. The receipt should contain the same level of detail required for an original receipt.





Missing Receipt – If, for any reason, an original, alternate or photocopied receipt is unavailable, a Missing Receipt Affidavit providing the purchase details and reason why a receipt is not available must be included with the appropriate monthly statement. Documentation in lieu of missing receipts must be signed and dated by the Cardholder and the Department Director.

Document Retention- Program documents must be retained for a minimum of three (3) years.

Card Management Software- Bank of America Merrill Lynch provides WORKS p-card management software online. This software will allow a user to view transactions at any time, run reports, electronically allocate transactions, etc. Upon request, Cardholders will only be granted access to view information of their own card accounts and Department Heads will be given greater access to create reports and manage all department cardholders.

Problem Resolution- The Department Head should attempt to resolve disputes directly with the vendor and/or the bank. If unable to resolve directly within a reasonable time period, contact the Treasurer for assistance. Any adjustment to billing will be made on subsequent statements.

Dispute Procedures- Dispute procedures are defined by the town's purchasing card contract with Bank of America Merrill Lynch. The contract requires that disputed items be identified within 60 days of the billing close date for the cycle in which the disputed charge appears on the monthly statement. Disputed charges must be identified to BAML by completing the online dispute form in WORKS or by contacting BAML Customer Service and receiving the document in the mail. Although items identified outside the 60-day period may still be disputed, the town's legal standing in the matter is decreased. Dispute rights for department cards are significantly limited.

Lost or Stolen Cards- Lost or stolen cards shall be reported to Bank of America Merrill Lynch and the Department Head immediately. The bank provides a 24-hour toll-free telephone number for this purpose. The number is included on the paperwork that accompanies each new card. The Department Head must also notify the Treasurer immediately. All card users should be aware of the procedure for reporting a lost or stolen card, including how to proceed if the Department Head is not available at the time the loss is discovered.

Reissue of a Lost or Stolen Card- To request a replacement of a lost or stolen card, forward a memo from the department director to the Treasurer. The memo should describe the circumstances surrounding the card loss and the steps taken to ensure against future losses. The Treasurer will evaluate each incident on an individual basis to determine whether or not to issue a replacement card.

Card Cancellation- If a department wishes to cancel a card, the Department Head should submit the original cardholder application, with the effective date and reason for cancellation completed, to the Treasurer. The Department Head must destroy any cancelled card(s). If there is an urgent





need to cancel a card, contact the Treasurer for immediate assistance. Remember that lost or stolen cards may be reported directly to the bank through a 24-hour toll-free number.

Card Changes- If the department wishes to change any aspect of a card, including address and card limits, the Department Head should submit card changes to the Treasurer.

Violations of Policy- The purchasing card is an opportunity for town staff to maximize efficiency in the procurement of goods and service; however, this concession can be terminated for violation of the policies and procedures outlined in the document. It is the responsibility of the Department Head to maintain a violation log. If a user violates the policies and procedures, potential repercussions include, but are not limited to:

- Warning letter sent by the Department Head;
- Suspension of card privileges; and/or
- Employee termination.

Examples of violations include, but are not limited to:

- Personal purchases;
- Purchase of restricted commodities;
- Split purchasing;
- Failure to obtain and forward supporting documentation for all card transactions;
- Lack of timely and proper reconciliation of monthly statements; and/or
- Use of the card by anyone or any department other than the authorized user.

Fraud and Misuse Deterrence- The department is responsible to actively protect each of its purchasing cards from fraud and misuse. The following guidelines should be followed:

Limit Card Access – Maintain cards in a secure environment.

Protect Card Information – Information regarding cards should be protected. This is to include card account number, name and expiration date. File reports that contain card numbers in locked file cabinets. When discarding reports or other paperwork containing card information, shred documents. Assure security of card materials that are maintained electronically. Do not send emails which contain card numbers and/or expiration dates.

Establish Reasonable Card Limits – Establish reasonable spending and transaction limits. This will limit risk in the event the card or card number is lost or stolen.

Maintain Adequate Separation of Duties – Divide the card custodian and the accounting/reconciliation duties among employees. Conduct proper upper management review of transactions and supporting receipts and associated documentation.

Occurrence of Fraud or Misuse- If fraud or misuse is suspected, the Department Head shall contact the Town Manager immediately for further guidance.

Compliance Reviews- The card program is subject to review by the Town Manager and both internal and external auditors





Addendum IX: Meal Breaks

Department of Public Utilities

Nonexempt employees' meals are to be eaten within their eight-hour shift as time allows. Time for meals is not to exceed one half hour. Meal time may be shortened or unavailable in the event of an operational or mechanical problem at either treatment plant. When one operator is on duty, meals must be taken at the water treatment plant. If two operators are on duty, as time permits when on routine inspections or collecting samples in the system, one operator may pick up their lunch locally provided time away does not exceed one half hour while the other operator oversees plant operations. The water treatment plant is not to be left unattended to purchase or pick up a meal at any time.

Exempt employees are entitled to one meal break per day, not to exceed one hour. During meal breaks, employees are relieved of all Town of Berryville duties. In the event an employee misses any portion of a meal break due to a situation requiring their attention, they may resume that portion of the unused break at a later time during that same day.

Department of Public Works

Nonexempt employees are entitled to one meal break per day, not to exceed one hour. During meal breaks, employees are relieved of all Town of Berryville duties. In the event an employee misses any portion of a meal break due to a situation requiring their attention, they may resume that portion of the unused break at a later time during that same day. If a nonexempt employee cannot observe a scheduled meal break during their normal shift, they will be compensated for that time at their regular rate of pay.

Exempt employees are entitled to one meal break per day, not to exceed one half hour. During meal breaks, employees are relieved of all Town of Berryville duties. In the event an employee misses any portion of a meal break due to a situation requiring their attention, they may resume that portion of the unused break at a later time during that same day.

Finance and Administration Departments

Nonexempt and exempt employees are entitled to one meal break per day, not to exceed one hour. During meal breaks, employees are relieved of all Town of Berryville duties. In the event an employee misses any portion of a meal break due to a situation requiring their attention, they may resume that portion of the unused break at a later time during that same day. If a nonexempt employee cannot observe a scheduled meal break during their normal shift, they will be compensated for that time at their regular rate of pay.

Planning and Zoning Department

Nonexempt and exempt employees are entitled to one meal break per day, not to exceed one hour. During meal breaks, employees are relieved of all Town of Berryville duties. In the event an employee misses any portion of a meal break due to a situation requiring their attention, they may resume that portion of the unused break at a later time during that same day.





Police Department

Nonexempt employees of the Police Department are entitled to one meal break per shift of reasonable length not to exceed one hour. During breaks, employees are not to leave the Town limits and are to remain in contact with communications at all times. In the event of a call for service during a meal break, employees are required to promptly respond to any situation requiring their attention. No additional compensation will be allowed for any portion of a meal break that is missed. If an employee misses any portion of a meal break because of a call for service, they may resume that portion of the unused break at a later time during the same shift.

Exempt employees of the Police Department are entitled to one meal period per shift not to exceed one hour. In the event the employee is not able to utilize a meal period because of work demands, they may resume that portion of the unused break at a later time during that same day.





Addendum X: Uniforms

During business hours or when representing the Town of Berryville, employees are expected to present a clean, discreet, and professional appearance that is appropriate to their scope of work. Consult your supervisor or department head if you have questions as to what constitutes appropriate attire. When safe and expedient to do so, reasonable accommodation may be made to a person with a disability and/or religious or cultural requisite.

Personnel provided with uniforms are required to wear the uniforms while performing Town functions. Variations in attire from approved uniforms may be permitted only with prior approval of an employee's supervisor or the Town Manager. Employees are responsible for issued uniforms and shall bring any problems with the uniform to the attention of their supervisor. When worn, additional layering items of clothing must be under uniforms, with the exception of weather-appropriate outerwear. Some items of apparel, such as steel-toe shoes, are considered Personal Protective Equipment (PPE), and no deviation from standard is acceptable. Please direct specific questions to Department Head.

Uniforms shall not be worn when the employee is off duty (except for travel to and from work and other instances approved by the employee's supervisor or the Town Manager). Hats, excepting PPE, must be Town of Berryville issued.

Department of Public Utilities

Unless otherwise directed, employees of Public Utilities are required to wear department-issued shirt, long pants, and chemical-resistant, steel toe footwear. Layering items must be worn under uniforms. PPE, if needed, will be provided and may include gloves, chemical-resistant gloves, high visibility vests, eye protection, face shields, arm gaiters, etc.

Shorts and sturdy walking shoes may be worn when reading water meters.

Department of Public Works

Unless otherwise directed, employees of Public Works are required to wear department-issued shirt, long pants, and steel toe footwear. Layering items must be worn under uniforms. PPE, if needed, will be provided and may include gloves, hard hats, sun hats, high visibility vests, eye protection, etc.

Shorts and sturdy walking shoes may be worn when reading water meters.

Police Department

Unless otherwise directed, employees of Police Department are required to wear department-issued uniform, including identifying information and equipment as described in Town of Berryville Police Department personnel policies.

Addendum X (a): Casual Days

The following information is intended to serve as a guide to help define appropriate casual business wear for **administrative employees** during designated casual Fridays at the Town of





Berryville. Employees in the Departments of Police, Public Works, and Public Utilities must wear their department-issued uniforms and are not permitted to participate in casual Fridays. At all times, employees are required to present a clean and discreet appearance. Employees are encouraged to wear items such as casual slacks and shirts (jeans, polos, etc.), sneakers or loafers, sweaters, skirts, etc.

Prohibitions include clothing that displays offensive words or graphics, impedes normal movement or completion of scope of work, sleepwear, shorts, swimwear, lingerie, and stained, torn, or tattered items. Footwear must be clean and conducive to standing, walking, etc.

Health and sanitation concerns dictate minimum skin contact with shared furniture and work spaces. As a result, employees are expected to wear pants, dresses, and skirts that are no shorter than mid-thigh. Similarly, sweaters, shirts, blouses, etc., must cover midriff, back, and shoulders. Flip-flops/thong style sandals are inappropriate.





Addendum XI: Heatstroke Prevention Policy

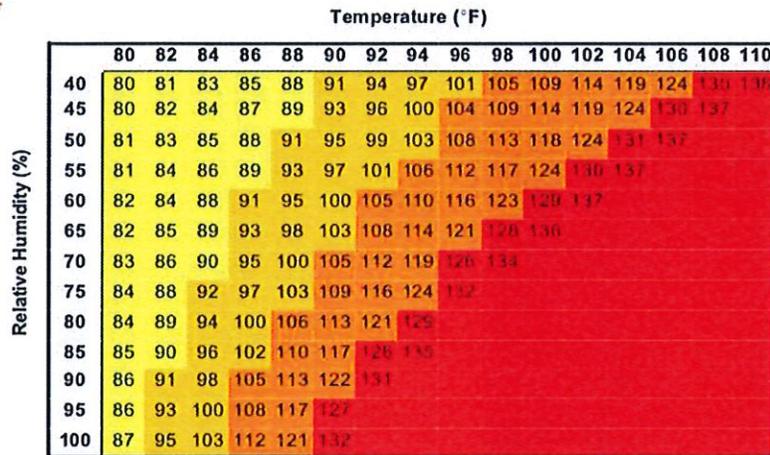
The likelihood of experiencing a heat-related illness increases with risk factors such as dehydration, humidity, underlying health conditions, etc. Activities which may exacerbate risk include:

- Direct sunlight
- Lack of air conditioning in enclosed space
- Proximity to engines, furnaces, boilers, and steam
- Heavy clothing or PPE
- Physical exertion

Implementation of safe work practices reduce and prevent indoor and outdoor heat-related illnesses in the workplace. Department Heads will develop, implement, and enforce heatstroke prevention tactics which accord with scope of work and situational context.



National Weather Service Heat Index Chart



Likelihood of Heat Disorders with Prolonged Exposure and/or Strenuous Activity

- Caution
- Extreme Caution
- Danger
- Extreme Danger

Heat Priority days are any days on which the expected heat index is at or greater than 80 degrees Fahrenheit. On heat priority days, employees will be provided with controls to protect them from potential heat related illness. Hats and sunscreen are encouraged, and supervisors or Department Heads will conduct pre-work job briefings and monitor employees and working conditions, providing as needed:

Heat Index Between 80° and 94°	Heat Index Greater than 95°
Cool water available	Cool water available
10-minute break every hour	10-minute break every 30 minutes
Shade as necessary	Shade required





Administrative Controls

As all hazards cannot be eliminated, administrative controls allow greater protections for employees. Department heads and supervisors may develop additional policies. Examples of administrative controls include:

- Scheduling early or late work shifts
- Employee rotation from heat/heavy labor to other tasks
- Shade structures (permanent or temporary)
- Use of OSHA-NIOSH Heat Safety Tool App

All employees who are subject to this policy will receive training as part of their initial training. Heat stroke prevention policies will be reviewed and reiterated annually and as needed.





Addendum XII: Snow Removal Plan

Equipment Check- To be completed before the snow event. Items to be checked again at each re-fueling and at each shift or driver change.

1. fuel (all trucks to be full)
2. oil level
3. windshield wiper blades (also extra blades in truck)
4. windshield cleaner
5. lights
6. battery
7. brakes
8. water and antifreeze
9. pumps (power steering and hydraulic)
10. defroster
11. mirror heaters
12. snow blade
13. snow plow
 - a. Check all electrical plugs and operate plow.
 - b. Check lights and hoist oil.
 - c. Check cutting edge and shoes for wear (replace as needed.)
14. salt spreader
 - a. Check gas and oil.
 - b. Check grease gear box for proper fluid level.
 - c. Check spinner assembly and chain for proper settings and condition. (replace as needed)
 - d. Ensure gate on hopper is set to correct spreader setting

Tool Check- The following tools to be carried in truck. To be checked before snow event and at shift changes.

1. ice scraper
2. shovel
3. de-icer (min. 2 cans)
4. flashlight
5. hammer
6. screwdriver
7. pliers
8. flares (min. of 3)
9. 4' tie wire
10. tow chain (for Town use only)
11. flags
12. safety vest
13. hardhat





Gravel & Chemicals

1. Pick up loads of salt & chip from Public Works whenever needed.
2. After snow operations are complete, return unused salt & chip to the salt storage shed.

NOTE: If Public Works shed is empty, then go to the State shed for salt & chip

Removal Procedures

1. Plowing
 - a) Remove snow from center of streets. If available, use 10' blade for this procedure.
 - b) Follow in vehicle equipped with an 8' blade to clean and widen streets.
NOTE: Vehicle using 8' blade should follow no closer than 100' behind vehicle equipped with the 10' blade.
2. Salt & Chip Application
 - a) Apply at the start of ice storms and snow storms.
 - b) Apply salt & chip periodically during ice storms.
 - c) Salt & chip shall only be applied at start of a snow event and during times of freezing and thawing.
 - d) Large dump trucks with salt hoppers will focus on Main Street (Rt. 7), Buckmarsh Street (Rt. 340), Church Street, Lincoln Ave., Boom Road, Jack Enders Blvd., Mosby Blvd, and Hermitage Blvd., Page St., Liberty St. and Springsbury Rd.
 - e) Small chipper truck will focus on side streets and other areas assigned by the shift foreman.
 - f) Place salt & chip on corners and hills as needed.

Precautions and Guidelines

1. Plowing
 - a) Do not drag snow across intersections. At intersections, turn corners and ditch snow and then back up and push snow away from intersection. Continue on designated route.
 - b) Do not pile snow near fire hydrants
 - c) On Main, Church and Crow Streets, where there are parking meters, plow as near the curb as possible.
 - d) Always take special care not to plow snow onto sidewalks. This is of particular concern on West Main Street.
 - e) Do not plow over railroad tracks. Use the following procedure:
 - i. Plow to within 2' of tracks
 - ii. Raise blade enough to clear tracks and proceed 2' past the tracks.
 - iii. Drop blade and continue plowing.
2. Salt & Chip Application
 - a) Turn off chemical spreader while at stop signs and traffic lights.
 - b) Turn off spreader when pedestrians are in the roadway or are in the path





- of application.
- c) Do not over apply chemicals.

Order of Snow Removal- The Town Manager, Director of Public Works, or the Public Works Foreman may change this plan to address conditions and situations encountered during the snow storm.

1. Primary Roads - Priority 1
 - a) Main Street (Business 7)
 - b) Buckmarsh Street (Route 340)

Note: If school is in session when snow is falling, Lincoln Ave., Swan Ave., Hermitage Blvd. and Tyson Dr. are to be plowed and treated with primary roads.
2. Secondary Roads: Priority 2
 - 1) Jack Enders Boulevard
 - 2) Mosby Boulevard
 - 3) Chalmers Court
 - 4) Hermitage Boulevard
 - Church Street and Bundy Street
 - Academy Street between Church and Buckmarsh
 - Crow Street
 - 5) Page St., Fairfax St. & First St. South of Fairfax St.

Note: If conditions permit, Belvoi and Battletown Drives and Blue Ridge Street may be opened while plow is in the vicinity.
3. Secondary Roads: Priority 3
 - 1) Northeast Quadrant
 - 2) Northwest Quadrant (plow streets running East and West first, then plow all streets running North and South)
 - 3) Southwest Quadrant
 - 4) Southeast Quadrant
4. Other Areas
 - a) Sewer Plant Road, Water Plant Entrance, and River Intake (may be opened sooner, depending on the time of day or night, the intensity of storm and the needs of the Public Utilities Crew).
 - b) Town Parking lots (Rixey Moore then Crow St.)
 - c) Government Center Parking Lot
 - d) Water tank lot (if needed)
 - e) Smithy Lane
 - f) Front of John H. Enders Fire Hall

Sidewalks

1. Use 4-wheeler, snow blower and/or shovel to clear off the following sidewalks (apply chemicals as necessary):
 - a) Government Center





- b) Rose Hill Park
 - c) Mecca Alley Note: also open path to public parking area.
 - d) Rixey Moore Parking Lot
 - e) Walkways in Rose Hill Park
 - f) Hermitage Stormwater Management Area
2. Open intersection corners to foot traffic in business area when deemed necessary by the Town Manager, Director of Public Works or Public Works Foreman.
 3. Remove all snow from parking meter areas when deemed necessary by the Town Manager, Director of Public Works or Public Works Foreman.
 4. Dispose of snow at Public Works yard.

Fire Hydrants- Remove snow from around all fire hydrants after streets and walks have been completed.

Slush Removal When Thaw Begins

1. Repeat routes and plow back the slush. Proceed in a manner that minimizes splash on cars and pedestrians and try not to close driveways or roll slush onto sidewalks.
2. Inspect all drop inlets. Open any inlets that are blocked

Clean Up

1. Wash plow blade and oil (check for and report wear and damage and make necessary repairs).
2. Wash trucks and check completely for damage or mechanical failure. Report findings to the Director of Public Works or a Foreman and repair in preparation for next usage.
3. Inspect all small equipment used and return to proper storage area. Report any damage or loss to the Director of Public Works or a Foreman and replace or repair any damaged or lost equipment.
4. Clean and hang up chains. Inspect chains for damage. Report any damage to the Director of Public Works or a Foreman and make any needed repairs.

General Precautions and Instructions

1. Be careful at all times.
 - Stay alert for changing conditions
 - Stay alert for other drivers
 - Watch for children playing in snow
 - Drive at safe speeds always obeying posted speeds
 - Obey all traffic signs and signals
 - Utilize all warning lights on equipment
2. Be polite, courteous and professional to the public.
3. Report any accidents in which you are involved to the Director of Public Works or





Town Manager.

4. Offer assistance to stranded motorists. You may radio or telephone for assistance. You may not pull or push cars with Town equipment.
5. Stay with job until it is completed or you are relieved.
6. Know the town streets and shoulders. Know location of raised manholes, rocks, drains, ditches and the like.

At beginning of shift, shift supervisor must call Central Alarm to report that shift is manned. Any questions about this policy should be directed to the Director of Public Works





Addendum XIII: Requests Under Freedom of Information Act

Town of Berryville FOIA Policy (Revised July 2016)

General Policy Information

The Virginia Freedom of Information Act (FOIA), located § 2.2-3700 et seq. of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees.

A public record is any writing or recording regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format that is prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business. All public records are presumed to be open, and may only be withheld if a specific, statutory exemption applies.

The policy of FOIA states that the purpose of FOIA is to promote an increased awareness of governmental activities. In furthering this policy, FOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

Contacts

For **general Town of Berryville records**, the designated FOIA Officer is:

Town Clerk
Town of Berryville
101 Chalmers Court, Suite A, Berryville, VA 22611
Tel: 540-955-1099 Fax: 540-955-4524
foiatown@berryvilleva.gov

For **Police Department records**, the designated FOIA Officer is:

Chief of Police
Town of Berryville
101 Chalmers Court, Suite A, Berryville, VA 22611
Tel: 540-955-3863 Fax: 540-955-0207
foiapolice@berryvilleva.gov

For general questions concerning requesting records from the Town of Berryville, contact the appropriate FOIA Officer. In addition, the Freedom of Information Advisory Council is available to answer any questions about FOIA. The Council may be contacted by e-mail at foiacouncil@dls.virginia.gov, or by phone at (804) 225-3056 or toll free at (866) 448-4100.





Fee Policy

- The Town, as a public body, may make reasonable charges not to exceed the actual cost incurred in staff time for accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication.
- All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia. This allows the requester an opportunity to modify a request if a lower estimated cost is desired.
- Fees are charged only if the cost to fulfill the request and produce the documents is more than \$25. If the FOIA Officer determines that a requester is making sequential inquiries which are an extension or continuation of a previous request, then charges may be billed cumulatively for staff time for accessing, duplicating, supplying, or searching for the requested records.
- If the Town estimates that it will cost more than \$200 to respond to a request, a deposit not to exceed the amount of the estimate, may be required before the request is processed or fulfilled. The five day response window does not include the time between when the Town asks for a deposit and when the requester responds.
- If a requester owes money from a previous FOIA request that has remained unpaid for more than 30 days, the Town may require payment of the past-due bill before it will respond to a new FOIA request.

Policy regarding the use of exemptions

- The general policy of the Town of Berryville is to invoke the personnel records exemption in those instances where it applies in order to protect the privacy of employees and officials of the Town of Berryville.
- The general policy of the Town of Berryville is to invoke the contract negotiations exemption whenever it applies in order to protect the Town's bargaining position and negotiating strategy.
- All other exemptions provided for under the Act may be exercised by the Town if deemed lawful and appropriate.





Addendum XIV: Infectious Disease Protocol

The Town of Berryville will comply with directives of State of Virginia regarding infectious disease response. Specific policies for the Berryville-Clarke County Government Center will be drafted by a cooperative team comprised of the Town Manager and Clarke County Administrator. Department-specific safeguards and restrictions will be created by Town Manager in cooperation with Department Heads. The protocols included herein are merely descriptive- implementation of any or all practices will be at the sole discretion of Town Manager.

COVID-19 Positive test:

Isolate for (5) days, or until two consecutive negative test results at least 12 hours apart, or as directed.

Confirmed COVID-19 Exposure:

Wear a mask or other face covering for 10 days or as directed and self-monitor.

Face Mask Coverings may be required in:

Common areas such as entrances, hallways, atrium, break rooms, etc.,
When unable to maintain social distancing of 6', or
When working the front desk.

Social Distancing is the practice of:

Maintaining a minimum distance of 6' from others, or
Wearing a face mask or face shield, and
Avoiding riding in vehicles with others.

Best Practices to Reduce the Spread of Infectious Disease:

Maintain a minimum distance of 6' between others and yourself.
Wash hands regularly and / or use hand sanitizer.
If you share a work space you must sanitize the area and equipment regularly (see cleaning below)
Employees must cover their mouth and nose when coughing and / or sneezing.
Perform daily Self-Assessment at least 1 hour before reporting to work (see "Employee COVID-19 Self-Assessment" form). Do not report to work if you feel sick. Notify your supervisor.

Shared Workspace Considerations:

Avoid sharing workspace areas and equipment if at all possible.
When sharing areas and equipment, remember to wipe down area and equipment with disinfectant wipe.

Workspace Cleaning:

Frequently touched surfaces within the office area such as counter tops, customer service counters, desks, computer keyboards, calculators, phones, copiers, printers and other office equipment must be





wiped down and sanitized at least daily at the end of the work day. More active areas, with multiple users should be wiped down and sanitized multiple times during the day as the areas are used.

Each employee is responsible for their desk / work area and office equipment.

Disinfectant wipes, disinfectant cleaner, and alcohol (minimum 70% concentration), paper towels will be supplied.





Addendum XV: Forms





Reimbursement Guidelines for Travel Expenses

The Town of Berryville will reimburse employees for approved business travel expenses incurred while on assignments away from the normal work location. Under no circumstances are alcoholic beverages to be charged to or reimbursed by the Town. Tips up to 15% may be included as long as total does not exceed meal or daily limit. Reimbursement is available as follows:

Breakfast	Lunch	Dinner	Daily Total
\$10.00	\$15.00	\$25.00	\$50.00

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives.

Hotel and conference shuttles should be used whenever available in lieu of personal vehicles, taxis, or rideshare services. Cost of such mileage or services shall only be reimbursed for travel related to Town business and when no cost or low-cost shuttles are unavailable or impractical.

When travel is completed, employees will submit completed travel expense reports within 30 days. Incidental expenses over several days/trips may be compiled on a single report but still are due within 30 days. Reports must be accompanied by receipts for all individual expenses. Mileage is reimbursed at the official IRS mileage rate at the time of travel. When using a private vehicle for travel, charges for gasoline/oil to a Town purchasing card shall be deducted from the mileage reimbursement. In no case shall charges for any other vehicle maintenance items for a private vehicle be made to a Town purchasing card.





Expense Reimbursement Request

Employee: _____

Department: _____

Date: _____

Purpose of Expense: _____

Date	Expense Acct. Code	Mileage Rate	0.545	Lodging	Meals	Other	Total
		# of Miles	\$ Miles				
Column Totals							
Comments:				Subtotal: Less Cash			
				Advanced:			
				Total Due:			

Employee: _____

Date: _____

Supervisor: _____

Date: _____

Town Manager: _____

Date: _____

Receipts must be attached to expense form.





Business Travel Request



Employee Name: _____ Employee #: _____

Department: _____ Supervisor: _____

Means of Travel/Accommodations :

- Personal Car Town Vehicle
- Rental Car Air Travel

Means of Expense Payment :

- Town Credit Card Will Request Reimbursement
- Cash Advance Other

Dates of Travel: From: _____ To: _____

Reason and Location for Travel:

Employee Signature *Date*

Supervisor Signature *Date*

1.

- Approved
- Rejected

Comments:

Town Manager Signature *Date*





Town of Berryville Employee Leave Request

Name

Department

Supervisor

Reason for leave (optional): _____

Dates of leave: _____ to _____

Number of hours of accrued PTO, Compensatory Leave, or Holiday Leave requested (if any): _____

Approved: or Denied: Reason for denial: _____

Employee: _____

Date: _____

Supervisor: _____

Date: _____





Employee Change Notice

Date: _____

Name: _____

Address:

Current Position: _____ Current Salary: _____

New Position: _____ New Salary: _____

Effective Date of Change: _____

Comments:

Employee sign and date: _____

Supervisor sign and date: _____

Town Manager sign and date: _____





Employee Identification Card

Please complete the following information and sign the acknowledgement at the bottom of the form. Once completed, turn the form into your immediate supervisor or department heads. Department heads shall forward the completed form to the Chief of Police for issuance of identification cards.

Name					
Department					
Job Title				Hire Date	
SSN (Last 4 Digits)	XXX-XX-	Height		Weight	
Eye Color			Blood Type (If Known)		
Hair Color			Date of Birth		

Disclaimer

Information supplied on this form will be utilized to generate a photographic identification card. Each employee should refer to the policies of their respective departments with regard to how the identification card will be displayed or carried. The identification cards are property of the Town of Berryville. Lost or stolen cards shall be immediately reported to respective department heads. Individual employees may be responsible for costs associated with the replacement of lost, damaged, or stolen cards. Identification cards remain the property of the Town of Berryville upon separation of employment.

I acknowledge that I have reviewed and understand the above disclaimer

Printed Name

Signature

Date

Witness

Date





Disciplinary Action Form

Employee Name		Date	
Position			
Supervisor Name			

Reason for Coaching/ Discipline:

Previous Transgression

Yes No

Coaching Was

Formal Informal

Additional Training Required

Yes No

Training Type and Anticipated Completion Date:

Number of Hours Suspended : _____ With Pay Without Pay





Action for Improvement:

Employee Response:

Employee Signature		Date	
Supervisor Signature		Date	
Town Manager Signature		Date	





Motor Vehicle Accident Worksheet

Employee Name			
Supervisor Name			
Vehicle Make/Model			
Date of Accident		Date of Notification	
Degree of Damage	<input type="checkbox"/> Minor	<input type="checkbox"/> Major	<input type="checkbox"/> Injury

Employee Statement:

Supervisor Comments:

Alcohol/Drug Test Administered: Yes No

Supplementary Documentation/Witness Statements Attached? Yes No

Employee Signature and Date: _____

Supervisor Signature and Date: _____

Town Manager Signature and Date: _____

