

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
April 11, 2023
6:30 p.m.

Town Council: Present—Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Vice Mayor; William Steinmetz; Diane Harrison; Ryan Tibbens. Absent—Grant Mazzarino

Staff: Present--Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Paul Culp, Town Clerk; Cynthia Poulin, Finance Director; Christy Dunkle, Community Development Director; Sgt. Matthew Andrews, Berryville Police Department

Press: Mickey Powell, *The Winchester Star*

1. Call to Order

Mayor Arnold called the meeting to order at 6:30 p.m. and requested a motion to enter closed session.

2. Closed Session

Vice Mayor Gibson moved that the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-8 of the Code of Virginia, to consult with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel and under §2.2-3711-A-1 of the Code of Virginia, to discuss the performance of an employee of the Town Council. The motion passed by unanimous voice vote.

The Council entered closed session at 6:31 p.m. and returned to the chamber at 7:20 p.m.

Vice Mayor Gibson moved that the Council adopt the **attached** resolution certifying the closed session. The motion passed by unanimous roll-call vote.

Open session resumed at 7:22 p.m.

3. Pledge of Allegiance

4. Approval of Agenda

Vice Mayor Gibson moved to approve the agenda. The motion passed by unanimous voice vote.

5. Presentations, Awards, and Recognitions

None.

6. Public Hearings

Proposed Tax Rates and PPTRA Discount for Tax Year 2023

Ms. Poulin briefly summarized the **attached** resolution, and Mayor Arnold opened the public hearing at 7:24 p.m. and closed it immediately upon determining that no members of the public wished to address the meeting.

7. Discussion of Public Hearing Items

None.

Vice Mayor Gibson moved that the Council of the Town of Berryville adopt the **attached** ordinance setting the tax levies for tax year 2023 per the Code of Berryville, Chapter 16-Taxation, Article I – In General, Section 16-1 Annual Tax Assessments; valuation of property. The motion passed by unanimous voice vote.

Vice Mayor Gibson moved that the Council of the Town of Berryville adopt the **attached** resolution providing for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998 for tax year 2023. The motion passed by unanimous voice vote.

8. Citizens' Forum

No one addressed the meeting.

9. Consent Agenda

The consent agenda comprised the minutes of the March 14 Town Council regular meeting, the March 3 Town Council Work Session, and the March 15 meeting of the Streets and Utilities Committee.

Mr. Steinmetz moved to adopt the consent agenda as presented. The motion passed by unanimous voice vote.

10. Unfinished Business

None.

11. New Business

Proposed amendment to Berryville Code Sec. 10-64.1: Two Hours' Free Parking in Time-Restricted or Metered Spaces

Mr. Dalton referenced previous discussions of the matter in committee and full Council. He said the Public Safety Committee in its February 23 meeting had decided to recommend that the Town amend the Town code to align local practice with the state code by allowing four hours of no-cost parking in time-restricted or metered spaces for vehicles with placards or license plates indicating disability, as opposed to the two hours currently permitted by the Town under a state provision for local variances. Mr. Dalton said a public hearing was not required but that a public input session would be advisable.

Ms. Harrison moved that the Council of the Town of Berryville hold a public comment period at its May 9, 2023 meeting to permit the public to comment on proposed changes to Berryville Code Sec. 10-64.1 and that the town manager be directed to provide notice of this comment period on the Town of Berryville website and in one notice published in the *Winchester Star*. The motion passed by unanimous voice vote.

Proposed Invitations for Bids: Paving, Milling, and Line Striping IFB#2023-01 and Concrete Repair, Replacement, and New Installation IFB#2023-02

Mr. Dalton noted that a section of Mosby Boulevard between Stuart and Ashby Courts would require more than the usual amount of milling. He and Ms. Harrison briefly discussed the precise location of sidewalk work to be done on Swan Avenue.

Mr. Tibbens moved that the Council of the Town of Berryville authorize the issuance of IFB#2023-01 and IFB#2023-02 and authorize the town manager to award the IFB's if the lowest responsible bidder's total price does not exceed funds available for this purpose, and execute any documents related to this matter. The motion passed by unanimous voice vote.

Proposed Employee Handbook

Ms. Petti explained that the Town's drug-free workplace policy dated from 2014 and is necessary for federal funding and that a new version would require new Council approval for outright replacement.

Ms. Harrison moved that the Council of the Town of Berryville repeal the current Drug-Free Workplace Policy and adopt the **attached policy, and that such new Drug-Free Workplace Policy become effective on April 12, 2023. The motion passed by unanimous voice vote.**

Mr. Dalton explained that the new handbook was arranged with certain policies in its appendices so as to allow staff to make changes as an administrative matter with notice given to Council but without the need for formal approval by Council as would be the case with material in the body of the handbook.

Ms. Harrison moved that the Council of the Town of Berryville repeal the current employee handbook and adopt the attached handbook, that such new handbook become effective on April 12, 2023, and that the town manager be authorized to create and attach such administrative appendices to the employee handbook as the manager determines appropriate, provided that the manager forward a copy of said appendices to the Council within thirty days of their approval. The motion passed by unanimous voice vote.

12. Council Member Reports

Mayor

Mayor Arnold said the first Hometown Heroes banners honoring veterans had been installed, and thanked Matt Bass of the Clarke County Board of Supervisors for leading the effort. He also said Berryville Main Street had hosted another successful yard sale.

Other Members

Other members had nothing to add.

13. Staff Reports

Nothing was added to the written reports for Public Works, Utilities, or Police.

Community Development

Ms. Dunkle said work was proceeding on the wayfinding signage project and with sidewalk work on Mosby Boulevard and East and West Fairfax Streets.

Vice Mayor Gibson said the Hermitage Subdivision Phase V entrance was not being left closed during construction. Ms. Dunkle said this was not supposed to occur and that she would address the matter.

Ms. Dunkle and Mr. Tibbens briefly discussed the location of the sidewalk work on Mosby Boulevard.

Administration/Finance

Vice Mayor Gibson asked when the bank account changes previously discussed would be introduced to the Council. Mr. Dalton said he expected to have something available within the next two weeks.

Deputy Town Manager

Ms. Petti said the matter of short-term rentals, discussed in the March meeting, was still in committee, having been discussed by both the Community Development Committee and the Public Safety Committee. She said both bodies would discuss the matter further at the behest of the Planning Commission.

Town Manager

Mr. Dalton said the preliminary engineering report on the water treatment plant upgrade is still in progress and that he is working on applications for funding and on securing additional land and easements for the raw water intake and transmission facility.

American Rescue Plan Act of 2021 Update

Mr. Dalton added nothing to his written report. A discussion between Vice Mayor Gibson and Ms. Poulin established that the Town has spent half of the available funds and that the deadline for expenditure of all funds is December of 2025.

Blight Abatement Update

Mr. Dalton said the owner of the property at 225 Josephine Street had secured a demolition permit and that December 15 was the deadline for completion of work. He said the structure at 114 Josephine Street had been razed and that he had discussed with the owner the need to remove debris. He said he also had been discussing 229 and 203 Josephine Street with those owners.

Parade Route

Mr. Dalton said the 225 Birthday Committee wished to hold a parade in June using a route different from the one approved in 2022 and used for the 2022 homecoming and Christmas parades. He said the organizers wished to add Smith Street and the 200 block of Treadwell Street to the approved lineup sites on Lincoln Avenue and at the middle school and County public schools office building, and that the proposed route would not stop at the intersection of East Main Street and Chalmers Court but would rather continue to the intersection of East Main and Virginia Avenue, with floats disembarking along East Main east of the intersection. Mr. Dalton said he understood the additional lineup areas to be necessary because of the quantity of units in the parade in combination with the use of the public schools office property for the farmers' market until 1:00 p.m. that day.

Vice Mayor Gibson questioned the wisdom of deviating from the approved route.

Mr. Steinmetz and Mayor Arnold discussed the involvement of Virginia Avenue, which the mayor said would alleviate confusion regarding whether to proceed along Main or turn at Chalmers Court. He said the proposed route would also allow for parking at Duncan Memorial United Methodist Church.

Mr. Steinmetz said several houses in the vicinity would be adversely affected. Ms. Harrison recommended using one side of the street for drop-off, with through traffic being directed to the other side.

Mr. Tibbens recommended giving instructions specifically for large vehicles.

Sgt. Andrews said staffing was crucial for assuring that participants go where they are supposed to, as police staffing had been sufficient for the Christmas parade but not at homecoming.

There was a discussion of through traffic during the parade.

Ms. Harrison noted that Barns of Rose Hill would be hosting an event that day, and recommended keeping Smithy Lane unobstructed. Mr. Dalton said staff would work on that.

Vice Mayor Gibson recommended retaining the approved route and educating the public about correct use. She said making an exception would set a bad precedent. Mr. Tibbens concurred, noting that the second use of the route had proceeded more smoothly than the first.

Mr. Dalton said staff would be meeting with the parade organizers later in the week.

14. Committee Updates

Budget and Finance

Vice Mayor Gibson moved that the Council of the Town of Berryville set a public hearing for its May 9, 2023 meeting to hear public comment on the proposed Fiscal Year 2024 budget. The motion passed by unanimous voice vote.

Vice Mayor Gibson asked whether there would be any final adjustments to the budget. Mr. Dalton said there would be increases for police training and for general property maintenance and repair.

Community Development

Mr. Tibbens said the committee would meet at 4:00 p.m. on April 25 to discuss the 225 celebration, short-term rentals, and Hogan's Alley.

Personnel

Mayor Arnold said the committee would meet at 2:00 on April 24 to interview two candidates for vacancies on the Tree Board.

Public Safety

Mr. Mazzarino was absent.

Streets and Utilities

Ms. Harrison said the April 13 meeting on the results of the inflow and infiltration study had brought good news about the condition of the sewer system as well as valuable information about how to address minor problems before they escalate. Mr. Dalton said it would be advisable to compile a triage list and determine how to proceed with it. Ms. Harrison said this topic, truck traffic, and stormwater would be suitable for discussion on April 25 at 3:00 p.m.

14. Other

No other business came before Council.

15. Adjourn

The Council adjourned at 8:05 p.m. on a motion by Mr. Steinmetz.

Erecka L. Gibson, Vice Mayor

Paul Culp, Town Clerk

Town of Berryville
Town Council

MOTION TO ENTER CLOSED SESSION

DATE: April 11, 2023

MOTION BY: *Gibson*

SECOND BY: *_____*

I move that the Council of the Town of Berryville enter a closed session in accordance with §2.2-3711.8 of the Code of Virginia to consult with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel and in accordance with §2.2-3711.1 to discuss the performance of an employee of the Town Council.

VOTE:

Aye: *Unanimous voice vote*

Nay:

Absent/Abstain:

ATTEST: _____
Erecka L. Gibson, Vice Mayor

TOWN COUNCIL
MOTION
CLOSED SESSION RESOLUTION

DATE: April 11, 2023

MOTION BY: Gibson

SECOND BY: _____

I move that the Council of the Town of Berryville adopt the following resolution certifying it has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act:

Resolution

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

VOTE:

Aye: Unanimous roll-call vote.

Nay:

Absent/Abstain:

ATTEST: _____
Erecka Gibson, Vice Mayor

TOWN OF BERRYVILLE
TOWN COUNCIL
AN ORDINANCE SETTING TAX LEVIES FOR TAX YEAR 2023

Date: April 11, 2023

Motion By: Gibson

Second By:

BE IT ORDAINED, by the Council of the Town of Berryville, Virginia, that for the tax year 2023 there is hereby levied:

- (1) A tax of \$.20 per \$100 assessed valuation on all real estate located within the Town of Berryville, such levy being also applicable to the real estate and tangible personal property of public service corporations;
- (2) A tax rate of \$1.25 per \$100 assessed valuation on all taxable, tangible personal property, except machinery and tools, located in the Town of Berryville;
- (3) A tax rate of \$1.30 per \$100 assessed valuation on tangible machinery and tools located in the Town of Berryville.

All tax levies shall be due and payable pursuant to the Code of the Town of Berryville, Chapter 16, Article I, Section 16-3.

VOTE:

Aye: Unanimous voice vote

Nay:

Absent:

SIGNED: _____
 Harry Lee Arnold, Jr., Mayor

Date: April 11, 2023

ATTEST: _____
 Erecka L. Gibson, Vice Mayor

Date: April 11, 2023

Town of Berryville

Resolution

**To Provide for the Implementation of the 2004-2005
Changes to the Personal Property Tax Relief Act of 1998
For the Tax Year 2023**

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code § 58.1-3523 *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 505) and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly, being the 2005 revisions to the 2004-2006 Appropriations Act (“the 2005 Appropriations Act”); and

WHEREAS, the legislative enactments require the Town to take affirmative steps to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the Town of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to local personal property tax on such vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Berryville in accordance with the requirements set forth in Va. Code § 58.1-3524(C) (2) and § 58.1-3912(B), as amended by Chapter 1 of the 2005 Acts of Assembly (2004 Special Session I) and as set forth in Item 503 of the 2005 Appropriations Act, that any qualifying vehicle having situs within the Town during the tax year which begins on January 1, 2022, shall receive personal property tax relief in the following manner:

1. Personal use vehicles valued at less than \$1,000 will be eligible of 100 percentage of tax relief set by the Town Council during its annual budget deliberations.
2. Personal use vehicles valued between \$1,001 and \$20,000 will be eligible for 35 percentage of tax relief set by the Town Council during its annual budget deliberations.
3. Personal use vehicles valued at \$20,001 or more will be eligible for 35 percentage of tax relief on the first \$20,000 of assessed value set by the Town Council during its annual budget deliberations.
4. All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for personal property tax relief under PPTRA.

PASSED THIS 11th DAY OF APRIL 2023.

Harry L. Arnold, Jr., Mayor

ATTEST:

Brecka L. Gibson, Vice Mayor

TOWN COUNCIL
MOTION FOR APPROVAL; RESOLUTION TO PROVIDE FOR THE
IMPLEMENTATION OF THE 2004-2005 CHANGES TO THE PERSONAL
PROPERTY TAX RELIEF ACT OF 1998 FOR THE TAX YEAR 2023

Date: April 11, 2023

Motion By: *Gibson*

Second By: *—*

I hereby move that the Council of the Town of Berryville adopt the attached Resolution providing for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998 for the tax year 2023.

VOTE:

Aye: *Unanimous vote vote*

Nay:

Absent/Abstain:

ATTEST: _____
Erecka L. Gibson, Vice Mayor

Appendix II: Town of Berryville Declaration: Drug-Free Workplace Policy

WHEREAS, in compliance with the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106), it is necessary that the Town Council of the Town of Berryville hereby declares that the Town of Berryville be a Drug-Free Workplace.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Berryville that:

- No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
- Any employee charged or convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the Town Manager within five days.
- No employee shall consume or be impaired by alcoholic beverages immediately before 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 motor 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 Town Manager.

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.

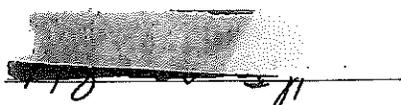
Drug & Alcohol Testing

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:

- When an applicant for a safety-sensitive position has been extended a conditional offer of employment but before beginning work.
- When there is a reasonable suspicion to believe that the employee is in an impaired state.

- When the employee has been involved in an on-duty accident or has endangered others in the workplace.
- On a random basis for safety sensitive positions.
- As a condition for return to duty after testing positive for controlled substances or alcohol.
- As part of follow-up procedures to return-to-duty related drug or alcohol violations.

PASSED THIS 6/th DAY OF APRIL 2023.



Harry L. Arnold, Jr., Mayor

ATTEST:



Erecka L. Gibson, Vice Mayor



Town of Berryville

Personnel Policies

2023

Appendices are considered subsidiary and administrative and may be updated as needed by Town Manager. Notice of changes will be provided to Berryville Town Council within thirty (30) days.





Table of Contents

Contents

Welcome to the Town of Berryville. 6

Citizen and Stakeholder Services 7

Maintenance of Streets and Sidewalks..... 7

Community Development..... 7

Public Safety..... 7

Public Utilities 7

Refuse, Recycling, Yard Waste and Appliance Collection 7

Rose Hill Park 7

Street Lights 7

Snow Removal..... 7

The History of Town of Berryville 8

Objective 9

Severability..... 9

Employee Classification 10

Town of Berryville Organizational Chart..... 11

Community Relations..... 12

Administration 12

Equal Employment Opportunity Policy..... 12

Recruitment and Selection..... 13

Interviews, Reference Checks, and Background Checks..... 13

Introductory Period..... 13

Business Ethics and Conduct..... 14

Confidentiality 15

Employee Compensation 16

Hours of Work..... 16

Paydays 17

Pay Deductions 18

Personnel Data Changes 18

Job Descriptions 18





Performance Evaluations	18
Personnel Records	19
Holidays.....	20
Paid Time Off.....	20
Holiday Pay.....	21
Sick Leave	21
Leave, other	21
Bereavement Leave	22
Life-Threatening Illnesses in the Workplace.....	22
Virginia Retirement System	22
Nationwide Retirement 457 Plan.....	22
Life Insurance	22
Health Insurance	23
Medical Information Privacy.....	23
Short-Term Disability	23
Long-Term Disability	23
Military Leave Without Pay.....	23
Civil Leave.....	23
Compensatory Leave.....	24
Declared Liberal Leave	24
Leave without Pay.....	24
Administrative Leave	24
Benefits Continuation (COBRA)	25
Worker's Compensation	25
Employee Assistance Program.....	25
Educational Assistance.....	26
Education Leave	27
Conduct	28
Appearance	28
Disciplinary Action	29
Notification and Recordkeeping	29
Level I Offenses (acts and behavior that typically result in coaching, reprimand, or suspension).....	30





Level II Offenses (acts and behavior that typically result in reprimand, suspension, demotion, or termination)	30
Level III Offenses (acts and behavior of such a serious nature that a first offense typically warrants termination)	31
Disciplinary Procedure	32
Sexual Harassment.....	32
No-Harassment/No-Discrimination Policy.....	32
Workplace Violence	33
Retaliation	34
Grievance Procedure	34
Occupational Safety and Health	35
Accident Reporting and Investigation.....	35
Drivers Policy.....	36
Use of Equipment and Vehicles	36
Timekeeping.....	37
Identification Cards.....	37
Fuel Cards.....	37
Phone and Mail Systems.....	38
Computer and Email Usage and Conduct	38
Internet Usage	39
Data Protection and Breach Plan	40
Purchasing Cards (P-Cards)	40
Smoking and Tobacco Use	42
Alcohol- and Drug-Free Workplace.....	42
Drug & Alcohol Testing	43
Emergency Closings	44
Telecommuting	44
Travel Expenses.....	45
Visitors	46
Political Activity.....	46
Solicitation	46
Employment Separation	47
Return of Property	47





References	48
Appendix I: Employee Acknowledgement Form.....	49
Appendix II: Policy Statement- Town of Berryville Declaration: Drug-Free Workplace	50
Appendix III: Drug Testing	52
Testing Authorization.....	54
Appendix IV: Worker’s Compensation Administrative Procedures.....	55
Report of Job Accident.....	56
Panel of Physicians.....	57
Appendix V: Grievance Procedure	62
Appendix VI: USERRA	78
Appendix VII: Emergency Procedures: Berryville-Clarke County Government Center.....	80
Appendix VIII: Purchasing Card Policy.....	81
Appendix IX: Meal Breaks	87
Appendix X: Uniforms	89
Appendix X (a): Casual Days	90
Appendix XI: Heatstroke Prevention Policy	91
Appendix XII: Snow Removal Plan	93
Appendix XIII: Requests Under Freedom of Information Act	98
Appendix XIV: Infectious Disease Protocol	100
Appendix XV: Forms.....	101
Reimbursement Guidelines for Travel Expenses	102
Expense Reimbursement Request	103
Business Travel Request.....	104
Town of Berryville Employee Leave Request.....	105
Employee Change Notice	106
Exempt Employee Time Sheet	107
Employee Identification Card.....	108
Disciplinary Action Form	109
Motor Vehicle Accident Worksheet.....	111





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 of our guests. We can complete our mission only 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 effect that we all can have on the lives of others.

The employees of the Town are first and foremost public servants. Therefore, 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 for 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 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.

Community Development

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

Public Safety

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

Street Lights

The Town of Berryville provides for streetlights on all public streets located within the Town.

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

The Town of Berryville 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 a neighborhood colloquially known as "Josephine City" and Rosemont estate. Josephine City, which is listed on the National Register of Historic Places, was founded by former slaves who purchased the land in the aftermath of the Civil War. This community is notable for the survival of a c.1882 schoolhouse, now a museum, and an early church and cemetery. Rosemont was the home of Virginia governor and U.S. Senator Harry F. Byrd. Rosemont was visited by several sitting U. S. Presidents and numerous other dignitaries.

Notable residents include: General Daniel Morgan (1736-1802); 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; Lucy Diggs Slowe (1883-1937), who won the American Tennis Association's first tournament in 1917, founded Alpha Kappa Alpha sorority, and served as Howard University's first Dean of Women; Governor Harry F. Byrd (1887-1966); and George E. Thomas (1908-1980), valet to John F. Kennedy.





Objective

The objective of this Personnel Policy with Appendices is to provide a uniform system of personnel administration for the staff of the Town of Berryville, based on merit principles, competitive 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.





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-, 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.

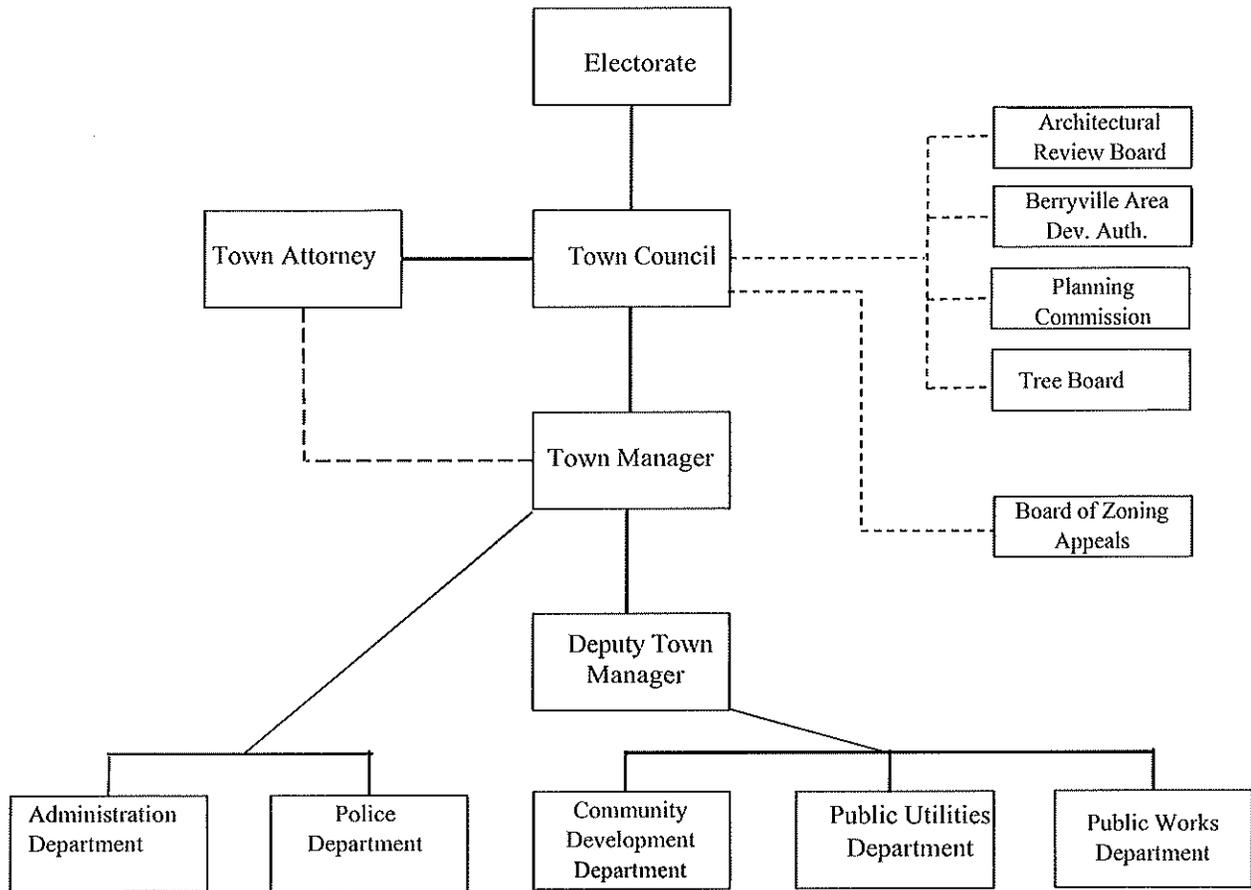
Temporary/Seasonal Employee - an individual hired on a term basis, e.g., day, week, period of months or on a project basis.

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 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.

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, genetic information, 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.

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.





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 Conflict of Interests 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.

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.





Business Ethics and Conduct

The successful operation and reputation of the Town of Berryville are built upon the principles of fair dealing and 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.





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.

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 (Appendix 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, to 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.

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.

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 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.

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 and 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. A copy of the





performance evaluation may be made available to the subject employee and the original will become part of the employee's personnel records.

Personnel Records

Personnel records are treated confidentially and 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 personal, financial, medical, performance, and disciplinary 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 information is strictly prohibited except as required by enrollment, administration, and participation in benefit plans, reporting, and oversight. Questions should be directed to supervisor, Department Head, Director of Finance/Treasurer, or Town Manager.





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.

An unexcused absence, administrative leave status, or taking leave without pay the day immediately preceding and/or the first scheduled day following the holiday may make an employee ineligible for holiday pay.

- 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.

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 Appendix XIV.





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

Bereavement Leave

Bereavement leave will be granted as follows:

- Spouse, Children, Parents: 32 hours
- Brothers or Sisters: 16 hours
- Mother-in-law, Father-in-law: 16 hours
- Grandparents/children, Uncles, Aunts, Nieces/Nephews: 8 hours
- Fiancé or Fiancée: 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. Questions should be directed to supervisor, Department Head, Director of Finance/Treasurer, or Town Manager.

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.

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 Appendix VI.

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.

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.

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.

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 Appendix 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.





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 Appendix X.





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 typically 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 typically result in reprimand, suspension, demotion, or termination)

Repeated Level I offenses.

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 or tardiness 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 or 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 typically warrants termination)

Repeated Level II offenses.

Unauthorized divulging or discussing any Town business which is confidential.

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

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, legal 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.

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 weapons or hazardous materials including chemical and biological agents and explosives.

Legal, 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. A copy of same disciplinary report will become a permanent part of employee personnel record and will be maintained as part of confidential employee records.

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 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 and 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, genetic information, 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.

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 another 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. 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, arrest, and prosecution.

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 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.

Grievance Procedure

All complaints and grievances which an employee may have because of any action affecting their 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 Appendix 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 equipment, 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.

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 Appendix 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, may 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, and
- 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 employees conducting business off-premises, employees will be issued Town-issued identification cards to wear when operating in their capacity as Town employees off-premises. 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.

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 termination. 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 use their Town of Berryville titles or email addresses or otherwise 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 a comment, post, etc., that is 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. When addressing a topic or action which may be construed to reflect Town business, it is recommended that a disclaimer be added such as “the postings on this site are my own and do not reflect or represent the opinions or positions of the Town of Berryville”.

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 Appendix VIII.





Smoking and Tobacco Use

In keeping with the Town of Berryville's intent to provide a safe and healthful work environment, the Town of Berryville restricts smoking and the use of e-cigarettes and vaping devices, including smoke-free and tobacco-free vaping devices, 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.

Supervisors, Department Heads, and the Town Manager may establish designated smoking areas at Town facilities/premises. Additional or alternate smoking areas may be established by Supervisors, Department Heads, and the Town Manager at will.

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.

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, legal 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 may raise their concerns with their supervisor or the Town Manager without fear of reprisal.

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 Appendix 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 the employee's 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.

Additional information is found herein under Declared Liberal Leave policy.

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 Appendix IV. 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 be reimbursed only 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, and
- 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.

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 VA Code §15.2-1512.2.

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.





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 are requested to 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. 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, or 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. Additional and/or alternate reference reporting may be required for members of the Berryville Police Department. Questions should be directed to Department Head, Director of Finance/Treasurer, or Town Manager.





Appendix 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: _____



BERRYVILLE TOWN COUNCIL

MOTION TO SET PUBLIC HEARING FOR MAY 09, 2023 ON
PROPOSED FY 2024 BUDGET

Date: April 11, 2023

Motion By: *G. Gibson*

Second By: *—*

I move that the Council of the Town of Berryville set a public hearing for its May 09, 2023 meeting to hear public comment on the proposed FY 2024 budget.

VOTE:

Aye: *Unanimous voice vote*

Nay:

Absent:

ATTEST:

Erecka L. Gibson, Vice Mayor

BERRYVILLE TOWN COUNCIL PERSONNEL, APPOINTMENTS, AND POLICY COMMITTEE
Berryville-Clarke County Government Center
MINUTES
April 24, 2023

A meeting of the Berryville Town Council Personnel, Appointments, and Policy Committee occurred at 2:00 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the committee: Mayor Jay Arnold, Chair; Vice Mayor Erecka Gibson

Staff participating: Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Paul Culp, Town Clerk

Also present: Tree Board Applicant Loretta Allison

1. Call to Order

Mayor Arnold called the meeting to order at 2:02 p.m.

2. Approval of Agenda

Vice Mayor Gibson moved to approve the agenda. The motion passed by consensus.

3. Unfinished Business

None.

4. New Business

None.

5. Closed Session

Vice Mayor Gibson moved that the Personnel Committee of the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-1 of the Code of Virginia, for discussion, consideration, or interviews of prospective candidates for appointment. The motion passed by consensus.

The committee returned to open session at 2:25 p.m. upon the approval of the **attached** motion read by Vice Mayor Gibson.

The consensus of the committee was to recommend to the full Town Council that Ms. Allison be appointed to the Tree Board. The committee also discussed a second appointment, and Mayor Arnold said he he would contact the applicant and discuss her appointment with the full Town Council.

6. Other

Ms. Petti directed the committee's attention to the employee handbook included in the agenda package. She said a few typographical errors needed correction and that several more substantive possibilities for change merited attention.

There was a discussion of time worked on holidays as it relates to overtime, and of the "hours worked" requirement for overtime pay.

There was a discussion of a new provision to allow the Town Manager to extend the amount of leave time permissible for accrual beyond the 240 hours previously stipulated.

There was a discussion of shift-differential pay and compensatory time.

There was a discussion of sick leave accrued before 2014.

7. Adjourn

The meeting adjourned by consensus at 2:55 p.m. on a motion by Vice Mayor Gibson.

Town of Berryville
Personnel, Appointments, and Policy Committee
MOTION TO ENTER CLOSED SESSION

Date: April 24, 2023

MOTION BY: Gibson

SECOND BY: NA

I move that the Personnel Committee of the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-1 of the Code of Virginia, for discussion, consideration, or interviews of prospective candidates for appointment.

VOTE:

Aye: Unanimous voice vote

Nay:

Attest: _____

Erecka L. Gibson, Vice Mayor

TOWN COUNCIL
MOTION
CLOSED SESSION RESOLUTION

DATE: April 24, 2023

MOTION BY: **Gibson**

SECOND BY: **NA**

I move that the Personnel Committee of the Council of the Town of Berryville adopt the following resolution certifying it has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act:

Resolution

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Committee that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Committee hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

VOTE:

Aye: **Unanimous roll-call vote.**

Nay:

Absent/Abstain:

ATTEST: _____
Erecka L. Gibson, Vice Mayor

BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE
Berryville-Clarke County Government Center
MINUTES
April 25, 2023

A meeting of the Berryville Town Council Streets and Utilities Committee was held on Tuesday, April 25, 2023 at 3:00 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Members of the committee present: Diane Harrison, Chair; Ryan Tibbens

Other Council member present: Mayor Jay Arnold

Staff present: Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Paul Culp, Town Clerk; Chief of Police Neil White

Also present: Berryville residents Michael and Michele Lee

1. Call to Order

Ms. Harrison called the meeting to order at 3:00 p.m.

2. Approval of Agenda

Ms. Harrison asked for approval of the agenda, with New Business being advanced to the first item for discussion to accommodate visitors presenting their concerns. The agenda was approved by consensus on a motion by Mr. Tibbens.

3. New Business

**Request from Owners of 214 East Main Street for Parking Restrictions East of Their Driveway
Along North Side of East Main Street**

The Lees, owners of the property, shared photos illustrating problems with sight distance at the exit of the driveway, which Mr. Dalton had determined was consistent with other driveways in the vicinity and therefore not sufficient reason for granting the request for a restriction. The owner told the committee there were problems with turning radius and that a neighbor parking in an especially problematic spot had not been cooperative.

Mr. Tibbens and Mr. Dalton discussed the process involved in a restriction, which Mr. Dalton said had been applied in the past only with commercial properties and lanes serving multiple properties.

The consensus of the committee was to follow Mr. Tibbens' suggestion that caution prevail in the setting of a precedent and that the matter be tabled pending further examination of similar situations.

4. Unfinished Business

Truck Traffic on South Church Street

Mr. Tibbens being the newest member of the Town Council, Ms. Harrison briefly explained the background of the problem, which she said was escalating and was not responsive to measures taken thus far. She said limits on truck length would be desirable in order to exclude semis from South Church.

A discussion established that other streets did not have similar problems, and Mr. Tibbens concluded that a sign would be appropriate, though enforcement would be difficult.

The consensus of the committee was to impose a limit on truck length. Mr. Dalton said staff would prepare accordingly for the May meeting of the full Town Council.

Drainage Improvement Projects Near Dorsey, Treadwell, and Walnut Streets

Mr. Dalton summarized needs and problems on and near the Ashby Court cul-de-sac, Dorsey and Treadwell Streets, and Jackson Pond and conveyance to 304 West Main Street.

There was a discussion of areas that had prompted complaints by residents, and of the cost of addressing those problems.

Ms. Harrison recommended discussing proposed projects with residents who would be affected by them.

5. Other

Chief White having arrived during Unfinished Business, Ms. Harrison summarized for him the discussion of parking restrictions. Chief White said precedent could be problematic.

The committee also summarized for Chief White the discussion of truck traffic. Chief White noted that the penalty for an infraction would be \$30 plus court costs and would not be a significant deterrent in terms of damage to the individual truck driver's record.

6. Closed Session

None.

7. Adjournment

The meeting adjourned at 4:31 p.m. on a motion by Mr. Tibbens.

BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE
Berryville-Clarke County Government Center
MINUTES
April 25, 2023

A meeting of the Berryville Town Council Community Development Committee was held on Tuesday, April 25, 2022 at 4:00 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the committee present: Ryan Tibbens, chair; Diane Harrison

Staff participating: Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Paul Culp, Town Clerk; Chief of Police Neal White

Also present: Mayor Jay Arnold

1. Call to Order

Mr. Tibbens called the meeting to order at 4:32 p.m.

2. Approval of Agenda

The agenda was approved by consensus on a motion by Ms. Harrison.

3. Unfinished Business

Hogan's Alley Improvement Project

Ms. Petti briefly reviewed the funding roles played by the Town, Berryville Main Street, and a Community Vitality Grant. She also described progress in deliberations about the best approach to creation of the proposed mural.

There was a discussion of bollards that would allow access for maintenance and snow removal, and of commemorative plaques.

Ms. Petti explained that one property owner had expressed concern about the placement of benches in the alley attracting undesirable congregants. Ms. Harrison said the misbehavior of children would be a more significant problem. Ms. Petti said Chief White and indicated that directed patrols would occur in the area.

Chief White said he concurred with the property owner, as benches would render the area a park rather than an alley. Mr. Dalton noted that it is intended to be a pedestrian travel way.

Mr. Tibbens suggested that the project as planned this far was unlikely to remain within budget and that the benches be eliminated as a means of reducing costs. Ms. Harrison said a welcome arch would be superior to benches and that it is important to keep people moving through the alley, lest the area begin to appear unsafe to some.

Mr. Dalton said surface treatment, drainage work, and the plaque would be suitable contributions for the Town and that Berryville Main Street should do the rest. Mayor Arnold concurred.

Mayor Arnold said the benches were not problematic, that there are others in town. Chief White noted that the latter all front on the street.

There was brief discussion of mural location.

The committee agreed to conduct further research.

Parade Route

Mr. Dalton briefly reviewed the recent establishment of a new parade route and the request for an alternative for the upcoming parade celebrating the anniversary of the Town's founding. Mr. Tibbens asked if whether any difficulties had occurred in the matter, and Mr. Dalton said all was well.

Berryville 225 Celebration

Nothing new was added to previous discussions of the celebration of the Town's founding.

Short-Term Rentals

Ms. Petti reviewed the consideration of the matter thus far, with the Community Development and Public Safety Committees having considered it prior to the submission to the Planning Commission of the following text amendment:

"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. Advertisement or operation of a short-term rental unit requires a business license, remittance of transient occupancy tax, and is limited to dwellings and accessory buildings which hold a Clarke County Certificate of Occupancy. Events are prohibited. No food preparation or service may be provided to primary renter or guests of short-term rental.

Ms. Petti said the Planning Commission had recommended review of Winchester's ordinance and Loudoun County's draft ordinance, which were included with the agenda. She directed the committee's attention to the definition of "hotel" in the Loudoun County document, and the committee agreed that the verbiage therein would be helpful, with the addition of "short-term rental" specifically. The committee also agreed with staff's recommendation that short-term rentals be permitted only in areas zoned residential.

Ms. Petti said staff had not yet reached a consensus on parking and maximum occupancy.

There was a discussion of the definitions of "hotel" and "bed and breakfast." Mr. Tibbens cautioned against taking definitions to excess.

There was a discussion of whether to establish a registry. Mr. Dalton said doing so would increase accountability. Chief White said a registry would provide contact details for expressions of concern and for emergency situations.

Mr. Tibbens said he would like regulation of short-term rentals to proceed, with the text additions/revisions included in the packet and with the addition of Ms. Harrison's recommendation that a phone number for the property owner and an emergency contact also be added to the information collected as part of the registration process. The committee consented to Mr. Dalton's request that the matter be placed on the agenda for the June meeting of the full Council.

Mr. Tibbens said regulations should be worded and utilized to encourage responsible short-term rental operation/management while not infringing on the owners' right to use their properties as they wish.

4. New Business

None.

5. Closed Session

None.

6. Other

None.

7. Adjournment

The committee adjourned by consensus at 5:35 p.m. on a motion by Ms. Harrison.