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# **CHAPTER 8**

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## **GENERAL RULES**

### **8.1 Official Hours**

The official hours of the County shall be 8:00 a.m. until 4:30 p.m., Monday through Friday. Because of the variety of services that local government employees provide, an individual employee's work schedule may be different from the official hours.

### **8.2 Holidays**

#### **A. Official Holidays**

Administrative offices shall be closed on officially designated County holidays. Employees who provide public safety or other essential services may be required to work on holidays.

The County shall observe the following holidays:

New Year's Day	January 1
Lee-Jackson Day	Friday preceding the 3rd Monday in January
Martin Luther King, Jr. Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Columbus Day	2nd Monday in October
Veterans Day	November 11
Day Before Thanksgiving Day	Close at Noon
Thanksgiving Day	4th Thursday in November
Day After Thanksgiving	4th Friday in November
Christmas Eve (1/2 day)	December 24
Christmas Day	December 25

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B. Additional Holidays

In addition to those holidays listed above, any other day or part of a day declared as a holiday by the Governor of the Commonwealth of Virginia or by the Board of Supervisors shall be designated an official holiday.

C. Holidays on Weekends

If a holiday falls on a Saturday, the preceding Friday may be observed as the designated holiday; if the holiday falls on a Sunday, the following Monday may be observed as the designated holiday, if so determined by the Board of Supervisors. Holidays for shift workers are observed on the days in which the holiday actually falls.

### **8.3 Employee Recognition Program**

A. Purpose

The accomplishments and values of County employees provide the cornerstone of successful operations. It is the objective of the Board of Supervisors to encourage all employees to participate fully in providing quality service to Spotsylvania County citizens, visitors and staff, thereby contributing significantly to the success of the County and the health, safety and welfare of our citizens. Toward this end, the County will recognize individuals and/or teams who demonstrate exceptional customer service, process improvement, and/or teamwork.

B. Scope

This policy provides basic guidelines for the administration of the County's Employee Recognition Program and is applicable to all employees classified as regular full-time or regular part-time.

C. Responsibilities

1. County Administration

- a. Approves funding of requests
- b. Budgets funds for requests

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- c. Reviews requests and has final approval of recommendations
2. Human Resources
    - a. Has the overall responsibility for this program
    - b. Assists departments in the interpretation and execution of this program by providing guidance
    - c. Reviews the program to incorporate changes as necessary
    - d. Manages funding of requests
    - e. Provides status reports to County Administration
  3. Department Directors/Constitutional Officers
    - a. Use this policy as a framework to develop recognition programs within their departments, which are tailored to the needs of their employees
    - b. Ensure that recognition and rewards are fairly and uniformly administered based on merit
    - c. Ensure that deserving employees are recognized in a timely manner to enhance the impact of the recognition
    - d. Ensure that adequate funds exist to cover any monetary recognition and proper account codes are used
  4. Supervisory/Managerial Employees
    - a. Assist Department Directors/Constitutional Officers in ensuring that employees receive appropriate recognition
  5. Peers
    - a. Recognize each other for team and individual efforts

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D. Recognition Guidelines

1. Criteria

Reasons for recognition shall include, but are not limited to, the following:

- a. Providing exceptional customer service
- b. Identifying areas of monetary savings
- c. Exemplifying County values
- d. Identifying and implementing a process improvement
- e. Initiating productivity enhancements
- f. Exceptional performance, leading to the achievement of team or departmental goals
- g. Identifying loss prevention methods
- h. Excelling in safe work practices
- i. Performing a special act or service above normal duties
- j. Being innovative or creative

2. Principles

- a. Recognition should be commensurate with the reason it is given
- b. For recognition to be meaningful, it should be timely and linked to desired behavior
- c. Appropriate public recognition can enhance the impact of recognition

- d. Every employee has a responsibility to ensure that actions which merit recognition are brought to the attention of the appropriate Department Directors/Constitutional Officers, or their designee
- e. Recognition must be fairly and equitably dispersed throughout the organization
- f. Recognition is not an entitlement nor should it be the basis of expected compensation
- g. Both team and individual recognition are important

3. Forms of Recognition

Accepted forms of recognition are listed below, with the levels of approval required. <b>Approval Required</b>	<b>Forms of Recognition</b>
Peer	<ul style="list-style-type: none"> <li>• Verbal thank you</li> <li>• Letter of Appreciation</li> <li>• Assist with job duties</li> </ul>
Department Director Constitutional Officer's Designee	<ul style="list-style-type: none"> <li>• Certificate of Recognition</li> <li>• Time off (up to two hours)</li> <li>• Non-monetary forms of recognition</li> </ul>
Department Director	<ul style="list-style-type: none"> <li>• Any of the above</li> <li>• Time off (up to one day)</li> </ul>
Deputy County Administrator	<ul style="list-style-type: none"> <li>• Any of the above</li> <li>• Time off (more than one day)</li> </ul>
County Administrator Constitutional Officer	<ul style="list-style-type: none"> <li>• Any of the above</li> <li>• Including cash bonuses up to \$1,000.00</li> </ul>

4. Non-monetary forms of recognition include:

- Thank you notes
- Pass along compliments from another individual

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- Meet with County Administrator
  - Recognition at Board of Supervisors meeting
  - Casual day
  - Letter of appreciation
  - Certificates
  - Recognition at staff meetings
  - Verbal recognition
  - Certificate of recognition from peers
  - Invite employees to make presentations to senior management
  - Department specific awards
  - Memo to Department Director/Constitutional Officers on performance, with copy to employee
  - Press release in public newspaper and County Website, County TV channel, and newsletters

5. Monetary forms of recognition include:

- Time off
- Plaques
- County paraphernalia including notepads, pens, calendars, mugs, shirts, hats, etc.
- Special celebrations in accordance with the County Non-travel Business Meals and Refreshments Policy
- Cash bonuses

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- Across the board bonuses appropriated by the Board of Supervisors
  - Awards given for outstanding performance up to \$1,000 with required approval

6. Documentation

All forms of recognition shall be documented on the Recognition Documentation Form (Attachment II) and placed in the Human Resources employee file. Documentation shall contain the following: a. The employee name/team composition

- b. The form of recognition
- c. A brief description of the actions or activities that warranted recognition
- d. Dates the actions occurred
- e. The date recognition was given

7. Recognition Presentation

Department Director/Constitutional Officers or their designees shall recognize employees in an appropriate manner, and shall take every opportunity to publicly thank employees and publish names and events, as appropriate.

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ATTACHMENT II

**Recognition Documentation Form**

<b>Employee/Team Members:</b>	<b>Supervisor's Name:</b>
	<b>Department</b> <b>Director/Constitutional Officer's Name:</b>
<b>Position Title:</b>	<b>Department:</b>
<b>Recommended by:</b>	
<b>Form of Recognition:</b>	
<b>Date Recognition Given:</b>	
<b>Reason for Recognition and Date of Occurrence:</b>	

cc: HR Employee File

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## **8.4 Service Recognition**

Service award certificates, and other recognition items may be awarded to employees upon VRS service retirement and regular full-time and part-time employees upon satisfactory completion of compiled service as follows: five (5) years, ten (10) years, fifteen (15) years, twenty (20) years, twenty-five (25) years, thirty (30) years and beyond in 5 year increments.

## **8.5 Employee Committee**

The Employee Committee, an advisory group established by the County Administrator composed of volunteers who meet as agreed by its members, have adopted the following mission statement:

In the interest of unification, harmony and productivity, the Spotsylvania Employee Committee is dedicated to working as a team to enhance employee relations, address employee concerns and encourage communication and cooperation between Spotsylvania County employees and the County Administration.

Established by the County Administrator, the Employee Committee is advisory only.

## **8.6 Severe Weather**

When weather conditions are serious enough to raise questions about whether County offices will be open, employees should listen to local radio stations (such as WFLS 93.3, WBQB 101.5 or WJYJ 90.5) for relevant announcements. County offices may be declared closed by the County Administrator during periods of severe weather and/or when the health and safety of employees are at risk. (See Section 11.4) The County Administrator's declaration of closure may affect the manner in which an employee is paid for that day from the specified time of the County Administrator's declaration. (See Section 22.9.) If a re-opening time is not declared, it is presumed to be 12:01 a.m. of the next calendar day. Unless announced to the contrary, employees should report to work as scheduled.

### **A. Essential Positions**

Employees in essential positions have duties related to any aspect of weather emergency response or provide essential and/or public safety services. Essential personnel shall be required to report for duty following departmental standard operating procedures. A listing of essential positions is provided in the Appendix of this manual. Departments shall submit an updated list of essential employees to the Director of Human Resources annually.

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B. All Other Positions

When County offices are closed due to inclement weather, non-essential employees shall be released from duty and will be compensated in accordance with Section 22.9. In the interest of employee safety and well-being, non-essential employees may not report to work unless they have received advance approval by their supervisor. If a non-essential employee works without approval, the employee may be subject to disciplinary action.

C. Liberal Leave

When County offices are open during inclement weather, a liberal leave policy is in effect for those in non-essential positions. Under liberal leave, employees may take Annual Leave, Compensatory Time and/or Leave Without Pay, without having requested it in advance. The employee, upon returning to work, shall submit a request for any time he was absent from work while County offices were open. However, an employee shall notify his immediate supervisor as soon as possible whenever he will be late or absent.

D. Previously-Approved Leave Restored

Employees who requested Annual, Sick, and/or Compensatory Leave prior to County offices closing due to severe weather or extraordinary circumstance declared by the County Administrator shall not be charged for any time that their approved leave coincided with the period that County offices were closed.

**8.7 Punctuality**

- A. Efficient and effective service for County residents and businesses requires regular attendance and punctuality of all employees. Excessive absenteeism, chronic tardiness and unexcused absences disrupt service delivery and will not be tolerated. Excessive absenteeism and/or tardiness may be grounds for dismissal.
- B. Departments, constitutional offices and agencies for whom the County prepares paychecks shall maintain proper attendance records.

**8.8 Flexible Work Schedules**

Department directors may recommend to the County Administrator flexible work schedules where appropriate for employees within their departments. No flexible or alternative work schedules shall be implemented without the prior approval of the County Administrator.

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## **8.9 Required Certifications and Licenses**

The minimum qualifications for certain positions include specific professional or technical certification or licensure. Those employed in such positions shall maintain the required certification and licensure in order to continue employment in that position. (See Training and Development, Chapter 14.3.)

## **8.10 Dress**

Employees are expected at all times to present a professional, business-like image to clients, visitors, customers and the public.

Certain staff may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms or protective clothing, depending on the nature of their job. Uniforms and protective clothing will be provided to employees by the County.

At its discretion, a department may allow staff to dress in a more casual fashion than is normally required (such as during unusually hot or cold weather or during special occasions). On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped, frayed or disheveled clothing, athletic wear, tight, revealing or otherwise inappropriate clothing.

Any staff member who does not meet the attire or grooming standards set by his or her department will be required to take corrective action, such as leaving the premises to change clothing. Hourly-paid staff will not be compensated for any work time missed because of failure to comply with designated workplace standards.

The County will reasonably accommodate a staff member's religious beliefs in terms of workplace attire unless the accommodation creates an undue hardship or safety concern. Staff members requesting a workplace attire accommodation based on religious beliefs should be referred to the Director of Human Resources.

Violations of this policy can range from inappropriate clothing items to offensive perfumes and body odor. If a staff member comes to work in inappropriate dress, the staff member will be required to go home, change and return to work.

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If a staff member's poor hygiene or use of too much perfume/cologne is a concern, the supervisor should discuss the problem with the staff member in private, pointing out the specific areas to be corrected. If the problem persists, supervisors should follow the normal corrective action process.

### **8.11 Employee Identification Badges**

County identification badges are required to be worn by employees as directed by Department Director/Constitutional Officer. Lost or stolen badges must be reported to the Department of Human Resources and replaced at the employee's expense. All badges are the property of the County and shall be returned to the Department of Human Resources upon separation from County employment. (See Safety Program, Chapter 15.13.) Failure to return the badge within five days of separation from County employment may result in criminal charges.

### **8.12 Use of Tobacco Products**

In the interest of the health and well-being of employees and the public, the use of tobacco products and alternative tobacco products is prohibited in County buildings and County vehicles of any kind. Such use is defined as holding, carrying, inhaling and exhaling a cigar, cigarette, pipe, electronic cigarette, vaporizer or any other use of tobacco or alternative tobacco product to include chewing. Nicotine gum or patches used for tobacco cessation purposes are not prohibited.

Failure to comply with this policy may result in disciplinary action.

### **8.13 Use of County Equipment**

#### **A. County Business**

The County provides employees with tools and office equipment intended for use while performing County business. This equipment (including copying and facsimile machines; carpentry and lawn care tools, plumbing and earth-moving equipment; and vehicles, etc.) is not intended for employee's personal use. Removal or private use of County property without proper permission from the custodian of the property may result in disciplinary action.

#### **1. Computers**

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- a. Each employee authorized to use a terminal, personal computer, Notebook, Netbook, cell phone, and/or PDA will be given specific responsibilities for maintaining, preserving and securing information he/she uses and accesses. Mainframe access must be obtained through the Department Director/Constitutional Officer. Sharing user ids and/or passwords for any systems, unless otherwise set up as generic account access by Information Services is not permitted.
  - b. Employees may retain personal data on their County-assigned computer, provided it does not interfere with business operations. Employees may not store personal data on County networks. The County is not responsible for personal data lost on County-assigned computers.
  - c. Employees may not attach personally owned equipment on their County assigned computer, nor attach any devices to the County-owned network without prior approval from Information Services. Information Services retains the right to limit the use of personally owned equipment attached to the County-owned network.
  - d. Employees are required to ask for a County photo identification badge before allowing any unrecognized person access to their County terminal or PC.
2. Telephones
    - a. County telephones are intended for use while conducting County business. The employee shall reimburse the County for any necessary personal long distance calls.
    - b. Personal calls, whether using a County telephone, County cell phone or a personal cell phone, should be as brief as possible.
3. Electronic Communication Systems
    - a. Electronic communication systems including, but not limited to: computer equipment, telephones, cell/mobile phones, pagers, photocopiers, radios,

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network devices, and other related peripherals and accessories are considered County property and are to be used for County business.

- b. All electronic communications transmitted by, received from, or stored in these systems are the property of the County and, therefore, not considered private.
- c. Employees may make reasonable personal use of electronic communication systems provided by the County as long as:
  - 1. There is no or negligible cost to the County or public
  - 2. There is no negative impact on employee performance or public duties
  - 3. Employees shall reimburse the agency if any costs are incurred
  - 4. No other provision in this section for acceptable use is violated
- d. The County reserves the right to monitor all electronic messages including, but not limited to, transmitted, received, and/or deleted messages using the County's electronic communications systems. The County has the capability to retrieve previously deleted messages as well as current communications.
- e. Employees are prohibited from sending messages which are sexually or racially harassing or discriminatory in any way.
- f. Employees are prohibited from bulk forwarding emails from personal email accounts to their County email accounts. Forwarding individual emails from a personal account is acceptable, on a limited basis.
- g. Each employee, upon being hired, will receive the "Acknowledgement of Electronic Communications" policy form and shall sign the acknowledgement form confirming that the employee has received a copy of the policy and understands it.

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- h. Employees who violate this policy are subject to disciplinary action up to and including termination.
4. Use of laptops, PDAs, SmartPhones, USB Devices, external drives, and other mobile and/or removable media devices
- a. The advancement of technology has allowed many employees to be assigned equipment, such as laptops, PDAs, Smartphones, USB devices, external hard drives and other mobile and/or removable devices. Each employee assigned any such combination of mobile and/or removable devices is responsible for the safe storage and use of the devices. The employee should take appropriate measures to ensure that any device left in a vehicle is properly secured in a location not easily seen by a passer-by, and that the vehicle is properly secured while unattended. The employee should ensure that the device(s) are not left unattended in open, public spaces.
  - b. Due to the potential of theft or loss of mobile or removable devices, at no time should sensitive data be downloaded to any device that leaves County premises at any time for any reason.
  - c. Information Services reserves the right to audit mobile and/or removable media at any time.
5. Data Ownership
- a. All data on County-owned electronic devices is the property of the County.
  - b. Users may not create and store databases of information in such a manner that it is encrypted and/or password protected from department and/or director use.
  - c. Users may not download data from central databases into personally stored databases, except where required for analysis.

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Users may not download data from any system and provide to any other department and/or agency without a written request from the requestor, and approval from the user's department supervisor and/or director.

User, with the exception of IS employees or its representative, may not upload data to any central database

**B. Vehicle Use**

Certain designated employees are required to utilize County take-home vehicles. These County take-home vehicles are intended specifically to enable these employees to respond directly from home to calls for service. Employees are not authorized to utilize the take-home vehicles for personal use. However, because these employees are required to utilize County take-home vehicles and, therefore, have no other means of transportation available during working hours, the following exceptions apply:

1. Travel to and from lunch or medical appointments, provided the distance traveled is reasonable.
2. Personal errands on the way to or from work, or during the lunch break, if the errand requires only a minor deviation from the normal route traveled. A minor deviation is defined as one mile or less.
3. Employees assigned County take-home vehicles will not carry passengers other than County employees or other authorized personnel.
4. An employee will be taxed according to prescribed IRS rules and regulations for any compensatory benefit received from County vehicle use. It is the responsibility of the employee to notify his department director if there has been a change in vehicle usage.

**8.14 Electronic Communications**

The purpose of this section is to establish the County's policy for the use of electronic communications systems provided by the County, including, without limitation, electronic mail (e-mail), fax, Internet, pager, photocopier, radio and telephone.

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A. Ownership

Electronic communications systems are the property of the County. They are to be used for County business. All electronic communications transmitted by, received from or stored in these systems are the property of the County and, therefore, are not considered or treated as private.

B. Personal Use

Employees may make reasonable personal use of electronic communications systems provided by the County as long as:

1. There is no or negligible cost to the County or public
2. There is no negative impact on employee performance of public duties
3. Employees shall reimburse the agency if any costs are incurred
4. No other provision in this section for acceptable use is violated

C. Sexual or Racial Harassment

Employees are prohibited from sending messages, which are unprofessional, harassing, sexually suggestive or discriminatory.

D. Monitoring

The County reserves the right, and intends to, monitor all electronic messages transmitted or received using the County's electronic communications systems. It has the capability to retrieve previously deleted messages as well as current communications. The County reserves the right to use any electronic communication described in this policy for disciplinary purposes, if warranted.

E. Discipline

Employees who violate this policy are subject to discipline up to and including termination.

F. Acknowledgement

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Every employee shall sign an acknowledgement form confirming that the employee has received a copy of this policy and has read and understands the policy.

### **8.15 Social Media**

The County respects and honors the First Amendment rights of its employees to share and post personal comments on the Internet (i.e., personal website, personal/County blogs, Facebook, Twitter, and other similar social networking interface). However, a County employee whose public statements or Internet postings interfere with the County's ability to provide effective and efficient services to the public may be disciplined, up to and including termination of employment for such comments or postings.

Employees are prohibited from using social media websites during working hours unless directed to do so by Department Director/Constitutional Officer.

### **8.16 Reimbursement for Personal Expenses Incurred in Connection With the Performance of Official County Business**

From time to time, County officials (employees and members of the Board of Supervisors, the Planning Commission, the Board of Zoning Appeals, etc.) incur certain personal expenses in connection with the performance of official County business. Those officials will be reimbursed for reasonable and appropriate expenses in the following manner.

#### **A. Use of Private Vehicle**

When a County owned vehicle is not available and a County official must use his private vehicle while conducting official County business, that individual will be reimbursed for mileage at the current rate as established by the Internal Revenue Service. There will be no reimbursement for any other expenses related to the operation or maintenance of the private vehicle, with the exception of tolls or parking fees documented by receipt.

Mileage driven while on official County business shall be recorded on a mileage reimbursement form, approved by the County Administrator, indicating the date, destination, purpose, and total mileage of individual trips. Mileage reports shall be approved by the appropriate department director or the County Administrator and

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processed for reimbursement through the Finance Department no less frequently than on a quarterly basis.

**B. Travel Expenses**

An employee's extended travel must be approved in advance by his/her department director or the County Administrator and be approved in the budget process. The preferred method of payment for lodging and travel by common carrier is by way of advanced reservations with direct or credit card billing to the County. County employees are to inquire, and use if available, any government rate for lodging.

In accordance with the Spotsylvania County Travel Policy & Procedures, reasonable lodging and expenses for extended travel will be reimbursed following submission of a completed reimbursement form and receipt(s) or other appropriate documentation. An approval by his department director or County Administrator is also required. This includes the use of a private vehicle (if necessary), airline, train, bus or other common carrier transportation, taxi or cab service, rental vehicle (pre-approved), tolls, parking fees, business telecommunications, lodging, and meals (including gratuity and excluding alcohol).

Detailed information regarding County related travel and expenses is found in the Spotsylvania County Travel Policy & Procedures which may be obtained from the Finance Department.

**C. Miscellaneous Expenses**

Other reasonable and appropriate expenses (such as for operating supplies, material or equipment) necessary for the conduct of County business, that are incurred by a County official when direct billing or the use of a County credit card is not possible, will be reimbursed when supported by a written receipt or other appropriate documentation and approved by the department director or County Administrator.

**8.17 Solicitations**

The County prohibits unrestricted solicitation and the distribution of literature during working hours and in work areas by employees, individuals or groups not associated with the County. Any solicitation must be pre-approved by the County Administrator.

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### **8.18 County Personnel Files**

An employee may review his County personnel file during regular office hours in the Department of Human Resources. Documents, except those restricted by other policies or laws, may be reproduced at the employee's request by an employee of the Department of Human Resources as time permits.

An employee's County personnel file shall be accessible only to the employee, his department director, the Deputy County Administrator, and the County Administrator.

An employee may request in writing that inaccurate information in his County personnel file be corrected or may provide supplemental information to the file when correction is not deemed appropriate.

### **8.19 Personal Information**

Employees shall notify the Department of Human Resources of any changes in personal information. Any problems incurred by the County's use of out-of-date information are not the responsibility of the County.

### **8.20 Verification of Employment**

All requests for employment references and verification of employment or salary for current and former employees shall be referred to the Department of Human Resources. Employees shall not supply such information to inquiring parties.

### **8.21 Public Inspection of Human Resources Information**

The name, title and salary of current and former employees shall be available for public inspection during business hours and in accordance with such procedure as the County Administrator may prescribe. The Privacy, Government Data Collection and Dissemination, and Freedom of Information Acts shall govern all public availability of employee records.

### **8.22 Destruction of Records**

The retention and destruction of official records shall be governed by the Virginia State Library in accordance with the Virginia Public Records Act and applicable Federal laws. County personnel

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files and any other records may be kept longer than the minimum required time at the discretion of the County Administrator.

### **8.23 Garnishments**

- A. Employees are expected to meet their financial obligations. Garnishments may reflect unfavorably on the County and may have an adverse effect on the employee's job performance. Employees experiencing financial difficulties are encouraged to seek financial counseling through the Employee Assistance Program (EAP).
- B. Should the County be served with a writ of garnishment or attachment, a notice of levy by the Internal Revenue Service or other taxing authority, or any other order requiring payment of an employee's compensation to someone else, the County will deduct the required amount from the employee's disposable earnings in an amount not to exceed that permitted by law.
- C. Two or more garnishments involving more than one creditor during any 12-month period may be grounds for discipline up to and including dismissal.

### **8.24 Political Activities**

- A. The components of this section are designed to promote public trust and confidence in County government by ensuring that it is free of the actual or apparent influence of partisan politics and that employment and advancement in the County are based on meritorious performance rather than political service or affiliation. In addition, it protects every employee's right to vote and to keep this right free from interference, solicitation or dictation by any fellow employee, supervisor, or officer.
  - 1. Every employee is encouraged to vote in every appropriate election. Moreover, except as limited in this policy, County employees are free to engage in political activities.
  - 2. For the purpose of this policy, the term "political activity" or "political activities" includes, but is not limited to: voting; registering to vote; soliciting votes or endorsements on behalf of a political candidate,

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campaign, or issue; expressing opinions, privately or publicly, on political subjects, candidates, or issues; displaying a political picture, slogan, phrase, hashtag, sign, sticker, badge or button; participating in the activities of or contributing financially to, a political party, candidate, campaign, or issue, or an organization that supports a political candidate, campaign, or issue; attending or participating in a political convention, caucus, rally or other political gathering; initiating, circulating or signing a political petition; engaging in fund-raising activities for any political party, candidate, campaign, or issue; acting as a recorder, watcher, challenger or similar officer at the polls on behalf of a political party, candidate, campaign, or issue; or becoming a political candidate.

3. Under no circumstances shall an employee: engage in political activities while performing the duties related to his/her County position, use any County property to engage in political activities or engage in political activities in County uniforms or clothing that identifies the individual as a County employee. This prohibition shall not apply to an employee registering to vote or voting.
  - a This policy does not apply to a County employee's personal vehicle that visibly displays anything that can be considered political activity.
  - b This policy shall not prohibit an employee from engaging in any activity necessary in the performance of duties related to his or her employment.

B. County employees shall not:

1. Discriminate against any employee or applicant for employment based on political affiliations or political activities.
2. Discriminate in the provision of County services or responding to requests for services, on the basis of the political affiliations or political activities of the person or organization for which such services are provided or requested.

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3. Suggest or imply that the County has officially endorsed a political party, candidate, campaign, or issue. This prohibition shall not apply to any matter which the County has lawfully endorsed, such as the County’s Legislative Agenda, for example.
  4. Use his/her official authority to coerce or attempt to coerce a subordinate employee to pay, lend or contribute anything of value to a political party, candidate or campaign.
  5. Use the prestige of his/her position on behalf of any political organization or party. For purposes of this section, a “political organization” shall be defined as “any group, formal or informal, which endorses candidates for elective office at any level of government—national, state or local, or otherwise engages in activities intended to effect the outcome of an election, whether for a person or an issue”.
- C. Employees may be candidates for political office, including membership on the Spotsylvania County Board of Supervisors. However, in order to protect the efficiency, integrity, discipline, and morale of officers and employees of the County, prior to taking office, any employee elected to the Spotsylvania County Board of Supervisors must resign from employment with the County or shall be released from employment with the County. This provision shall take effect on December 10, 2019, and shall therefore not apply retroactively to any employee serving as a member of the Board of Supervisors as of that date. This provision shall not apply prospectively to any such employee so long as the employee continually serves in that office; however, should any such employee at any point not continue in that office, this provision shall apply to the employee.
- D. Except as set out in Section 8.24(C) above, any employee who accepts an appointment to or becomes a candidate for election to any federal, local or state public office shall resign his or her position, unless prior to accepting the appointment or becoming a candidate the employee shall:

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1. Obtain an advisory opinion from the Commonwealth's Attorney stating that his or her off-duty candidacy or acceptance of the appointment and continued status as an employee would not constitute a violation of the State and Local Government Conflict of Interests Act, of the Code of Virginia, Section 2.2- 3100 et seq.
  2. Obtain an opinion from the employee's department director which states that the employee's off-duty candidacy or acceptance of the appointment will not have an adverse impact on the employee's performance of County duties, and that such off-duty candidacy or appointment will not have an adverse impact on the ability of the employee's co-workers to perform their public duties. Before rendering such opinion, the department director shall confer with the employee's immediate supervisors and the County Administrator.
- E. Any employee who desires to become a candidate for public elective office but is unable to obtain the opinions described above may be permitted, in the discretion of the department director, to be absent from his or her duties as an employee by being placed on leave, without pay, during the period of such candidacy. Any employee who is elected or appointed to a public office as described herein and is unable to obtain the opinions described above shall resign his or her County position before assuming office.

**8.25 Gift and Ethics Policy** As used in this policy:

“Nominal Value” means fifty United States dollars or less in any twelve month period.

“Immediate Family” means (i) a spouse and (ii) any other person residing in the same household as the officer or employee, who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

“Dependent” means a son, daughter, father, mother, brother, sister or other person, whether or not related by blood or marriage, if such person receives from the officer or employee, or provides to the officer or employee, more than one-half of his financial support.

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1. An employee of Spotsylvania County shall avoid any and all actions, whether of no specifically prohibited by this policy, which might result in or create the appearance of the following:
    - a. Using public office for private gain
    - b. Giving preferential treatment to any person
    - c. Impeding government efficiency or economy
    - d. Losing complete independence or impartiality
    - e. Making a government decision outside of official channels
    - f. Affecting adversely the confidence of the public in the integrity of government
  
  2. An employee shall not solicit or accept either directly or indirectly, any gift of more than nominal value, gratuity, favor, loan, entertainment, or other thing of value from a person who singularly or in concert with others:
    - a. Has or is seeking to obtain, contractual or other business or financial relations with Spotsylvania County
    - b. Conducts operations or activities that are subject to regulation by Spotsylvania County government
    - c. Has an interest that may be favorably affected by the performance or non-performance of the employee's official duties and responsibilities

For purposes of this section, a gift shall include any discount offered to the employee that is not available to the general public.

1. An employee shall not use their position or influence to coerce others into making a donation or giving a gift. This subsection does not preclude the

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presentation or acceptance of a voluntary gift of nominal value when given on a special, infrequent occasion such as marriage, illness or retirement.

2. An employee shall not receive any salary or anything of monetary value from a private source as compensation for his or her services to Spotsylvania County.
3. No employee or any member of his or her immediate household may knowingly acquire any stock, bonds, commodities, real estate, commodity or other financial or property interest where the possession could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities as an employee of the Spotsylvania County government.
4. No employee or any member of his or her immediate household may acquire an interest in or operate any business or commercial enterprise which is in any way related, directly or indirectly, to the employee's official duties, or which might otherwise be involved in an official action taken or recommended by the employee, or which is in any way related to matters over which the employee could wield any influence, official or otherwise.
5. An employee who is called upon to act for or on behalf of the Spotsylvania County government in a matter relating to or involving a non-governmental entity in which the employee or a member of his or her immediate family has a financial interest, shall make this fact known to his or her immediate supervisor, in writing, at the earliest possible time.
6. An employee shall not accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties.
7. An employee shall not accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being offered him to influence him in the performance of his official duties.

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8. An employee shall not accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain.
  9. An employee of Spotsylvania County who has any question about whether any contemplated action may violate the Virginia Conflicts of Interest Act should ask the Commonwealth's Attorney for an advisory opinion.
  10. Any violation of this policy may result in disciplinary action, up to and including loss of employment.

#### **8.26 Conflict of Interests**

- A. All employees are subject to the Virginia Conflict of Interests Act. Only the Commonwealth Attorney's opinion can provide protection from prosecution for Conflict of Interests. Whenever an employee or family member may benefit from an act or decision the employee makes or as a result of his employment with the County, the potential for conflict of interests exists.
- B. Violation of the Conflict of Interests Act is punishable by a jail term, a fine and loss of employment. Whenever a conflict question arises, the employee is advised to request a written opinion immediately and directly from the Commonwealth's Attorney. A copy of the Conflict of Interests Act is available from the Department of Human Resources.
- C. All employees are subject to the Spotsylvania County Employee Gift and Ethics Policy. Each employee is required to read and acknowledge by their signature that they are subject to the Spotsylvania County Employee Gift and Ethics Policy.

#### **8.27 Outside Jobs**

- A. An employee may have an outside job provided that such supplemental employment does not impair County job performance and does not create a conflict of interest. Prior to the acceptance of outside employment, the employee must submit a completed Outside Employment Notification to his supervisor and/or department director. This form will be forwarded to the Commonwealth Attorney for his review and opinion. Notification regarding supplemental employment

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activities shall be maintained in the employee's personal County file upon review and approval of all parties. This process is intended to protect the employee and the County and is not meant to discourage or deny outside employment.

- B. Working an outside job while using Sick Leave is prohibited and grounds for discipline up to and including termination of employment.
- C. An employee may be asked to terminate supplemental employment if such employment interferes with County duties, or represents a conflict of interest.
- D. Any outside job held by an employee of Spotsylvania County shall be reviewed by the employee's department director on an annual basis. New outside jobs will be reviewed by the Commonwealth Attorney annually by March 1<sup>st</sup>.

### **8.28 Department Directors' Financial Disclosure**

All department directors shall file Statement of Economic Interests statements with the County Administrator annually.

### **8.29 Emergency Hiring**

Should circumstances and conditions necessitate the hiring of personnel in an abbreviated manner, the department director shall make a written request for authority to hire on an emergency basis from the County Administrator. No employment commitment shall be made prior to the County Administrator's approval.

### **8.30 Employment through Temporary Agencies**

From time to time, a department may have an immediate workload that can be met only by additional staff for a short duration. If the department director determines that the department's need is best met through a temporary employment agency and if departmental funds are available, all arrangements for such workers shall be made by that department in conjunction with the Department of Human Resources. Employment through an employment agency shall be for no longer than 90 calendar days.

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### **8.31 “Acting” Assignment**

An employee may be temporarily assigned to a vacant position, or a prescribed set of duties, other than that to which he is officially assigned, to meet emergencies occasioned by abnormal workload or organizational changes, to cover absences pending official assignment of personnel, to perform duties pending the development and classification of a new position, or for other purposes necessary to provide quality public service. Temporary assignments and the reasons thereof shall be made a part of the employee’s personal County file. No employee shall be temporarily assigned to a position, or set of duties, other than the position to which he is officially assigned for more than a total of 180 workdays in any 12-month period. The employee’s pay while on temporary assignment may change if the employee is required to work in the full capacity of a higher classified position for a period equivalent to sixty (60) workdays or more. Requests for “acting pay” shall be made in writing by the department director and forwarded to the Director of Human Resources in advance of the employee assuming an acting assignment.

### **8.32 Demotion A.**

#### Definition

A demotion is a reduction in the pay grade of an employee in conjunction with a change of job duties and responsibilities or position. Demotion shall be authorized by the County Administrator upon the recommendation of the department director and the Director of Human Resources.

#### B. Voluntary or Involuntary

Demotions may be involuntary or voluntary. An employee may request a voluntary demotion for personal reasons or to remain in County employment if his position is eliminated. An employee may be demoted involuntary for poor performance or for disciplinary reasons.

#### C. Pay

A demotion may not require a reduction in pay, but in no situation may the demoted employee receive a salary greater than the maximum of the salary range assigned to the position to which he is moving. The employee who is demoted will be subject to a new merit anniversary date.

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### **8.33 Lateral Transfer**

A lateral transfer is the move of an employee from one position to another within the same pay grade. A part-time employee may be laterally transferred to full-time employment in the same or a different position of the same grade if performance is satisfactory and a full-time position becomes vacant. Transfers shall be authorized by the County Administrator upon the recommendation of the department director(s) and the Director of Human Resources. The employee who is transferring will be subject to a new merit anniversary date.

### **8.34 Promotion**

A promotion is the selection of any employee for a position in a higher pay grade. An employee may compete with external and/or internal applicants for promotion. The employee shall be subject to a new merit anniversary date, which will be the effective date of the change.

### **8.35 Reinstatement**

Reinstatement occurs any time an employee returns to work from an authorized leave of absence or goes from non-paid to paid status. The absence shall be treated as approved Leave Without Pay. Leave accrual is delayed by the time in non-paid status. Any accumulated leave balances for which the employee was not compensated shall be restored. Virginia Retirement System determines earned retirement credit for such absences. The County Administrator shall approve all reinstatements. A reinstated employee shall be paid at a salary rate within the range assigned to the position to which he is re-instated.

### **8.36 Re-Employment**

A former employee may be re-employed in the same position, defined as same job title, job grade and full-time equivalency (FTE) within 90 calendar days of the effective date of separation. Any accumulated leave balances for which the former employee was not compensated upon separation shall be restored; however, no leave shall accrue during the separation period. For service years credit the former employee's initial hire date shall remain the same. Virginia Retirement System determines earned retirement credit for such absences. Health benefits and leave accrual eligibility will be effective the first of the month following 30 days of consecutive eligible service following the re-employment date.

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If a former employee returns to work in a new position or a position with a different FTE, reemployment will not apply. In this instance, the returning employee will be considered a rehired employee, with a new employment date and benefits will be offered and accrued accordingly. Prior leave balances will not be reinstated and all waiting periods for new employment will apply.

### **8.37 Medical Examination**

The County Administrator may require an employee to undergo a medical examination performed by a County-authorized physician and at County expense under any of the following conditions:

1. To verify fitness for duty of an employee for his particular position
2. When in the judgment of the department director, the employee is falsely or fraudulently using sick leave

### **8.38 Whistleblower Protection**

All employees are provided the protections contained in the Virginia Fraud Against Taxpayers Act. These protections are contained in Virginia Code Section 8.01-216.8. Employees are encouraged to report any suspected work-related fraudulent or illegal activity to their immediate supervisor.