

# City of Bristol, Virginia



300 Lee Street  
Bristol, VA 24201

## EMPLOYEE HANDBOOK

July 2025



## City of Bristol, Virginia

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### Welcome from the City Manager

Welcome to the City of Bristol, Virginia. We believe that you have a significant contribution to make to our organization – an organization comprised of talented and dedicated employees providing the finest in municipal services to our citizens and visitors.

Our goal is to make your employment experience positive, safe and productive.

The Employee Handbook is a useful guide to help you understand the rules and practices as an employee, and to answer most general questions. Should you require further clarification, please do not hesitate to contact your supervisor or the Department of Human Resources.

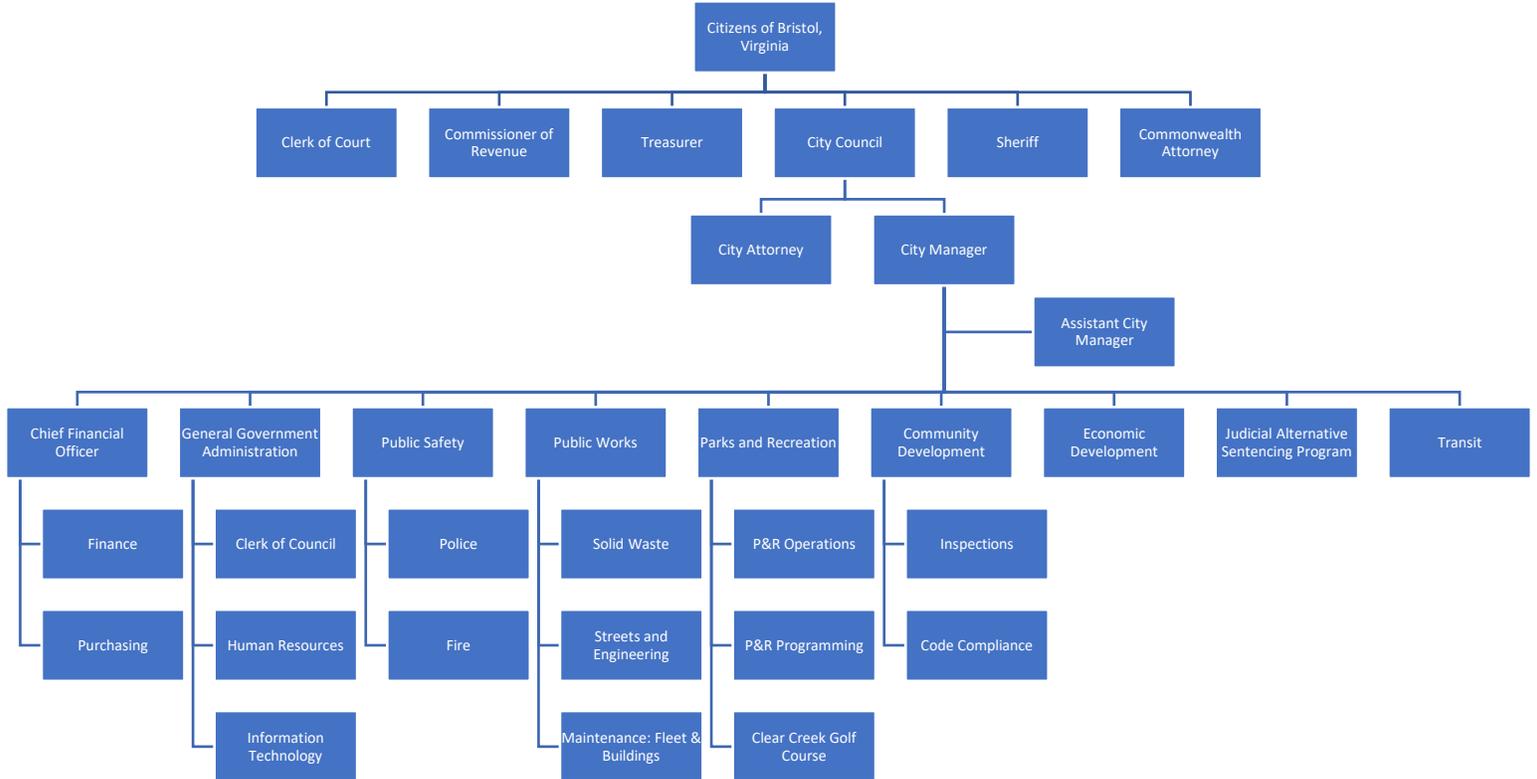
Please accept my personal best wishes for your success and satisfaction at the City of Bristol.

Very truly yours,

  
City Manager



# City of Bristol, Virginia Organization Chart



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# 1.0 Introduction

This document contains the employment policies and procedures that provide guidance to effectively manage human resources within the City of Bristol. While no set of written policies can include every possible situation, these policies, when used as a whole, provide effective guidance and sufficient flexibility to allow independent judgment while ensuring accountability to the public and consistent, equitable decision making.

## 1.1 Delegations

The **Director of Human Resources** develops policy recommendations and the procedures necessary for implementation of policy and serves as a source of expertise on the intent and application of the City's Employment Policies. In cases where several policies apply to the same situation, or where conflicts appear to exist, the City Manager and/or the Director of Human Resources are authorized to make a determination as to the intent and application. The City Manager has final authority for the approval and administration of employment policies and procedures.

The **City Manager** may make exceptions to the policies in special or unusual situations when in their opinion an exception would be in the best interest of the City. Exceptions are documented and maintained by the Human Resources Department. No member of the City administration, other than the City Manager, has the authority to modify any of the terms or provisions of this Employee Handbook.

Policies take effect on the date of City Council and/or City Manager approval, as appropriate, and shall supersede all previously issued policies. Policies and procedures are issued and maintained by the Director of Human Resources. When changes to policies and procedures are approved, information regarding changes will be communicated to the workforce. The Human Resources Department will fully implement all provisions of the policies in a timely and reasonable manner.

## 1.2 Department Head Responsibilities

**Department Heads** and other designated management officials perform the following personnel management functions:

- Develop organizational structures and staffing levels based on service delivery needs and resource availability.
- Establish and communicate work expectations, develop operating procedures, manage performance and maintain an effective working environment.
- Issue departmental employment procedures necessary for the efficient and effective functioning of the department; however, such procedures shall not conflict with any portion of these employment policies and must be coordinated in advance with the Human Resources Department.

- Schedule activities within their departments including hours of work, rest and lunch periods, time to prepare for work and clean-up time.
- Select applicants for employment and assign duties and responsibilities to employees within their management area.
- Make promotion, demotion, reassignment, discipline, termination and other personnel-related decisions for their departments, in accordance with applicable Federal, State and City employment laws, policies and procedures.
- Make salary decisions as outlined in the Employee Handbook.
- Identify training and development needs and provide for on-the-job training.
- Ensure that financial and procurement policies are followed appropriately, including making the best use of fiscal resources, consultants and approved contracts.

The personnel management functions listed above may be delegated wholly or in part by the Department Head.

### **1.3 At-will Employment**

The City of Bristol, Virginia generally does not offer individual employees a formal employment contract with the City. Employment is “at will,” meaning that you or the City may end your employment at any time for any lawful reason.

**This Employee Handbook is not a contract.** It does not create any agreement, express or implied, guaranteeing you any specific terms or conditions of employment. Nothing contained in this Handbook should be construed as creating a contract guaranteeing employment for any specific duration, nor does the Handbook obligate you to continue your employment for a specific period of time. Unless you have entered into an employment agreement that supersedes this document, either you or the City may terminate the employment relationship at any time. The Handbook does not guarantee any prescribed process for discipline and discharge.

No manager or other representative of the City, other than the City Manager, has the authority to enter into any agreement guaranteeing employment for any specific period. No such agreement shall be enforceable unless it is in writing and signed by the City Manager and the employee.

### **1.4 Ethics Code**

The City expects employees to hold themselves and their co-workers to the highest ethical standards. Employees are expected to act and make decisions based on public service principles and the core values to achieve positive results. Public service principles include, and are not limited to:

- Building trust through honesty and transparency.
- Seek no personal gain.
- Treat everyone fairly.
- Build the community through good stewardship.

Keeping in mind that how results are achieved is as important as the results themselves, employees are expected to consider an ethical perspective and to seek advice and guidance whenever there is any doubt about whether actions or decisions are appropriate. Such advice and guidance is available from many sources including supervisors, Department Heads, the Human Resources Director, the City Attorney and the City Manager.

Managers and employees will obey all applicable Equal Employment Opportunity laws and act with respect and responsibility towards others in all of their dealings.

Managers and employees agree to promptly disclose unethical, dishonest, fraudulent and illegal behavior, or any violation of City policies and procedures, directly to management.

Violation of the Code of Ethics can result in discipline, including possible termination. The degree of discipline imposed may be influenced by the existence of voluntary disclosure of any ethical violation and whether or not the violator cooperated in any subsequent investigation.

## **1.5 Equal Employment Opportunity Policy**

The City is an equal opportunity employer. We will extend equal opportunity to all individuals without regard to race, religion, color, sex (including pregnancy, sexual orientation and gender identity), national origin, disability, age, genetic information, or any other status protected under applicable federal, state or local laws. Our policy reflects and affirms the City's commitment to the principles of fair employment and the elimination of all discriminatory practices. Details of our equal employment opportunity policies are further explained in Discrimination and Harassment.

## **2.0 Employment**

### **2.1 Discrimination and Harassment**

#### **2.1.1 Discrimination is Prohibited**

The City is an equal opportunity employer and makes all employment decisions without regard to race (including traits that are historically associated with race, such as hair texture and protective hairstyles, including braids, locks, and twists), religion, color, sex (including pregnancy, sexual orientation and gender identity), national origin, disability, age, genetic information, military status or any other status protected under applicable federal, state or local laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, benefits, compensation and training. We seek to comply with all applicable federal, state and local laws related to discrimination and will not tolerate the interference with the ability of any of the City's employees to perform their job duties.

The City makes decisions concerning employment based strictly on an individual's qualifications and ability to perform the job under consideration, the comparative qualifications and abilities of other applicants or employees, and the individual's past performance within the organization.

If you believe that an employment decision has been made that does not conform with management's commitment to equal opportunity, you should promptly bring the matter to the attention of your immediate supervisor, designated manager or Human Resources. Your complaint will be promptly, thoroughly and impartially investigated. There will be no retaliation against any employee who files a complaint in good faith, even if the result of the investigation produces insufficient evidence to support the complaint.

#### **2.1.2 Americans with Disabilities Act Policy**

The federal Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, fringe benefits, job training, and other terms, conditions and privileges of employment. The ADA does not alter the City's right to hire the best-qualified applicant, but it does prohibit discrimination against a qualified applicant or employee because of their disability, or because of a perceived disability. As a matter of City policy, the City prohibits discrimination of any kind against people with disabilities.

#### **Disabled Defined**

An applicant or employee is considered disabled if they (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record or past history of such an impairment; or (3) are regarded or perceived (correctly or incorrectly) as having such impairment.

A qualified employee or applicant with a disability is an individual who satisfies the requisite skill, experience, education and other job-related requirements of the position held or desired,

and who, with or without reasonable accommodation, can perform the essential functions of that position.

### **2.1.3 Reasonable Accommodation**

A reasonable accommodation is any change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.

Qualified applicants or employees who are disabled should request reasonable accommodation from the City in order to allow them to perform a particular job. If you are disabled and you desire such reasonable accommodation, contact your immediate supervisor, designated manager or Human Resources. On receipt of your request we will meet with you to discuss your disability. We may ask for information from your health care provider(s) regarding the nature of your disability and the nature of your limitations, or take other steps necessary to help us determine viable options for reasonable accommodation. We will then work with you to determine whether your disability can be reasonably accommodated, and if it can be accommodated, we will explore alternatives with you and endeavor to implement a mutually agreeable accommodation.

Reasonable accommodation may take many forms and it will vary from one employee to another. Please note that according to the ADA, the City does not have to provide the exact accommodation you want, and if more than one accommodation works, we may choose which one to provide. Furthermore, the City does not have to provide an accommodation if doing so would cause undue hardship to the City.

### **2.1.4 Reasonable Accommodation for Pregnant Workers**

As required by the federal Pregnant Workers Fairness Act (PWFA), the City will provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth or related medical conditions, unless the accommodation will cause undue hardship to the City's operations.

An employee or applicant may request an accommodation due to pregnancy, childbirth or a related medical condition by completing and submitting a Reasonable Accommodation Request form to Human Resources. The accommodation request should include an explanation of the pregnancy related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable.

Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation. In such cases, Human Resources will provide a Request for Medical Evaluation form to the individual to have completed by the health care provider.

## **2.2 Transitional Duty Assignment**

The City seeks to provide transitional duty assignment, when available, to employees that have been injured on the job. Transitional duty assignment may benefit both the City and the

employee. An employee who is injured on the job may actively request the attending physician to return them to work in transitional, light or regular duty as soon as medically and physically possible.

## **2.3 Sexual and Workplace Harassment Policy**

Sexual and workplace harassment is a form of discrimination and is prohibited by law. The City is committed to providing a workplace free from harassment based on race, color, sex, national origin, disability, age, religion or other legally protected class. No employee shall be subjected verbally or physically to unsolicited and unwelcome overtures or conduct. Harassment means behavior that is not welcome, that is personally offensive, and that erodes morale and, therefore, interferes with work effectiveness. This includes harassment against employees or officials by citizens or non-employees with whom the City has business, service or a professional relationship. Behavior that amounts to harassment will not be tolerated and shall result in disciplinary action, up to, and including, dismissal.

### **Purpose:**

To define the City of Bristol Virginia's position regarding harassment and/or sexual harassment, to maintain a working environment that is free of discriminatory harassment and/or sexual harassment in accordance with Title VII of the Civil Rights Act of 1964 and all other applicable laws, and to communicate City of Bristol Virginia's actions to any such conduct.

### **Policy:**

The City has adopted, and its policy is based on, the definition of sexual harassment set forth by the Equal Employment Opportunity Commission (EEOC). The EEOC defines sexual harassment as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: submission to such conduct is made either directly or indirectly a term or condition of employment; submission to or rejection of such conduct is used as the basis for employment decisions; or such conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile or offensive working environment. Engaging in sexual activity while on duty is strictly prohibited.

Workplace harassment is a type of discrimination or conduct in the form of verbal, visual or physical acts.

Harassing conduct includes but is not limited to: (1) epithets, slurs, negative stereotyping, threatening/intimidating/hostile acts that relate to sex, pranks/jokes that are hostile or demeaning with regard to sex; (2) written or graphic material including displays on electronic devices or social media that denigrates or shows hostility or aversion toward an individual or group because of sex and that is displayed on walls, bulletin boards, equipment, or other locations on the employer's premises or circulated in the workplace; (3) lewd, profane, demeaning or indecent language, conversation, comments or acts which are audible to the general public, customers, co-workers, or persons who find that language, conversation or comment offensive.

### **2.3.1 Procedures for Reporting and Investigating Harassment**

Employees should report incidents of inappropriate behavior or sexual harassment as soon as possible after the occurrence. Employees who believe they have been harassed, regardless of whether the offensive act was committed by a manager, co-worker, vendor, visitor or client, should promptly notify their immediate supervisor, designated manager or Human Resources. If the employee's immediate supervisor is involved in the incident, the employee should report the incident to the Director of Human Resources. The City takes claims of harassment seriously, no matter how trivial a claim may appear. All complaints of harassment, sexual harassment, or other inappropriate sexual conduct will be promptly, thoroughly and impartially investigated by the City.

The City prohibits retaliation against any employee who files or pursues a harassment claim. To the extent possible, all complaints and related information will remain confidential, except to those individuals who need the information to investigate, educate or take action in response to the complaint.

All employees are expected to cooperate fully with any ongoing investigation regarding a harassment incident. Employees who believe they have been unjustly charged with harassment can defend themselves verbally or in writing at any stage of the investigation.

To protect the privacy of persons involved, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances. Investigations may include interviews with the parties involved, and, where necessary, individuals who may have observed the alleged conduct or who may have relevant knowledge.

At the conclusion of a harassment investigation, the complainant and the alleged "harasser" will be informed of the determination. Where appropriate, the "harasser" and the "victim" may be offered mediation or counseling through an employee assistance program (EAP).

False and malicious complaints of harassment, discrimination or retaliation as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

### **2.3.2 Penalties for Violation of Anti-harassment Policy**

If it is determined that inappropriate conduct has occurred, the City will act promptly to eliminate the offending conduct, and take such action as is appropriate under the circumstances. Such action may range from counseling to termination of employment and may include such other forms of disciplinary action (such as, for example, suspension), as the City deems appropriate under the circumstances and in accordance with applicable law.

## **2.4 Recruitment and Hiring**

The City's primary goal when recruiting new employees is to fill vacancies with persons who have the best available skills, abilities, or experience needed to perform the work. Decisions regarding the recruitment, selection, and placement of employees are made on the basis of job-related criteria.

When positions become available, qualified current employees are encouraged and are welcome to apply for the position. As openings occur, notices relating general information about the position may be posted on the City's website. The manager of the department with the opening will arrange interviews, as appropriate, with employees who apply.

We encourage current employees to recruit new talent for our City.

## **2.5 Promotions and Transfers**

In an effort to match you with the job for which you are most suited and/or to meet the business and operational needs of the City, you may be transferred from your current job. This may be either at your request or as a result of a decision by the City.

Reasons for transfer may include, but are not necessarily limited to, fluctuations in department workloads or production flow, a desire for more efficient utilization of personnel, increased career opportunities, personality conflicts, health, other personal situations or other business reasons. Temporary transfers may be made at the discretion of City management.

An employee is eligible to request a transfer and to be considered for a promotion when best qualified for the position. Your eligibility is also dependent, of course, on your having the needed skills, education, experience and other qualifications that are required for the job.

## **2.6 Employee Health and Fitness for Duty**

All employees must be physically and mentally able to perform the essential functions of their jobs. After an applicant has been offered a position, they may undergo a physical examination to determine the employee's fitness to perform their duties. The extent of the physical examination will be determined by the needs of the City and by the examining physician.

Any refusal to undergo a required examination may result in withdrawal of a job offer, suspension, or termination.

## **2.7 Conflicts of Interest**

The City of Bristol, Virginia is concerned with conflicts of interest that create actual or potential job-related concerns, especially in the areas of confidentiality, customer relations, safety, security, and morale. Any actual or potential conflict of interest between an employee of the City and a competitor, supplier, distributor, or contractor to the City, must be disclosed by the employee to Human Resources. If an actual or potential conflict of interest is determined to exist, the City will take such steps as it deems necessary to reduce or eliminate this conflict.

## **2.8 Nepotism**

The City discourages nepotism unless the applicant is the most qualified and is confirmed by the City Manager.

When relatives or persons involved in a dating relationship work in the same area of an organization, it may cause problems at work. In addition to claims of favoritism and morale issues, personal conflicts from outside can sometimes carry over to work.

For this policy, we define a relative as: **spouse, parent, child, brother, sister, aunt, uncle, niece, nephew, first cousin, brother/sister in-law, mother/father in-law, step-parent, step-sibling, step-children, grandparent and/or grandchildren.** We define a dating relationship as a relationship that might reasonably be expected to lead to a consensual "romantic" or sexual relationship. This policy applies to all employees regardless of their gender or sexual orientation.

Our policy is that an employee may not directly work for a relative or supervise a relative. We also do not allow a person in a dating relationship to work for the other person in that relationship or to supervise the other person. The City also reserves the right to take quick action if an actual or potential conflict of interest arises involving relatives or persons involved in a dating relationship within the same department. If two persons in the same department become involved in a personal relationship, the supervisor or department head will advise the parties in the relationship that the relationship is under review by the Director of Human Resources, and/or City Manager and one party may be removed from the department due to the nature of the relationship.

If two employees become relatives or start a dating relationship and one of them supervises the other, the one who is the supervisor is required to inform management about the relationship. We will then ask the two employees to decide which one of them is to be transferred to another available position. If they do not make that decision within 30 calendar days, the City will decide which one will be transferred or, if necessary, terminated from employment.

There may also be situations when there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct reporting relationship or authority involved. In that case, we may separate the employees by reassignment or termination of employment. If you are in a close personal relationship with another employee, we ask that you avoid displays of affection or excessive personal conversation at work.

In the event that a relative is deemed to possess qualifications, experience and expertise superior to other applicants within the full candidate pool for that position, the City Manager must approve of the hiring of the relative prior to making any official offer of employment.

## **2.9 Job Descriptions**

The City attempts to maintain a job description for each position. If you do not have a copy of a current job description you should request one from your supervisor. Job descriptions prepared by the City serve as an outline only. Due to the needs of business, you may be required to perform job duties not within your written job description. Furthermore, the City may have to revise, add to, or delete from, your job duties according to City needs. While we will try to avoid it, there may be times the City has to revise job descriptions with or without advance notice to the employee. Lastly, please remember that attendance, punctuality, proper conduct and productivity are part of everybody's job description.

If you have any questions regarding your job description, or the scope of your duties, please speak with your supervisor or Human Resources.

## **2.10 Job Offers**

All offers of employment are conditioned upon the candidate's successful completion of a background check, verification of applicable licenses and certifications, applicable testing, applicable physical examination, and applicable fitness for duty examination, including a drug test.

## **2.11 New Employees and Introductory Periods**

All new Full-time and Part-time employees shall serve a three-month introductory period before Regular status is acquired. The purpose of the introductory period is to provide the employee and supervisor opportunities to discuss the employment experience separate from the daily work assignments. During this period, the employee will be evaluated and closely monitored for desired attitude, work habits and organizational compliance to ensure the proper candidate selection for the position was made. During the introductory period an employee may be dismissed from employment at any time for any reason without appeal to the grievance process.

## **2.12 Employee Testing and Assessment**

Building an excellent team requires employees with the skills and character necessary to succeed. As a condition of employment or continued employment, you may be required to undergo a skill test or character assessment. These tools help identify the capacity for quality job performance, level of motivation, emotional intelligence, and other factors related to performing your job. Additionally, you may be required to undergo a pre-employment physical examination, after a conditional offer of employment has been made. If a physical limitation is determined which prevents an otherwise qualified individual from performing the essential functions of the job, the appointee can still retain the position if reasonable accommodation can be made.

The possibility of reasonable accommodation shall be determined by the applicant and the employer. Information obtained in the pre-employment physical shall be confidential to the extent provided by law, except for the following:

- Supervisors shall be informed of any restrictions on the duties required for reasonable accommodation.
- Safety personnel shall be informed of any possibility of emergency treatment.

Employees seeking a promotion may also have to undergo a skill test or character assessment.

## **2.13 Employee Training**

In most cases, and for most departments, employee training is done on an individual basis by the Department Head. Even if an employee has had previous experience in their specified functions, it is necessary for them to learn our specific procedures, as well as the responsibilities of the specific position. If you ever feel you require additional training, please consult your supervisor or Department Head.

## **2.14 Proof of Citizenship and Right to Work**

The City complies with the Immigration Reform and Control Act of 1986 by employing only U.S. citizens and non-citizens who are authorized to work in the United States. All employees are asked on their first day of work to provide original documents verifying the right to work in the United States and to sign a verification form required by federal law (Form I-9).

If you cannot verify your right to work in the United States within three (3) days of hire, the City is required by law to terminate your employment.

## **2.15 Employment Categories**

### **2.15.1 Introductory**

All employees are considered as Introductory Employees during their first three months of employment. Former employees who are rehired will also be considered as Introductory Employees for three months.

### **2.15.2 Regular**

Employees who have successfully completed their introductory period, who occupy positions with no known end date, are considered to be Regular employees.

### **2.15.3 Temporary/Seasonal**

Employees who occupy positions with a specified end date, or which are known to have limited duration, typically three months or less, are considered to be Temporary employees.

### **2.15.4 Full-time or Part-time**

Positions in all employment categories are designated as Full-time or Part-time, based on work schedules.

- Exempt employees are considered full-time if scheduled to work more than four days per week.
- Exempt employees are considered part-time if scheduled to work four days or less per week.
- Nonexempt employees are considered full-time if scheduled to work 40 hours per week.
- Nonexempt employees are considered part-time if scheduled to work less than 40 hours per week.

## **2.16 Outside Employment**

No employee of the City shall engage in any other employment or in any private business or in the conduct of a profession during the hours which they are employed, or outside such hours in a manner or to an extent that affects or is likely to affect their usefulness as a City employee.

Outside employment including part-time work is not allowed without written approval from the City Manager. The City Manager may withdraw approval at any time.

The City Manager has delegated approval authority to the Chief of Police for Police Officers to work part-time as security guards at specifically approved, local venues. Such work is not to be considered a joint employment relationship.

## **2.17 Separation from Employment**

A separation from employment shall be classified as one of the following:

**Termination:** An employee may be terminated at any time from employment by the City Manager with or without cause.

**Resignation:** An employee may resign by specifying the effective date to his or her supervisor as far in advance as possible, but not less than two (2) weeks. A resignation with an earlier effective date may be accepted if deemed to be in the best interest of the City.

**Retirement:** An employee may retire if they satisfy the requirements of the Virginia Retirement System.

**Inability to Perform Duties:** An employee may be separated from employment (even with a reasonable accommodation) when they are unable to perform the requirements of the job because of a physical or mental impairment. Upon reasonable suspicion, the City may require the employee to undergo an examination to be performed by a physician selected by the City.

**Layoff or Employment Reduction:** An employee may be laid off or separated from employment due to lack of work, job consolidation and elimination or restructuring of a position, or budgetary reasons. In such an event, a full-time employee may be provided severance pay in accordance with a determination by the City Council and/or City Manager. Severance pay is in addition to payment for any accumulated leave and is at the sole discretion of the City Council and/or City Manager.

**Dismissal:** An employee may be dismissed from employment with or without cause by the City Manager. In the event an employee is dismissed for cause, the reasons for such dismissal shall be provided to the employee. Such reasons may include, but are not limited to, violations of the Standards of Conduct listed in the Handbook.

**Death:** Employment terminates on the death of the employee. All compensation due will be paid to the estate of the employee or as otherwise provided by law.

## **2.18 Exit Interview**

You may be asked to participate in an exit interview when you leave employment with the City. The purpose of the exit interview is to provide management with greater insight into employee relations and to avoid unnecessary employee claims. Your cooperation in the exit interview process will be greatly appreciated. Any information provided in the course of your exit interview will not affect any reference provided by the City.

## **2.19 Post-employment Reference Policy**

Our policy is to provide prospective employers with references for employees who have worked for the City.

If the former employee is requested to provide a prospective employer with information about their employment with the City by way of reference, the employee must sign a form that holds the City and the prospective employer harmless from any claims related to any information provided in response to that reference. Please contact the Human Resources Department for the release form.

### 3.0 Compensation and Work Schedules

The City’s compensation programs are designed to provide a competitive level of market-based compensation that enables the City to attract, retain and motivate employees critical to our success.

#### 3.1 Job Classification

City jobs are classified on the basis of duties, responsibilities, accountabilities, and working conditions. Classified jobs are organized and placed on the City pay scale.

Job descriptions serve as the basis for job classification. It is important for your job description to be complete and accurate.

#### 3.2 FLSA Classification

Positions in all employment categories are classified as Exempt or Nonexempt in accordance with the Fair Labor Standards Act (FLSA).

- **Exempt** employees are not eligible for overtime pay. They are expected to be at work as scheduled, and to work the hours necessary to meet the needs of their positions.
- **Nonexempt** employees are eligible for overtime pay for any hours worked in excess of 40 in a work week.
- Overtime must be authorized before it is worked. Employees who work unauthorized overtime are subject to disciplinary action, up to and including termination.

#### 3.3 Pay Adjustments

Compensation reviews and adjustments are given by the City at its discretion in consideration of various factors, including your performance review.

#### 3.4 Longevity Salary Supplement

Nonelected employees of the City, employees of the Department of Social Services, the Registrar of Voters and the Constitutional offices of the Commonwealth's Attorney, Sheriff's Office, Circuit Court Clerk, Commissioner of the Revenue and the City Treasurer including the Heads of such departments and the Constitutional Officers themselves, who have 25 or more years of continuous, uninterrupted service regardless of whether the employee has transferred from one department to another, from a City to a Commonwealth department or office or from a Commonwealth department or office to a City department or office are eligible for a longevity salary supplement:

<b>Years of Service</b>	<b>Annual Longevity Bonus</b>
25	\$500.00
30	\$1,000.00

The supplements provided for in this section shall be added to annual salaries and payable in equal installments as applicable to each eligible employee's pay schedule. These salary supplements are intended as recognition of dedicated service and shall not be construed to supersede or replace any step, merit, incentive, cost-of-living or other type of compensation increase which the City Council may from time to time authorize, nor shall any subsequent adjustment or revision of wage scales or classification be construed to affect the supplements set forth in this section.

### **3.5 Hours of Work**

The number of working hours a week for full-time employment of City officers and employees shall not be less than 40, exclusive of the lunch hour.

### **3.6 Recording Time**

Federal and State laws require us to keep accurate records of hours worked by nonexempt employees. You should clock in no more than seven minutes ahead of time and clock out no later than seven minutes after your quitting time. Every exempt and nonexempt employee of the City is required to enter his or her hours worked accurately, including all lunch periods and any rest periods of more than 10 minutes. Employees are required to notify the City of any pay discrepancies, unrecorded or mis-recorded work hours, or any involuntary missed meal or break periods.

You are not allowed to clock in/out or fill out the time sheet of any other employee or request that they do so for you. Please be sure to indicate your days off.

Falsification of time records or recording time for another employee may result in discipline, up to, and including, termination of employment.

### **3.7 Overtime and Compensatory Leave**

Nonexempt employees will receive overtime pay for hours worked over 40 per workweek at a rate not less than one and one-half times the regular rate of pay. For those whose regular schedule exceeds 2,080 hours per year, overtime will be calculated in accordance with an established Department of Labor work period basis. Public safety employees, whose regular work pay-period is different than a 40-hour work week, will be compensated for overtime in accordance to Department of Labor rules and regulations and the Fair Labor Standards Act.

Law Enforcement employees and Fire Protection employees are defined by Virginia Code 9.1-700. Overtime compensation for all employees is subject to the Fair Labor Standards Act.

Exempt employees may be granted hour for hour compensatory leave for hours worked over 40 per workweek.

- Compensatory time may be accumulated up to 80 hours within a fiscal year and shall be taken before June 30 each year.
- Exempt employees shall not take more than 80 hours of compensatory leave in a fiscal year, even though the employee may have earned more than 80 hours of compensatory leave

during the fiscal year.

- Unused compensatory leave will not be carried over to the next fiscal year. Unused accrued compensatory leave for exempt employees shall not be paid out.

All leave, compensatory, annual, sick, and holiday time will be taken in ¼ hour increments.

### **3.8 Paycheck Deductions and Withholding**

The City will withhold the following from your paycheck:

#### **Taxes**

Federal, state and local taxes, as required by law, as well as the required FICA (Social Security and Medicare) payments.

#### **Insurance**

Your contribution to health insurance or other insurance premiums for yourself and any eligible family members or to other contributory benefit programs.

#### **Other Deductions**

Other deductions which you authorize, including Virginia Retirement System, 457 contributions, and flexible spending arrangement (FSA) contributions.

### **3.9 Direct Deposit**

You are required to have your paycheck deposited directly into your bank account. You will be given the authorization form for deposit by your immediate supervisor, designated manager, or Human Resources Department.

### **3.10 Work Schedules**

Each department determines the assigned shift, tour of duty and hours worked for the employees within the department. Every employee is expected to be on the job during all hours as assigned. Some type of properly authorized leave or holiday or appropriate flex time must cover time away from duty during regularly scheduled work hours. Cumulative, excessive absence, even if absences have been approved individually, may lead to employment action up to and including dismissal. If an employee must be absent, or late, they must notify the supervisor in advance of the scheduled working time whenever possible. When requesting leave or reporting an absence, the employee must personally contact the supervisor. Failure to give proper notice of absence or providing a reason for absence unacceptable to the supervisor will result in an unauthorized absence.

If you are uncertain of your work schedule, please contact your supervisor.

### **3.11 Travel Time Pay**

Non-exempt employees who are required to travel in the course of conducting their work are paid in the following way:

- If an employee reports to the workplace and then is required to travel to another site to work for the day, travel time to the assigned workplace will be paid.
- When an employee is required to report to a site outside the locality of their regular work site, and goes directly to that site without first going to the regular workplace, the City will pay the employee travel time for any time in excess of the employee's normal commute time to the regular site. Example: The employee lives in Abingdon, VA, and normally works at the Lee Street Bristol location. The employee's normal commute is 25 minutes. The employee is assigned to attend a meeting in Johnson City, TN, and is required to be there to begin at 8:00 a.m. The drive from Abingdon to Johnson City is 60 minutes. In this case, the employee will be credited for an additional 35 minutes of work time.

No additional work time will be credited for reporting to an alternate work location within the City of Bristol.

- Employees may be required to travel to a distant workplace. Example: an employee works eight hours at the City office and then goes to the airport, flies to Phoenix, stays at a hotel, works six hours in Phoenix the next day and then returns home. The employee will be paid for the first eight-hour period. Under the circumstances, travel time begins when they leave the City office to go to the airport. It ends when the employee arrives at the hotel in Phoenix. The employee receives their regular six-hour pay while in Phoenix. When the employee leaves the Phoenix work site for the airport, travel time begins. It ends when they arrive at the local airport to go home.
- Travel hours are "hours worked" for the purposes of calculating overtime.

### **3.12 Attendance and Punctuality**

It is important for you to report to work on time and to avoid unnecessary absences. The City recognizes that illness or other circumstances beyond your control may cause you to be absent from work from time to time. However, frequent absenteeism or tardiness, even if absences are approved, may result in disciplinary action, up to and including discharge. Excessive absenteeism or frequent tardiness puts an unnecessary strain on your co-workers and can have a negative impact on the success of the City government.

You are expected to report to work when scheduled. Whenever you know in advance that you are going to be absent, you should notify your immediate supervisor or the designated manager. If your absence is unexpected, you should attempt to reach your immediate supervisor as soon as possible, but in no event later than one hour before you are due at work. In the event your immediate supervisor is unavailable, you must speak with a manager. If you must leave a voicemail, you must provide a number where your supervisor may reach you if need be.

Please note that some, but not all, absences are compensated under the City's leave policies.

You are expected to be at your workstation at the beginning of each business day. If you are delayed, you must call your immediate supervisor to state the reason for the delay. As with

absences, you must make every effort to speak directly with a manager. Regular delays in reporting to work will result in disciplinary action up to and including discharge.

### **3.13 Job Abandonment**

If an employee fails to show up for work or call in with an acceptable reason for their absence for a period of two consecutive days, they will be considered to have abandoned their job and voluntarily terminated their employment.

### **3.14 Payroll Practices**

Employees are paid semi-monthly. If the regularly scheduled payroll date falls on a Saturday, the City will attempt to deposit paychecks on Friday. If the regular payday falls on a Sunday, the City will attempt to deposit paychecks on Friday. When a payroll date falls on a holiday, employees will, when possible, be paid on the last business day before the holiday.

### **3.15 Lactation Breaks**

Under the Fair Labor Standards Act (FLSA) and the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act) employees are allowed to take reasonable breaks to express breast milk as needed for up to one (1) year after the birth of a child. These breaks may be paid or unpaid depending on whether the employee is completely relieved from duty and/or whether the employee is exempt or non-exempt. The City will also provide a place for the employee to express breast milk, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public. Employees will not be discharged or in any other manner discriminated against in exercising their rights under this policy.

## 4.0 Benefits

This section describes the benefits provided by the City and information on your eligibility for benefits. Details regarding each benefit may be obtained by contacting Human Resources.

Employees meeting the eligibility criteria for particular benefits may participate in the various insurance programs offered by the City. You may review the eligibility criteria for each benefit in the Human Resources office. Periodically there will be an Open Enrollment period. If you decline to participate in these programs on your initial eligibility date, you may request entry into the plan during Open Enrollment or Special Enrollment.

### 4.1 Health Insurance

The City offers health insurance coverage to eligible employees and their eligible dependents as well as eligible retirees. All eligibility and coverage requirements are subject to the provisions contained in the City's benefits plan document. For more information about health insurance options, contact the Human Resources Department.

### 4.2 Life Insurance

Life insurance is provided to eligible City employees through the City's participation in the Virginia Retirement System. Optional Group Life benefits are available to eligible individuals. Contact Human Resources for more information.

### 4.3 Disability Insurance

Disability coverage is provided under the provisions of the Virginia Retirement System. Please visit [www.varetire.org](http://www.varetire.org) for more information.

#### Hybrid Plan Participants

Short- and long-term disability coverage is provided through the Virginia Local Disability Program (VLDP) after a one year waiting period.

Under short-term, non-work-related disability coverage, an eligible employee would receive on the 8th day a percentage of replacement income for a maximum of 125 days upon approval by the disability administrator. Refer to income replacement chart in the [VLDP Handbook](#) for more information. Long-term disability benefits begin after having satisfied the short-term disability requirement of a 7-day waiting period and receipt of 125 workdays of short-term pay. For more details on short- and long-term disability benefits and filing claims, refer to the Virginia Retirement System website at [www.varetire.org](http://www.varetire.org) or contact Human Resources.

Employees are required to use leave time **in addition** to the short-term disability benefit in order to receive 100% of their semi-monthly earnings until all leave time is exhausted. Please contact Human Resources for more information.

### 4.4 Deferred Compensation (457) Plan

The City makes available the opportunity for employees to supplement their retirement benefits. Employees may enroll and make contributions through payroll deduction to a tax-deferred savings plan for retirement. The City doesn't contribute to this plan.

Employees in the Hybrid plan may make voluntary contributions through the Virginia Retirement System's 457 Plan to receive an employer match. For more information, contact Human Resources.

## **4.5 Workers' Compensation Insurance**

To provide for payment of your medical expenses and for partial salary continuation in the event of a work-related accident or illness, you are covered by workers' compensation insurance, provided by the City and based on state regulations. The amount of benefits payable, as well as the duration of payments, depends upon the nature of your injury or illness. However, all medical expenses incurred in connection with an on-the-job injury or illness and partial salary payments are paid in accordance with applicable state law. If you are injured or become ill on the job, you must immediately report the injury or illness to your supervisor. This ensures that the City can help you obtain appropriate medical treatment. Your failure to follow this procedure may delay your benefits or may even jeopardize your receipt of benefits. Questions regarding workers' compensation insurance should be directed to Human Resources.

## **4.6 Retirement**

All full-time City employees are enrolled in the Virginia Retirement System (VRS) based on the date of enrollment or hire. VRS coverage begins on the first day of the month following the completion of the introductory period, (unless they have non-refunded, prior, VRS service), and normally ends on the last day of the month of separation.

VRS is a State retirement system and all rules and regulations regarding contributions and retirement benefits are made by the General Assembly. The City, as a member employer, must comply with all regulations as set forth by the legislature.

VRS currently identifies Plan 1, Plan 2 and Hybrid plans based on date of initial enrollment. Hazardous duty employees are enrolled in Plan 1 or Plan 2 based on date of hire and all other employees are enrolled in Plan 1 or Plan 2, if enrolled or hired before January 1, 2014 and are enrolled in the Hybrid Plan if the initial membership in VRS is on or after January 1, 2014.

Newly hired employees with active VRS membership retain their previous Plan enrollment. For example, a newly hired City employee who has active Plan 1 VRS service retains Plan 1 membership even if hired by the City of Bristol on or after January 1, 2014.

The City currently shares the cost of VRS coverage with employees as dictated by State Code. The City's contribution is based on a rate determined bi-annually by the VRS Board and the employee's contribution is set by State Code at a minimum of 5% of annual pay.

Retirement benefits are based on three factors: years of service, the average of the highest consecutive 60 months of compensation (36 months for VRS Plan 1), and the applicable plan multiplier. Eligibility for unreduced retirement benefits is based on Plan enrollment and varies for Plan 1, Plan 2 and the Hybrid Plan.

Details of eligibility and other features of the Virginia Retirement System are covered in the Handbook for VRS Members, available in the Human Resources Department and on-line at [www.varetire.org](http://www.varetire.org).

An employee may request a refund of the member contribution portion of retirement contributions upon termination from employment in accordance with VRS regulations.

The City reserves the right to participate in another retirement system should it deem appropriate.

#### **4.7 Retirement Health Insurance Benefit**

Any employee of the City (including employees of the Department of Social Services) and the Constitutional offices (including specifically deputies of such officers) of the City of Bristol, Virginia who retires after giving a 90-day notice of intent to retire, who is eligible at the time of retirement to participate in the City's health insurance program (whether participating or not), may be reimbursed for health insurance premiums as follows:

<b>Employment Category</b>	<b>Definition</b>	<b>Maximum Monthly Benefit</b>
Mid-term	Employees who have been employed by the City, or the Constitutional offices for at least twenty-five years	\$100.00
Long-term	Employees of the City or the constitutional offices who have at least thirty years of employment with the City, or Constitutional offices	\$200.00
Career	Employees of the City, or the constitutional offices who have at least thirty-five years of employment with the City, or Constitutional offices	\$300.00

No eligible retiree shall be paid more than the actual monthly cost of their health insurance.

This benefit shall end on the date of an eligible retiree's qualification for Medicare eligibility or his or her death, whichever shall first occur.

#### **4.8 Flexible Spending Accounts (FSA)**

Flexible spending accounts are available to all eligible employees. An FSA allows an employee to set aside a portion of their earnings to pay for qualified medical and dental expenses such as deductibles, copayments, and coinsurance, and dependent care. Contributions to this program are voluntary deductions and are pre-tax which means a tax savings advantage. Employees are subject to and obligated per the provider's agreement. Contact Human Resources for more information.

## **4.9 COBRA**

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA) health benefit provisions, the City provides a temporary continuation of group health coverage in accordance with federal regulations.

The City normally offers COBRA continuation coverage to covered employees, their spouses, former spouses, and dependent children when group health coverage would otherwise be lost due to separation from employment or reduction in hours such that the employee is no longer eligible for benefits. COBRA continuation coverage is usually more expensive than the amount that active employees are required to pay for group health coverage, because the City no longer shares in the cost of coverage.

COBRA notices will be sent following a qualifying event including specific enrollment information, timeline and costs.

## **5.0 Employee Time Off**

### **5.1 Eligibility**

#### **Regular employees, full-time and part-time**

The appointment of regular full-time and part-time employees is subject to a three-month introductory period before regular status is acquired. After the termination of such introductory period, annual leave and sick leave credit shall be given for the period of introductory service.

The maximum credits for annual and sick are for Regular full-time employees. Regular employees on a part-time basis hired before January 1, 2014, shall receive sick leave and annual leave credits, and charges for authorized absences shall be made against these credits in proportion to their actual hours of duty.

Regular employees on a part-time basis hired on or after January 1, 2014, shall not receive sick leave and annual leave credits.

#### **Temporary employees**

No credits for leave with pay shall be made for an employee holding a temporary appointment.

If the status of any employee is changed from temporary to regular, leave credits shall be given for a period of temporary service not to exceed three months; in addition, that period shall also be considered part of the total service in determining the date at which the credit for leaves of absence with pay shall accrue.

#### **Intermittent or occasional employees**

No credits for leaves with pay shall be granted to intermittent or occasional employees.

#### **Reinstated employees**

A person who is reinstated from a leave without pay status shall be credited with all unused balances of leave (except annual and compensatory leave) held at the date of previous separation and shall have all creditable service before that date considered in determining the date of accrual; a person who is reinstated on return from military leave shall receive, also, full benefits of his period of military service in determining the date of accrual.

#### **Reemployed employees**

Former employees who are rehired will continue to accrue leave at their previous accrual rate and maximum providing that:

- The employee is rehired into a position eligible for leave accrual.
- The employee left their previous employment in good standing.
- The rehire date is within 12 months of the end date of previous employment.

Former employees not meeting the conditions listed above will accrue leave for continuous service only, beginning with the latest date of reemployment.

Rehired employees must satisfactorily complete a three-month introductory period to use any accrued leave, as described above.

## 5.2 Vacation/Annual Leave

Annual leave credits for regular employees, shall be provided for at the following rates:

<b>Years of Service</b>	<b>40 HOUR EMPLOYEE Earned Hours PTO/Month (days/year)</b>	<b>FIRE DEPARTMENT FD Earned Hours PTO/Month w Multiplier (days/year)</b>	<b>Max Accrued Leave</b>
0-2 years	8 (12d)	12 (6d)	192 hours
3-5 years	10 (15d)	14 (7d)	192 hours
6-10 years	12 (18d)	16 (8d)	240 hours
11-15 years	14 (21d)	19 (9.5d)	288 hours
16-20 years	16 (24d)	22 (11d)	288 hours
21 plus	18 (27d)	24 (12d)	288 hours

*Use of credits.* The annual leave credits provided may be used, at the option of the employee, to provide paid absences for vacation and other personal purposes (including sickness after sick leave is exhausted) or for absences in excess of credits available for other kinds of leave. However, as a matter of policy, a major portion of annual leave should be used at one time in a course of a 12-month period.

No annual leave credit shall be provided during any period of absence immediately following an absence of 60 calendar days.

If an employee's start date is between the 1st and the 15th of the month, leave will be credited for that month. If the start date is on the 16th of the month or later, leave will begin accruing the first of the following month.

All leave, annual, sick, compensatory, and holiday will be taken in ¼ hour increments.

Example of how time is accrued based on years of service:

*On October 8, 2016, Joe Employee was hired to work for the City of Bristol, Virginia. During Joe's first two years of service ((October 8, 2016 to October 7, 2017 (Year 1) and October 8, 2017 to October 7, 2018 (Year 2)), he began earning 8 hours of annual leave time per month. Joe completed two years of service to the City on October 7, 2018. Thus, he began his 3<sup>rd</sup> year of service to the City on October 8, 2018. Beginning on October 1, 2018, Joe would be entitled to earn 10 hours of annual leave time per month as he would be entering his 3<sup>rd</sup> year of service to the City.*

If an employee's start date is between the 1<sup>st</sup> and the 15<sup>th</sup> of the month, leave will be credited for that month. If the start date is on the 16<sup>th</sup> of the month or later, leave will begin accruing the first of the following month.

Part-time service will not count towards years of service time.

## **5.3 Sick Leave**

### **5.3.1 Regular Full-time Employee Not in Hybrid Retirement Plan**

Sick leave credits for regular full-time employees, hired before January 1, 2014, who have not opted to participate in the Hybrid Retirement Plan, and all employees eligible to receive enhanced retirement benefits in hazardous duty positions, and all employees hired on or after January 1, 2014, with Virginia Retirement System creditable services, shall be provided at the rate of 10 hours for each calendar month. For those with a normal workday of a 24-hour shift, whose regular schedule exceeds 2,080 hours per year, sick leave shall be provided for at the rate of 16 hours for each calendar month.

No sick leave credit shall be provided during any period of absence immediately following an absence of 60 calendar days. In case of illness or injury which is not compensable under the Virginia Workers' Compensation Act (Code of Virginia, § 65.2-100 et seq., as amended, repealed, reenacted or recodified from time to time), the City Manager may grant additional credits beyond what the employee has accumulated; provided, however, that it is clearly established that the illness or injury was contracted in the course and by reason of the performance of duties assigned to the employee.

### **Use of credits**

#### **Verification**

The justification for any sick leave use shall be subject to verification by the Department Head concerned and the City Manager by requirement of a certificate of a physician, describing the disability, stating that the employee was unable by reason of their disability to be on duty during the entire period covered by the application and, where extended absence is indicated, the probable duration of the disability. For any absence in excess of 60 work days within a 12-month period such a certificate must be provided and filed with the City Manager at the end of the 60 days and monthly thereafter.

## **Justifications**

Leave credit may be used for authorized absences as follows:

- Personal illness or injury incapacitating the employee from performing his duties.
- Exposure to a contagious disease which jeopardizes the health of others.
- Appointment for examination and treatment related to health when such appointment cannot reasonably be scheduled during non-work hours.
- Illness or death in the immediate family requiring the attendance of the employee. "Family of an employee" shall be regarded as parents, wife, husband, child, brother, sister or any other relatives living in the household of the employee.
- Pregnancy, miscarriage, abortion or childbirth incapacitating the employee from performing her duties.

All leave, sick, annual, compensatory and holiday leave will be taken in ¼ hour increments.

### **5.3.2 Hybrid Plan**

Hybrid Plan employees are defined as having a Virginia Retirement System (VRS) effective membership date of January 1, 2014 or after and working not less than 40 hours per week. The Hybrid Plan includes short and long-term disability. Employees within hazardous duty positions with the LEOS retirement benefit are not eligible participants of the Hybrid Plan. Sick leave may be taken for personal and family illnesses, funerals, injuries, physician visits, 7- day waiting period prior to commencement of short-term disability, and qualifying FMLA absences. Accruals are credited upon the completion of a full calendar month of service.

Sick leave credits for Hybrid Plan employees shall be provided at a rate of 10 hours per month. Sick leave credits accumulated cannot exceed nor accrue beyond the maximum limit of 120 hours within the fiscal year.

All full-time new hires must complete a successful three-month introductory period before being eligible for VRS or use of any accrued leave.

## 5.4 Disposition of Leave Balances on Change of Status

An employee (or, upon death, the employee's estate) shall be paid the balance of annual leave credits computed as of the last day of active employment in one lump sum. This leave distribution payment is payable within 15 days, if administratively practical, or the next payroll thereafter when they are:

1. Separated from City service by resignation, retirement, layoff or dismissal;
2. Placed on military or educational leave without pay for a period exceeding 90 calendar days.

Upon termination of employment, the employee shall be paid 25 percent of the accumulated sick leave, provided that such employee has at least five continuous years of service at the time of such termination.

The amount of such payment for accumulated sick leave to such employee may not exceed \$5,000.00.

## 5.5 Holidays—City Code §66-41

Full-time employees are entitled to the following paid holidays:

Holiday	Observed on
New Year's Day	January 1
Dr. Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day and Yorktown Victory Day	Second Monday in October
Veterans' Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving Day	Friday after Thanksgiving Day
Christmas Eve Day	December 24
Christmas Day	December 25
Any other holiday granted by the Governor of the Commonwealth of Virginia	As approved
Any other holiday granted by the President of the United States	As approved
Any other holiday so appointed by the City Council	As approved

Paid holidays or holiday leave falling during an employee's regular vacation leave are not counted as days of vacation.

### Full-time 40-hour Employees

Forty-hour per week employees shall observe holidays in accordance with the Commonwealth of Virginia; this will include all federally observed holidays.

The following employees will not have paid holidays: part-time employees, temporary employees, employees who are not in a pay status the full workday preceding and the full workday following a paid holiday, and employees who are not in a pay status due to extended sick leave when all other leave credits have been exhausted.

If Christmas Day falls on Saturday, Christmas Eve will be observed on the preceding Thursday. If Christmas Day falls on Sunday or Monday, Christmas Eve will be observed on the preceding Friday, unless some other day is specified by the Governor of the Commonwealth for observation of Christmas Eve by state employees, in which event, such other day as so designated by the Governor shall be observed as the Christmas Eve holiday by the City also.

### **Law Enforcement and Fire Protection Employees**

Shift employees shall have the same number of days off each year as 40-hour employees, but said days are not tied to specific holidays. Said days shall also be called holiday leave.

Shift employees shall take their days off during each year of employment. The chief of each department shall schedule each such employee's days off to ensure the manpower needs of the department while satisfying the desires of each employee to the extent possible given said department manpower needs.

With respect to Thanksgiving and Christmas, the chiefs of these two departments shall, to the extent possible considering manpower needs, rotate days off on Christmas and Thanksgiving among all the personnel in their departments from year to year.

## **5.6 Civil Leave**

The City Manager may grant an employee of the City leave with full pay for any absence necessary for serving on a jury, attending court as a witness under subpoena, or serving in an election.

An employee shall be paid only the difference between the full salary or wages and the amount of compensation received for civil duties.

## **5.7 Leave Donation**

Subject to approval by the City Manager and to the restriction hereinafter set forth, employees with accumulated sick leave may transfer their days of sick leave to other employees on sick leave status who have exhausted all paid leave, including annual and holiday leaves. Approval will be given on a case-by-case basis.

The maximum amount that any employee may transfer shall not exceed 40 hours per event of their existing sick leave balance at the time of the request.

The right of transfer of sick leave to an employee is subject to the restriction that no employee may have transferred to them more than a maximum of 160 hours per event.

Transferred sick leave will be paid at the pay rate of the employee needing donated leave. Any exceptions to this policy will be made strictly at the discretion of the City Manager.

Employees working less than 40 hours per week are ineligible to receive donated time.

Hybrid Plan employees are allowed to receive donated leave once all other available leave is exhausted for absences that are not eligible for short term disability benefits through the Virginia Retirement System (VRS). Examples include when an employee is within the 1 year waiting period before short term disability coverage begins, or if the employee is absent due to the care of an immediate family member as defined in the FMLA policy section 5.8.12 on page 40. Donated leave is not available if the employee has applied for short term disability through VRS and the claim has been denied.

## **5.8 Family and Medical Leave**

City employees may be eligible to take unpaid family and medical leave under the federal Family and Medical Leave Act (FMLA). This policy provides an introduction to the rights and provisions of the federal FMLA. The Department of Labor's (DOL's) model notice further explains the FMLA. If you have questions about the FMLA, please contact Human Resources.

### **5.8.1 Eligibility**

To be eligible for leave, you must have been employed by the City for at least 12 months. In the 12 months immediately preceding the beginning of the leave, you must also have worked at least 1,250 hours to qualify for federal FMLA. In addition, 50 or more City employees must be employed within 75 miles of the office or worksite where you work.

### **5.8.2 Amount of Leave Available**

Eligible employees may take up to a total of 12 weeks of FMLA leave within a 12-month period. The City calculates a "rolling" 12-month period measured backward from the date of any FMLA usage.

FMLA can be used for:

- The birth of an employee's child or the placement of a child with the employee for adoption or foster care.
- To care for the employee's spouse, child or parent with a serious health condition.
- The employee has a serious health condition that makes them unable to perform the functions of their job.
- A qualifying exigency that arises because the employee's spouse, child, parent or next of kin is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

When leave is taken to care for a covered service member with a serious injury or illness, a spouse, child, parent or next of kin may take up to 26 weeks of unpaid FMLA leave during a single 12-month period (different calculations may apply for military exigency). Eligible

employees are limited to a total of 26 workweeks of FMLA-protected leave during that 12-month period. For example, an employee cannot take 26 workweeks of FMLA leave to care for a covered service member and then take 12 more weeks for other FMLA qualifying reasons.

Under the federal FMLA, spouses employed by the City are jointly entitled to a combined total of 12 weeks of leave for the birth of a newborn child, for the placement of a child for adoption or foster care or to care for a parent who has a serious health condition. The federal FMLA does not cover care for parents-in-law. Spouses employed by the City are jointly entitled to a combined total of 26 weeks of leave to care for a covered service member.

### **5.8.3 Types of Leave Available**

***Birth or placement for adoption or foster care:*** FMLA leave is available to eligible male and female employees for the birth of a child or for the placement of a child with the employee for purposes of adoption or foster care. FMLA leave must be completed within 12 months of the birth or placement. This type of leave may not be taken intermittently or on a reduced schedule unless the City agrees to this request. See below for more details on noncontinuous leave.

***Serious health condition of employee:*** If, as an eligible employee, you experience a serious health condition as defined by the FMLA, you may take medical leave under this policy (see “Definitions” for the definition of serious health condition). A serious health condition generally occurs when you:

- Receive inpatient care in a hospital, hospice or nursing home.
- Suffer a period of incapacity accompanied by continuing outpatient treatment or care by a health care provider.
- Have a history of a chronic condition that may cause episodes of incapacity.

The following provisions apply to leave for the serious health condition of an employee:

- *Noncontinuous leave*—Medical leave may be taken all at once or, when medically necessary, intermittently or on a reduced leave schedule (see below).
- *Certification process*—The need for leave must be documented by your treating health care provider through our medical certification process (see below).
- *Fitness-for-duty statement*—A fitness-for-duty statement will be required in order for you to return from a medical leave. Failure to provide the statement will result in a delay in your return to work.

***Serious health condition of immediate family member:*** If, as an eligible employee, you need family leave in order to care for your child, spouse or parent who experiences a serious health condition as defined by the FMLA (see “Definitions” for definitions of child, spouse, parent and serious health condition), you may take a leave under this policy.

- *Noncontinuous leave*—Leave may be taken all at once or, when medically necessary, intermittently or on a reduced leave schedule (see below).
- *Certification process*—The need for leave must be documented by the family member’s treating health care provider through our medical certification process (see below).

***Qualifying exigency because of active duty:*** If, as an eligible employee, you need family leave because of any qualifying exigency arising out of the fact that your spouse, son, daughter or parent is on covered active duty in the armed forces (including the National Guard or Reserves), or has been notified that they will be called or ordered to covered active duty in the armed forces (including the National Guard or Reserves), you may take family leave under this policy. (See “Definitions” for a definition of qualifying exigency)

- *Noncontinuous leave*— Family leave for any qualifying exigency arising out of the covered active duty of a family member may be taken all at once, intermittently or on a reduced leave schedule (see below).
- *Certification process*—The need for leave must be documented through our certification process (see below).

***Service member family leave:*** If, as an eligible employee, you need family leave to care for a covered service member who is your spouse, child, parent or next of kin and who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list for a serious injury or illness, you may take up to 26 weeks of unpaid leave during a single 12-month period under this policy. (See “Definitions” for a definition of covered service member and serious injury or illness)

An eligible employee may take service member family leave to care for a covered veteran who is the employee’s spouse, child, parent or next of kin and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. (See “Definitions” for a definition of covered veteran)

- *Noncontinuous leave*—Service member family leave may be taken all at once or, when medically necessary, intermittently or on a reduced leave schedule (see below).
- *Certification process*—The need for leave must be documented by the family member’s treating health care provider through our medical certification process (see below).

#### **5.8.4 Providing Notice**

Failure to provide adequate notice may, in the case of foreseeable leave, result in a delay of leave. It is your responsibility to notify your manager and Human Resources of absences that may be covered by the FMLA.

You must provide sufficient information regarding the reason for an absence for the City to know that protection may exist under this policy. Failure to provide this information will result in delay or forfeiture of rights under this policy. This means the absence may then be counted against your record for purposes of discipline for attendance or similar matters.

Generally, an application for leave must be completed for all leave taken under this policy. A nonemergency leave should generally be requested from Human Resources at least 30 days, or as soon as practical, in advance of the date the leave is expected to begin.

In cases of emergency, you (or your representative, if you are incapacitated) should give verbal notice as soon as possible, and the application form should be completed as soon as practical.

#### **5.8.5 Medical Certification Process**

In addition to an application for leave, you will be required to complete a medical certification form when leave is for a family member's or your own serious health condition. The certification form needs to be signed by the health care provider. The short-term disability certification may be sufficient where the information required is duplicative. These forms are available from Human Resources. Second or third certifications from health care providers and periodic recertification at the City's or your expense may be required under certain circumstances.

We may also require periodic reports during federal FMLA leave regarding your status and intent to return to work.

#### **5.8.6 Military Family Leave Certifications**

In addition to an application for leave, you will be required to complete a Certification of Qualifying Exigency for Military Family Leave form when leave is for a qualifying exigency. A copy of the military member's active duty orders or other military documentation may also be required to substantiate your need for FMLA leave.

If you request leave to care for a covered service member with a serious injury or illness, you will be required to complete a medical certification form, which must be signed by the service member's health care provider. The certification form will request additional information, such as information regarding the relationship between you and the covered service member, to substantiate your need for FMLA leave.

#### **5.8.7 Noncontinuous Leave**

Intermittent or reduced leave will be permitted only when it is medically necessary or for a qualifying exigency, as explained above. In all cases, the total amount of leave taken in a calendar year should not exceed your total allotment as defined earlier in this policy.

Intermittent and reduced schedule leave must be scheduled with minimal disruption to an employee's job. To the extent possible, medical appointments and treatments related to an employee's or family member's serious health condition should be scheduled outside of working hours or at such times that allow for a minimal amount of time away from work.

If you request non-continuous federal FMLA leave which is foreseeable based on planned medical treatment for yourself, a family member or a covered service member, you may be required to transfer temporarily to an available alternative position offered by the City for which you are qualified and which better accommodates recurring periods of leave than your regular employment position. You will be entitled to equivalent pay and benefits, but will not necessarily be assigned the same duties in the alternative position. This provision may also apply if the City

approves a noncontinuous leave for the birth of a child or the placement of a child for adoption or foster care.

#### **5.8.8 Benefit Continuation During Leave**

The City will maintain your group health plan coverage and certain other employment benefits (such as group life insurance, AD&D insurance, and health and dependent flexible spending accounts) during your FMLA leave on the same terms as if you had continued to work, if these benefits were provided to you before the leave was taken. You will be required to pay your regular portion of premiums. Contact Human Resources for an explanation of your options.

Benefits that are accumulated based upon hours worked will not accumulate during the period of FMLA leave.

In some instances, the City may recover premiums it paid to maintain health plan coverage for an employee who fails to return to work from FMLA leave.

#### **5.8.9 Returning to Work**

If the reason for FMLA leave is for your own serious health condition, you will be required to present a fitness-for-duty certification immediately upon return to work.

If you wish to return to work before the scheduled expiration of FMLA leave, you must notify the City of the change in circumstances as soon as possible, but no later than two working days prior to your desired return date.

If you exhaust all leave under this policy and are still unable to return to work, you must notify the City as soon as possible. Your situation will be reviewed to determine what rights and protections might exist under other City policies.

#### **5.8.10 Rights Upon Return from Leave**

Upon return from family or medical leave, you will be returned to the position you held immediately prior to the leave, if the position is vacant. Certain exceptions exist for key employees, as defined by law. If the position is not vacant, you will be placed in an equivalent employment position with equivalent pay, benefits and other terms and conditions of employment.

The law provides that an employee on leave has no greater rights than the employee would have had if the employee had continued to work. Therefore, you may be affected by a layoff, termination or other job change if the action would have occurred had you remained actively at work.

#### **5.8.11 Substitution of Paid Leave for Unpaid Leave**

You are required to use any accrued paid leave while taking FMLA leave in the following order: sick, annual, then holiday. Once you have exhausted your accrued paid leave, any additional FMLA leave will be Leave Without Pay. Contact Human Resources for further information.

### 5.8.12 Definitions

**Spouse**— A husband or wife as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into. This definition also includes an individual in a same-sex or common law marriage that was entered into in a state that recognizes these marriages. An opposite-sex, same-sex or common law marriage that was entered into outside of any state will be recognized if the marriage is valid in the place where it was entered into and the marriage could have been entered into in at least one state.

**Parent**—A biological parent, adoptive parent, stepparent, foster parent or an individual who provides or provided day-to-day care or financial support to the child. Parent does not include a parent-in-law under this law.

**Child**—A biological, adopted or foster child, stepchild, legal ward or a child who is receiving day-to-day care or financial support from the employee and is under the age of 18. Child also includes a person 18 years of age or older who is incapable of self-care because of a mental or physical disability. For military family or qualifying exigency leave, the child does not have to be a minor (under the age of 18) and can be of any age.

- **Incapable of self-care**—The child requires active assistance or supervision to provide daily self-care in three or more “activities of daily living,” or “instrumental activities of daily living,” including adaptive activities such as caring appropriately for one’s grooming and hygiene, bathing, dressing, eating or instrumental activities such as shopping, taking public transportation or maintaining a residence.
- **Physical or mental disability**—A physical or mental impairment that substantially limits one or more major life activity of the individual.

**Covered service member**— A member of the armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list for a serious injury or illness.

**Covered veteran**—An individual who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the armed forces (including the National Guard or Reserves) and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

**Next of kin**—Used with respect to an individual, this means the nearest blood relative of that individual, other than the spouse, parent or child.

**Serious health condition**—Illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice or residential medical care facility.

- A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves: 1) treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by or under the orders of a health care provider; or 2) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a health care provider. The first (or only) visit must occur in person within seven days of the first day of incapacity.
- Any incapacity due to pregnancy or for prenatal care.
- Chronic conditions causing incapacity requiring periodic treatment (at least twice a year) by or under the supervision of a health care provider, which continue over an extended period of time and may cause an episodic rather than a continuing period of incapacity (for example, asthma, diabetes and epilepsy).
- Permanent or long-term conditions causing incapacity and requiring continuing supervision for which treatment may not be effective (for example, Alzheimer's, a severe stroke or the terminal stages of a disease).
- Multiple treatments by or under the supervision of a health care provider either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy), severe arthritis (physical therapy) or kidney disease (dialysis).

**Serious Injury or Illness**—can be:

- In the case of a member of the armed forces, including a member of the National Guard or Reserves, an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the armed forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.
- In the case of a veteran who was a member of the armed forces, including a member of the National Guard or Reserves, an injury or illness incurred by the member in the line of duty on active duty in the armed forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the armed forces) and that manifested itself before or after the member became a veteran and is:
  - A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the armed forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank or rating;
  - A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-related Disability Rating (VASRD) of 50

percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for servicemember family leave;

- A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
- An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

**Qualifying Exigency**—includes:

- Short-notice deployment (seven days or less).
- Military events and related activities.
- Child care and school activities.
- Financial and legal arrangements.
- Counseling.
- Rest and recuperation (up to 15 days).
- Post-deployment activities.
- Parental care.

Additional activities agreed to by the City and the employee.

## **5.9 Leave Without Pay**

Leave without pay may be granted to an employee at the discretion of the City Manager upon request of the Department Head for a period not to exceed 12 months.

Any employee returning from leave of absence without pay during, or at the end of, the period for which the leave was granted shall be entitled to reinstatement under the conditions elsewhere provided in these rules; if they fail to return at the end of the period for which the leave was granted, they shall be treated as having resigned from the service.

## **5.10 Federal Military Leave**

### **5.10.1 Leave for Annual Training**

All officers and employees of the City who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States,

National Guard, or Naval Militia shall be entitled to leaves of absence from their respective duties, without loss of seniority, accrued leave, or efficiency rating, on all days during which they are engaged in federally funded military duty, to include training duty, or when called forth by the governor pursuant to the provisions of section 44-75.1 or section 44-78.1. There shall be no loss of pay during such leaves of absence, except that paid leaves of absence for federally funded military duty, to include training duty, shall not exceed 21 workdays per federal fiscal year, and except that no officers or employees shall receive paid leave for more than 21 workdays per federally funded tour of active military duty. When relieved from such duty, they shall be restored to positions held by them when ordered to duty. For the purposes of this section, with respect to employees of the City who do not normally work approximately equal workdays on five or more days of each calendar week, the term "workday" shall mean 1/260 of the total working hours such employee would be scheduled to work during an entire federal fiscal year, not taking into account any state holidays, annual leave, military leave, or other absences.

Any employee who is ordered to report for a selective service physical examination shall be entitled to leave with full pay for not exceeding one day.

#### **5.10.2 Leave for Military Service**

If you are a permanent employee who performs service in the uniformed services, you may be granted leaves of absence for the purpose of participating in military service. Under USERRA, "uniformed services" consists of the U.S. Army, Navy, Marine Corps, Air Force and Coast Guard and their Reserve components, U.S. National Guard and Air National Guard, the Commissioned Corps of the Public Health Service and any other category of persons designated by the President of the United States in time of war or emergency.

You will be granted leave as required to complete the military service, for up to five years of cumulative uniformed service-related absences. Some special categories of military service are exempt from this five-year limit.

Please note that:

- Employees with leaves of less than 31 days must report back to work by the beginning of the first regularly scheduled work period after the end of the last calendar day of service, plus the time required to return home safely and have an eight-hour rest period.
- Employees with leaves between 31 and 180 days must apply for re-employment no later than 14 days after completion of uniformed service. Employees with leaves longer than 180 days must apply for re-employment no later than 90 days after completion of uniformed service.

These reporting or application deadlines can be extended for persons who are hospitalized or convalescing because of an injury or illness incurred or aggravated during the performance of military service.

Returning service members will be reemployed in the job that they would have attained had they not been absent for military service, with the same seniority, status and pay, as well as other

rights and benefits determined by seniority (escalator position). The City will make reasonable efforts (such as training or retraining) to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment. However, certain exceptions apply and service members may be placed in an alternative reemployment position if they cannot qualify for the escalator position.

Reemployed service members are entitled to the seniority and rights and benefits based on seniority that they would have attained with reasonable certainty had they remained continuously employed.

During a period of military service, employees will be treated as if they are on a furlough or leave of absence. Consequently, during their period of service they are entitled to participate in any rights and benefits not based on seniority that are available to employees on comparable nonmilitary leaves of absence.

If your health plan coverage would terminate because of an absence due to military service, you may elect to continue the health plan coverage for up to 24 months after the absence begins or for the period of service (plus the time allowed to apply for reemployment), whichever period is shorter. You may be required to pay up to 102% of the full premium for the coverage. However, if the military service is for 30 or fewer days, you cannot be required to pay more than the normal employee share of any premium.

## **5.11 Bereavement Leave**

### **Funeral Leave for an Immediate Family Member:**

When a death occurs in an employee's immediate family, all regular full-time employees may take up to three (3) days off with pay to attend the funeral or make funeral arrangements. Bereavement leave may be used in conjunction with additional sick leave or other available leave time.

### **Immediate Family Defined:**

Immediate family members are defined as an employee's spouse, parents, stepparents, sisters, brothers, children, stepchildren, grandparents, grandchildren, aunts, uncles, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

## **5.12 Voting Policy**

The City encourages all employees to vote. Most polling facilities for elections for public office have hours that are scheduled to accommodate working voters. The City, therefore, requests that employees schedule their voting for before or after their work shifts. An employee who expects a conflict, however, should notify their supervisor, in advance, so that schedules can be adjusted if necessary.

## **6.0 General Employment Policies**

### **6.1 Network Access**

Access to the City network is given principally for work-related activities or approved educational/training activities. Incidental and occasional personal use and study use is permitted. This privilege should not be abused and must not affect the employee's performance of employment-related activities.

#### **6.1.1 Right to Monitor**

The City digital communications systems and information technology infrastructure is at all times the property of the City. By accessing the City's technology resources, through devices provided by the City you acknowledge that the City monitors and logs all network activity from every connected device on the City's network, whether that device is City property or otherwise. Please note that the City uses security monitoring software and advanced AI to block cybersecurity threats, phishing and malicious code. These filters may from time to time temporarily interfere with legitimate digital communications.

#### **6.1.2 Responsibilities and Obligations**

Employees may not access, download or distribute material that is illegal, or which others may find offensive or objectionable, such as material that is pornographic, discriminatory, harassing, or an incitement to violence.

You must respect and comply with copyright, trademark and similar laws, and use such protected information in compliance with applicable legal standards. When using web-based sources, you must provide appropriate attribution and citation of information to the websites. Software must not be downloaded from the internet without the prior approval of qualified persons within the City.

Passwords are an important aspect of computer security. A poorly chosen password may result in unauthorized access and/or exploitation of the City's resources. All users, including contractors and vendors with access to the City's systems, are only allowed access to City resources with a password, biometric key, physical access device and/or authentication service/software that adheres to the City's Information Technology Policy.

#### **6.1.3 Violation of this Policy**

In all circumstances, use of the City's information technology infrastructure must be consistent with the law and City policies. Violation of this policy is a serious offense and, subject to the requirements of the law, may result in a range of sanctions, from restriction of access to electronic communication facilities to disciplinary action, up to and including termination.

If you have questions about the City's Information Technology Policy, or your responsibilities under the policy, please contact your supervisor, Human Resources, or Information Technology.

## **6.2 Digital Communications and Email**

All emails, messages, files and communications that reside on the City's information technology infrastructure are property of the City. All emails are archived in accordance with our records retention policy, and all emails are subject to review by the City. Any City email address should only be used in conjunction with City business and not employed for personal sites and/or services. Access of any personal email service using city devices is also prohibited.

The City email and digital communications is City property, and as such, is subject to monitoring. System monitoring is done for your protection and the protection of the rights or property of the provider of these services.

Email and digital communication is like any other form of City communication and may not be used for harassment or other unlawful purposes. Your email account is a City-provided privilege and is City property. Remember that when you send email from the City domain, you represent the City whether your message is business-related or personal.

### **6.2.1 Confidentiality of Digital Communications**

As noted above, all communication via City email and digital communication systems is subject at all times to monitoring, and the release of specific information is subject to applicable laws and City rules, policies and procedures on confidentiality. Existing rules, policies and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software.

## **6.3 Social Media Policy**

The term “social media” includes all means of communicating or posting information or content of any sort on the internet, including to your own or someone else’s web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with the City, as well as any other form of electronic communication. The same principles and guidelines found in the City rules, policies and procedures apply to an employee’s social media activities online. However, as a general rule, the City will never:

- Ask an employee to disclose the username or password to his or her social media account(s); or
- Ask an employee to add a City employee, supervisor or administrator to the list of contacts associated with the employee’s social media account(s).

Departments may authorize the establishment of and use of City social media accounts. Employees authorized and assigned to access and use these accounts must follow the guidelines contained in the City’s Information Technology Policy.

The following guidelines pertain to employees accessing and using their personal social media accounts.

### **6.3.1 Guidelines**

The same principles and guidelines found in the City of Bristol, Virginia's policies and three basic beliefs apply to your activities online. Ultimately, electronic mail is subject at all times to monitoring. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects members, customers, suppliers, people who work on behalf of the City of Bristol, Virginia or the City of Bristol, Virginia's legitimate business interests may result in disciplinary action up to and including termination.

#### **Know and follow the rules**

Carefully read these guidelines, the City of Bristol, Virginia's Statement of Ethics Policy, the City's Information Technology Policy, and the Discrimination & Harassment Prevention Policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

#### **Be respectful**

Always be fair and courteous to fellow employees, customers, suppliers, or people who work on behalf of the City. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, employees or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City policy.

#### **Be honest and accurate**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the City, fellow employees, customers, suppliers, people working on behalf of the City of Bristol, Virginia.

#### **Post only appropriate and respectful content**

Express only your personal opinions. Never represent yourself as a spokesperson for the City of Bristol, Virginia. If the City is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the City of Bristol, Virginia, fellow employees, customers, suppliers or people working on behalf of the City of Bristol, Virginia. If you do publish a blog or post online related to the work you do or subjects associated with the City of Bristol, Virginia, make it clear that you are not speaking on behalf of the City. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the City of Bristol, Virginia."

### **Using social media at work**

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager or consistent with the City Equipment Policy. Do not use City email addresses to register on social networks, blogs or other online tools utilized for personal use.

### **Retaliation is prohibited**

The City of Bristol, Virginia prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

### **Be cautious**

Develop a healthy suspicion. Don't let anyone trick you into disclosing confidential information. Be suspicious if asked to ignore identification procedures.

### **Media contacts**

Employees should not speak to the media on the City's behalf without contacting the City Manager. All media inquiries should be directed to the City Manager's office.

Employees are personally responsible for the content they publish via personal social media. Conduct that violates any aspect of this regulation is subject to investigation and discipline regardless of whether such conduct may have occurred away from work or on non-working time. Employees with questions regarding whether certain activities all within the parameters of this regulation are encouraged to contact their supervisor or Human Resources.

## **6.4 Employee Privacy**

In this age of the Internet where privacy has become an increasing concern, we take your privacy very seriously. The privacy and security of your personal data ("personal information") which we collect from you is important to us. It is equally important that you understand how we handle this data. The City will not knowingly collect or use personal information in any manner not consistent with this policy, as it may be amended from time to time, and applicable laws.

### **6.4.1 Collection of Information**

In the course of conducting our business and complying with Federal, State, and local government regulations governing such matters as employment, tax, insurance, etc., we must collect personal information from you. The nature of the information collected varies somewhat for each employee, depending on your employment responsibilities, the location of the facility where you work, and other factors. We collect personal information from you solely for business purposes, including those related directly to your employment with the City, and those required by governmental agencies.

#### **6.4.2 Use of the Information Collected**

The primary purposes for collection, storage and/or use of your personal information include, but are not limited to:

##### **Human Resources Management**

We collect, store, analyze, and share (internally) personal information in order to attract, retain, and motivate a highly qualified workforce. This includes recruiting, compensation planning, succession planning, reorganization needs, performance assessment, training, employee benefit administration, compliance with applicable legal requirements, and communication with employees and/or their representatives.

##### **Business Processes and Management**

Personal information is used to run our business operations including, for example, scheduling work assignments, managing City assets, reporting and/or releasing public data (e.g., annual reports, etc.); and populating employee directories. Information may also be used to comply with government regulation.

##### **Safety and Security Management**

We use such personal information as appropriate to ensure the safety and protection of employees, assets, resources, and communities.

##### **Communication and Identification**

We use your personal information to identify you and to communicate with you.

#### **6.4.3 Limited Disclosure**

The City acts to protect your personal information and ensure that unauthorized individuals do not have access to such information by using security measures to protect personal information. We will not knowingly disclose, sell, or otherwise distribute your personal information to any third party without your knowledge and, where appropriate, your express written permission, except where disclosure is reasonably necessary to comply with the law.

#### **6.4.4 Security of Personal Information**

We employ reasonable security measures and technologies, such as password protection, encryption, physical locks, etc., to protect the confidentiality of your personal information. Only authorized employees have access to personal information. If you are an employee with such authorization it is imperative that you take the appropriate safeguards to protect such information. Paper and other hard copy containing personal information (or any other confidential information) should be secured in a locked location when not in use. Computers and other access points should be secured when not in use by logging out or locking. Passwords and user IDs should be guarded and not shared. When no longer necessary for business purposes, paper and hard copies should be immediately destroyed using paper shredders or similar devices. Do not leave copies in unsecured locations waiting to be shredded or otherwise destroyed. Do not make or distribute unauthorized copies of documents or other tangible medium containing personal information. Electronic files containing personal information should only be stored on secure computers and not copied or otherwise shared with unauthorized individuals within or outside of the City.

The City will make reasonable efforts to secure personal information stored or transmitted electronically from hackers or other persons who are not authorized to access such information.

Any violation or potential violation of this policy should be reported to your immediate supervisor, designated manager, or Human Resources. The failure by any employee to follow these privacy policies may result in discipline up to and including discharge of the employee. Any questions or suggestions regarding this policy may also be directed to your immediate supervisor, designated manager, or Human Resources.

#### **6.4.5 Right to Inspect**

City property, including but not limited to, lockers, desks, work place areas, vehicles, machinery, remains under the control of the City and is subject to inspection at any time, without notice to the employee, and without the employee's presence. Employees should have no expectation of privacy in any of these areas. We assume no responsibility for the loss of, or damage to, any employee property maintained on City premises including property kept in lockers and desks.

### **6.5 Telephones**

Access to the City telephone system is given principally for work-related activities or approved educational/training activities. Incidental and occasional personal use is permitted. This privilege should not be abused and must not affect the employee's performance of employment-related activities. Telephone usage should be based upon cost-effective practices that support the City's mission and should comply with applicable rules and regulations.

You should use common sense and your best judgment when making or receiving personal cellular phone calls at work. To the extent possible, employees should make personal cellphone calls during their breaks or lunch times. The use of cameras on cell phones during work hours is prohibited to protect the privacy of the City as well as of fellow employees. However, this restriction will not apply to any recordings made in the exercise of any rights granted to an employee by federal law.

The City telephone system is at all times the property of the City. By accessing the telephone system through facilities provided by the City, you acknowledge that the City has the right to monitor its telephone system from time to time to ensure that employees are using the system for its intended purposes.

City-issued cellular telephones, electronic paging devices, and other wireless personal communications devices are intended for and expected to be used for City business only. An employee is expected to exercise reasonable discretion in the use of City-issued devices. An employee may carry a personal cellular telephone while at work, provided, however, that the employee makes or answers personal calls only during breaks and meal periods. Friends and families should be made aware of this policy. An employee shall be disciplined and/or held responsible for any costs incurred by the City for excessive use of a wireless communications device, or any inappropriate use.

The City prohibits the use of handheld cellular devices while driving. Employees are strongly encouraged to use a hands-free cellular device while driving, should the use become a necessity

in the course of employment. Sending and/or receiving text messages is expressly prohibited while operating any vehicle.

## **6.6 Inclement Weather Policy**

When inclement weather makes travel to and from work difficult, the City will declare a liberal leave policy. In such cases, Department Heads, after ensuring that offices are adequately staffed, may approve requests for annual leave, compensatory leave, or leave without pay when employees are unable to travel to work due to weather conditions. Under a liberal leave situation, employees must call their department supervisor to request liberal leave.

Please note that when inclement weather is present, essential employees (those in jobs that are vital to public health, safety, and welfare) are expected to report to work on time. Check with your supervisor if you are unsure whether you are an essential employee.

If City offices will open on a delayed schedule, or will be closed due to inclement weather, we will update the City weather hotline at 276-644-4636 no later than 6:00 a.m. You may also visit the City's website <https://www.bristolva.org> to see announcements on the City's status.

## **6.7 Dress Code and Public Image**

The City of Bristol, Virginia seeks to present a positive and professional appearance to the public it serves. Although the City has various positions requiring different standards of dress, all employees are expected to be always clean through proper personal hygiene and wear proper attire or uniforms in a manner appropriate for their jobs.

With exception to religious observation or garb, tattoos/body art, earplugs and/or facial piercings shall be prohibited from exposure and must be concealed in professional positions requiring a business image. All employees are prohibited from wearing extreme or eccentric hairstyles, clothing or jewelry that does not present a professional appearance.

Department Heads/Supervisors shall be responsible for enforcing proper attire within their areas of responsibility. Employees are responsible to maintain dress, uniform and appearance fitting of a public servant and in matters of safety.

Repeated disregard for this policy may result in disciplinary action up to and including discharge.

If you have a question about whether something is appropriate or inappropriate, please check with your manager.

## **6.8 Workspace**

Employees are responsible for maintaining the workspace assigned to them. A clean, orderly workspace provides an environment conducive to working efficiently. Employees should keep in mind that their workspace is part of a professional environment that portrays the City's overall dedication to providing quality service to its clients. Therefore, your workspace should be clean, organized and free of items that are not required to perform your job.

## **6.9 Equipment**

Certain equipment is assigned to staff depending on the needs of the job, such as a calculator, personal computer, printer and access to our central computers and servers. This equipment is the property of the City and cannot be removed from the office without prior approval from your supervisor. The City expects that you will treat this equipment with care and report any malfunctions immediately to staff members equipped to diagnose the problem and take corrective action.

All City-owned equipment must be properly returned upon transfer or termination.

## **6.10 Personnel Records**

Human Resources will retain official employment records and shall determine what records are placed in personnel files. Employee personnel files are the property of the City, and do not belong to the employee. However, upon request, the City will provide employees with copies of documents. Certain types of personal information contained in the personnel files are confidential and the City will take all steps reasonably necessary to preserve that confidentiality.

It is your responsibility to provide current information regarding your address, telephone number, insurance beneficiaries, change in dependents, marital status, direct deposit, etc. Changes in exemptions for tax purposes will only be made upon the receipt of a completed W-4 form. To obtain forms and provide updated personnel information, contact or visit Human Resources.

## **6.11 Freedom of Information Act (FOIA) Requests**

As a City employee, you may be approached in person, by phone or in writing about providing City-specific information. As an employee, it is your responsibility to forward any request(s) for City information to the City Manager.

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

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

## **6.12 Travel Expenses**

Predicated upon adequate funding, the City of Bristol, Virginia may reimburse employees traveling on pre-approved, official City business for reasonable and necessary expenses incurred. Travel expenses may be paid by the employee and then reimbursed upon submission of completed required paperwork and proper documentation. Completed paperwork is due to the Finance Department within three business days of return from travel. The Department Head

should review allowable travel charges with the employee prior to travel, unless it is an unforeseen circumstance.

### **6.12.1 Transportation**

A City-owned vehicle should be used for approved City business when available. Preference in the use of City-owned vehicles will be given to employees traveling the greatest distances. If a City-owned vehicle is not available, the private vehicle of an employee may be used, and the employee will be reimbursed at the current IRS mileage rate. An employee would not be reimbursed the actual cost of gasoline or other incidental expenses of personal vehicle usage. If an employee elects to use their personal vehicle rather than a City-owned vehicle, the employee will not receive mileage reimbursement, unless the use is pre-approved by the City Manager.

Guest and/or family members may occasionally travel in a City-owned vehicle if prior approval has been received by the City Manager. City-owned vehicles must be picked up at the beginning of travel and returned immediately upon return. City-owned vehicles should never be taken home or used to commute to and from your work location unless pre-approved. IRS rules require personal use of vehicles to be added to your taxable income and must be properly monitored.

Actual parking fees, toll charges, metro fees and required taxi or other transportation costs are allowable for reimbursement. Tickets or receipts should accompany reimbursement requests, when possible. Otherwise, the traveler should document the date, amount and purpose of a charge.

Transportation by airplane, train, or a method other than vehicle transportation must be approved by the City Manager prior to any expenditure related to that travel.

### **6.12.2 Meals**

Meals will be reimbursed at cost when overnight travel is required. The maximum meals and incidentals to be reimbursed will be determined by the Federal GSA Per Diem Rates. The federal rates are available at <http://perdiemcalc.net/gsa-np> and must be attached to each travel voucher for meals and lodging. On travel departure and return days the meal allowance is calculated at 75% of the federal rates and is calculated by the Federal GSA per Diem Calculator. If a meal is provided by a third party or the conference during travel, it will not be reimbursed or charged to City credit card, even if the employee chooses an alternative. That meal should be deducted from the daily total provided by the federal per diem rates. The conference registration or agenda must be attached to each travel voucher for meals. The meal maximum will be on a daily basis of travel and will not be subject to prorating or carry over from one day to the next. Meal allowance rates include all taxes and tips. **Tips are limited to 15%.**

Detailed meal receipts must be submitted with the travel reimbursement claim form.

Meals will not be reimbursed for day trips.

### **6.12.3 Lodging**

On approved trips which require overnight lodging, motel/hotel receipts must be submitted with the travel reimbursement claim form. Most telephone expenses are not allowable for reimbursement and should not be submitted for reimbursement. Government rates shall be requested when appropriate and used when available.

Travelers must keep receipts and accurate detailed records of all expenses to ensure correct reporting and submission of travel reimbursements. Claims for travel and meal expenses shall be submitted to the Finance Department on forms approved by the City Manager for this purpose. By signing the travel reimbursement request, the traveler is certifying the accuracy of all information and the legitimacy of the travel. The signature of the traveler's supervisor certifies that they agree that the travel was necessary and the requested reimbursements are proper.

The maximum reimbursement rate for lodging shall be based on the same lodging rate paid by the Commonwealth of Virginia to its employees at any given time. Utilize the calculator at the following website to determine maximum allowance for your destination:

<http://perdiemcalc.net/gsa-np/> .

Up to 150% above the rate may be approved by the Department Head, above 150% must be approved by the City Manager in advance of travel. Expenses in excess of the base guidelines will not be reimbursed, unless approved in advance. Employees who do not plan with careful consideration to these guidelines will bear the additional expense personally.

The Federal GSA Per Diem Calculator must be attached to each travel voucher for lodging.

### **6.12.4 Miscellaneous**

Disallowed Expenditures. The following expenses will not be reimbursed:

- Lost or stolen articles.
- Alcoholic beverages.
- Damage to personal vehicles.
- Clothing, or other items.
- Movies charged to hotel bills.
- Entertainment expense.
- Internet access (unless pre-approved for a business purpose).
- Expenses for children, spouses, and companions while traveling.

This list is not all-inclusive. Employees should use prudent judgement and remember that all travel expense accounts are open to the public and must be able to sustain the test of public review.

#### **6.12.5 Travel Expenditures Charged to the City Credit Card**

Travel expenses charged directly to the City credit card must follow these guidelines. For additional guidelines see the Credit Card Use Policy.

### **6.13 City-issued Credit Cards Policy**

The City may issue City credit cards to certain employees for business use as necessary in connection with the employee's job duties. Use of City-issued credit cards is a privilege, which the City may withdraw at any time.

Any credit card issued to an employee by the City must be used for business purposes only.

Credit cards may be used for:

- Expenses authorized by the travel policy, with Department Head approval. When credit cards are used for meal or other travel expenses which are not authorized by the travel policy or exceed reimbursement limits of the travel policy, such amount(s) shall be paid by the cardholder within 3 business days of return from the travel or notification by the City of disallowed charges.
- Purchase of goods and services.
- On-line purchases when such purchase is advantageous to the overall efforts of the City.

Employees using credit cards shall ensure that purchases comply with all applicable laws, rules, regulations and purchasing policies.

Credit cards may not be used for:

- Cash advances.
- Personal purchases.
- Purchases for any non-official City of Bristol, Virginia purpose.
- Travel expenses for individuals not covered by the travel policy, even if it is the intent to reimburse the City.
- Purchase of alcohol.
- Purchases which are in violation of any law or regulation.

- Purchases of gift cards, unless approved prior to purchase by the City Manager.
- Purchases of Capital Equipment.
- Fuel for privately owned vehicles.

All transactions shall be documented by receipts, which provide details of the transaction and in a form acceptable to the Chief Financial Officer. Any transaction not properly documented shall be deemed disallowed and be subject to the rules applied to disallowed charges and/or transactions.

Department Heads shall be responsible for ensuring card usage by employees of their department and compliance with all applicable laws, rules, regulations and these procedures and policies. Department Heads shall establish responsibility, control and ensure appropriate records are maintained.

Department Heads (or designee) shall approve each card transaction. The Department Head, or designee, shall ensure timely submittal of required documentation by employees of their department. This includes the submittal of receipts and the purchase requisition or travel expense form.

## **6.14 Bulletin Boards**

The City provides bulletin boards to convey information about City, State and Federal laws. Other City or work-related information may be posted on bulletin boards i.e., career opportunity bulletins, employee training schedules, internal City memorandums, etc. Employees are prohibited from posting non-City related or unauthorized information on City bulletin boards.

## **6.15 Non-solicitation Policy**

To avoid disruption of business operations or disturbance of employees, visitors, and others, the City has implemented this Non-solicitation Policy (the “Non-solicitation policy”). For purposes of the Non-solicitation Policy, “Solicitation” (or “Soliciting”) shall include, canvassing, soliciting or seeking to obtain membership in or support for any organization, requesting contributions, and posting or distributing handbills, pamphlets, petitions, and the like of any kind (“Materials”) on City property or using City resources (including without limitation bulletin boards, computers, mail, e-mail and telecommunication systems, photocopiers and telephone lists and databases). “Commercial Solicitation” means peddling or otherwise selling, purchasing or offering goods and services for sale or purchase, distributing advertising materials, circulars or product samples, or engaging in any other conduct relating to any outside business interests or for profit or personal economic benefit on City property or using City resources. Solicitation and Commercial Solicitation performed through verbal, written, or electronic means, are covered by the Non-solicitation Policy.

Employees are also prohibited from soliciting other employees for any cause during their assigned working time. For this purpose, working time means time during which either the soliciting employees or the employees who are the object of the solicitation are expected to be

actively engaged in with assigned work. Notwithstanding the foregoing, employees may conduct solicitations during their lunch period, coffee breaks, or other authorized non-work periods, so long as they do so when the other employees are on their lunch or break periods. Employees are not allowed to solicit an employee who requests not to be solicited, even if on a break period.

## **6.16 Waiver of Breach**

The waiver by the City of any violation of any term or condition set forth in this Employee Handbook shall not operate as a waiver of any subsequent violation. No waiver shall excuse compliance with the provisions of the Employee Handbook unless placed in writing and signed by the City Manager.

## **6.17 Driving Record**

All employees required to operate a motor vehicle as part of their employment duties must maintain a valid driver's license and acceptable driving record. The City may run a motor vehicle department check to determine an employee's driving record. Any changes in your driving record, including, but not limited to, driving infractions, must be reported to the City.

## **6.18 Use of City Vehicles**

The following regulations covering the operation of City vehicles are of a general nature. City vehicles are to be used for City business only. Unless the use of the vehicle has been approved for personal use, in writing, by the City Manager or designated manager, personal or outside business use is strictly prohibited.

1. Drivers of City vehicles are to report all infractions or violations while driving a City vehicle and all restrictions, suspensions or revocations against their driver's license to their supervisor or manager or Human Resources immediately.
2. Before operating a City vehicle, the driver shall satisfy that the following are in good working order:
  - Brakes.
  - Parking brake.
  - Steering.
  - Lights/signals.
  - Tires.
  - Horn.
  - Wipers.
  - Mirrors.
3. When a City vehicle cannot be operated, is unsafe for use, or has been damaged a supervisor or manager must be notified immediately.

4. Drivers should operate vehicles carefully and keep them under control at all times under the codes of defensive driving. Drivers must observe all local traffic ordinances, give proper warning signals and always be courteous toward other drivers and pedestrians.
5. The driver of a City vehicle is responsible for it while in their charge and will not permit unauthorized persons to drive it.
6. The driver or operator of a City vehicle receiving a summons for a traffic or parking violation must inform their supervisor as soon as possible after the incident.
7. Drivers are required to turn on the vehicle headlights whenever windshield wipers are used due to rain, sleet, hail, fog or other unfavorable weather conditions.
8. Drivers are required to use seat/safety belts and all passengers are required to use seat/safety belts.
9. The driver is responsible for the daily housekeeping of the vehicle; it is to remain clean and uncluttered. Vehicles are to be kept neat and tidy at all times inclusive of both the interior and the exterior.
10. No person shall operate a motor vehicle while under the influence of alcohol or a chemical substance or other substance that can impair judgment. A DUI may result in termination if driving a City vehicle is required in order to perform job responsibilities. Termination is also possible for an employee who needs to drive a personal vehicle for business as part of their job, if alternative transportation, made at the employee's expense, cannot be arranged.
11. Multiple driving moving violations that appear on the annual DMV check, will result in suspension of rights to drive a City vehicle or drive a personal vehicle on City business. Suspension of rights will continue until one (1) year has passed with no infractions. During the time of suspension, alternative arrangements to continue job responsibilities without use of a City vehicle must be made by the employee at their expense. If there are persistent and ongoing problems with driving infractions, and driving a vehicle is a part of successful execution of job responsibilities, termination is possible.

## **6.19 Authorization for Use of Personal Vehicle**

City-owned vehicles, if available, should be used where needed to perform official duties. With approval from the City Manager, employees may use their personal vehicles for official travel.

License and insurance requirements from Driving Record above apply to personal vehicle use.

An employee should review their personal insurance coverage prior to using their vehicle for business. Damage to personal vehicles is not reimbursable by the City.

## **6.20 Reporting Unethical, Fraudulent or Illegal Activity**

The City of Bristol, Virginia wishes to operate according to the highest ethical and legal standards possible. Therefore, we not only request, but require, that you bring to the attention of management any conduct on the part of fellow employees, supervisors, or others, that you believe violates the policies, agreements, ethical standards or obligations of the City, or which are unethical, fraudulent or illegal in nature. Failure to report any such activity not only constitutes a violation of City Rules of Conduct but may also needlessly expose the City to litigation or governmental sanction, including possible criminal prosecution.

If you believe you have encountered unethical, fraudulent or illegal conduct, you are required to immediately report it to your supervisor or someone else in management. If you believe your supervisor is engaged in inappropriate conduct, or has not sufficiently addressed your concerns, you should bring the matter to the attention of the next level of supervision or Human Resources.

Examples of unethical, fraudulent or illegal acts include:

- Falsification of loan, credit, accounting records or management information.
- Theft or misuse of employee, City or stakeholder property.
- Violation of any federal, state or local laws.
- Offer or acceptance of money or gifts from a stakeholder or vendor in violation of City guidelines.
- Violation of the City Code of Ethics, policies or procedures.

## **7.0 Performance and Discipline**

### **7.1 Performance Reviews and Salary Reviews**

An employee's first performance review will take place after the first three months of employment with the City. Thereafter, performance reviews will normally be conducted annually. All performance reviews will be completed in writing by your supervisor or manager on the form designated by the City and reviewed during a conference with you. Factors considered in your review include, but are not limited to, the quality of your job performance, your attendance, meeting the requirements of your job description, dependability, attitude, cooperation, compliance with City employment policies, any disciplinary actions, and year-to-year improvement in overall performance.

Compensation increases may be given by the City at its discretion in consideration of various factors, including your performance review.

### **7.2 Standards of Conduct**

The City of Bristol, Virginia wishes to create a work environment that promotes job satisfaction, respect, responsibility, integrity and value for all of our employees and other stakeholders. Every employee has a shared responsibility toward improving the quality of our work environment. By deciding to work for the City, you agree to follow the City's rules.

The prohibited conduct listed below is not an all-inclusive list. This policy is not intended to limit the City's right to discipline or discharge employees for any reason permitted by law. In fact, while we value our employees, the City retains the right to terminate an employee on an "at-will" basis.

Examples of inappropriate conduct include:

- Violation of any elements of the City's Personnel Code, Ordinances, or rules.
- Incompetence, inefficiency or negligence in the performance of duties or supervisory responsibilities.
- Possessing, using, distributing, selling, negotiating the sale of, drugs or other controlled substances or being under the influence of alcohol, during working hours, on City property (including City vehicles), in City uniform, or on City business.
- Inaccurate reporting of the hours worked by you or any other employee.
- Lying and dishonesty.

- Providing inaccurate, incomplete or misleading information in interviews or the preparation of any employment related document including, but not limited to, job applications, personnel files, employment review documents, intra-City communication, communications with those outside the City, or expense records.
- Taking or destroying of City property or that of visitors, fellow employees or other stakeholders.
- Possession or custody of potentially hazardous or dangerous property, where not permitted, such as firearms, weapons, chemicals, etc., without prior authorization.
- Advocacy of or participation in group tactics which disrupt normal work performance including, but not limited to, walk-outs, slow-downs, and other such activities not authorized by law.
- Fighting with, or harassment of, any fellow employee, vendor or customer.
- Unauthorized or excessive use of City property, or the property of any visitor, customer, fellow employee. This includes but is not limited to, vehicles, supplies, telephones, mail and computers.
- Disclosure of proprietary information of the City, its stakeholders, or fellow employees.
- Refusal or failure to follow directions or to perform a requested or required job task (Insubordination).
- Refusal or failure to follow safety rules and procedures.
- Excessive tardiness or absences.
- Conviction of a crime.
- Smoking and/or vaping in non-designated areas.
- Working unauthorized overtime.
- Solicitation of fellow employees on the City premises during working time.
- Failure to dress appropriately.
- Use of obscene or otherwise inappropriate language or conduct in the workplace.
- Acceptance of any consideration given with the expectation of influencing the employee in performance of the duties.

- Failure to provide timely medical authorizations for medical absences that are longer than two days.
- Inappropriate horseplay that is distracting to fellow employees or creates a danger to others.
- Criminal activity at or outside of the workplace.
- Outside employment which interferes with your ability to perform your job at this City.
- Gambling on City premises.
- Sleeping on the job or neglect of job duty.
- Taking unauthorized gratuities in connection with City business.
- Lending keys to City property to unauthorized persons or allowing duplicate keys to be made without prior authorization.
- Being absent from the work area without prior authorization.
- Harassment of, or discrimination against, an employee, customer or visitor because of that person's race, religion, color, sex, age, sexual preference, disability or national origin.
- Bad-mouthing or spreading rumors about others.
- Use of official position for personal advantage.
- Engaging in conduct, on or off the job, which can cause damage to the reputation of the City.

Nothing in this policy is intended to chill employee rights under the National Labor Relations Act.

### **7.3 Criminal Activity; Arrests**

Involvement in criminal activity, whether on or off City property, may result in disciplinary action including suspension or termination. Employees are **required** to disclose immediately to their supervisor or Department Head of any charges and/or convictions of crimes.

Disciplinary action depends upon a review of all factors involved, including whether or not the employee's action was work-related, the nature of the act, or circumstances which adversely affect attendance or performance. Any disciplinary action is not dependent upon the disposition of any case in court.

Employees are expected to be on the job, ready to work, when scheduled. Inability to report to work as scheduled as a result of an arrest may lead to disciplinary action, up to and including termination, for violation of an attendance policy or job abandonment.

Any disciplinary action taken will be based on information reasonably available. This information may come from witnesses, police, or any other source as long as management has reason to view the source as credible.

## **7.4 Political Activity**

An employee shall not participate in political activities while on duty; or use City property, equipment or resources on behalf of, or while participating in, political activities.

Notwithstanding the foregoing, and subject to the provisions of the Hatch Act, an employee shall: have the same right to be a candidate for, and to hold, any federal, state or local political office other than City Council of the City of Bristol, Virginia. Employees shall have the right to involve themselves in political activities by supporting or opposing political parties and political candidates.

## **7.5 Smoking Policy**

In order to provide a safe and comfortable working environment for all employees, smoking and vaping are strictly prohibited at all times inside any City building and inside any City vehicle.

## **7.6 Drug and Alcohol-free Workplace**

It is the intent of the City of Bristol Virginia to provide a drug-free working environment. Intoxicated or chemically impaired workers are a serious problem in any work environment. Given the potential hazards to the safety of fellow employees and others, the negative public relations, and the potential exposure to liability caused by employees who use or abuse controlled substances or alcohol, the City of Bristol Virginia has established itself as a DRUG-FREE WORKPLACE. The following statement is applicable to any and all employees of the City.

The following conduct is prohibited during your work time, whether on the property of City of Bristol or otherwise engaged in your employment duties.

1. The sale, purchase, manufacturing, distribution, dispensing, possession or other use with any non-prescribed controlled substance or drug paraphernalia.
2. The sale, purchase, distribution, dispensing, possession or use of any controlled prescription drug prescribed to someone other than the employee.
3. The illegal sale or distribution to another of a scheduled drug prescribed to the employee.
4. Reporting to or being at work with a measurable quantity of intoxicants, non-prescribed narcotics, hallucinogenic drug, marijuana or other non-prescribed controlled substance in the blood or urine.

A violation of any of the above will subject the employee to disciplinary action and possible termination. Employees must abide by the statement above and further must notify the employer in writing of any drug statute charge or conviction of a violation occurring in the workplace or during work time no later than five (5) days after such charge or conviction.

If the employee convicted of a violation is a recipient of federal funds, the City must, in turn, notify the area HUD office or the federal funding agency after receiving notice of conviction of any employee and further take appropriate personnel action with respect to any employee so convicted as outlined in this policy.

This statement was developed in accordance with the Federal Drug-free Workplace Act of 1988, P.L. 100-690, which provides that recipients of federal grants or contracts must take steps to notify the employees that the possession or use of controlled substances in the workplace is prohibited.

### **7.6.1 Required Testing**

**Pre-employment:** The City may require candidates pass a drug test before beginning work. Refusal to submit to testing will result in disqualification of further employment consideration.

**Reasonable Suspicion:** Employees are subject to testing based upon (but not limited to) observations by the supervision of apparent workplace use, possession or impairment. Human Resources, the Department Head and City Manager shall be consulted before sending an employee for testing. All levels of supervision making this decision must utilize the "Observation Checklist" to document specific observations and behaviors that create a reasonable suspicion that the person is under the influence of illegal drugs and/or alcohol. If the results of the "Observation Checklist" indicate further action is justified, the manager/supervisor should confront the employee with the documentation and/or with another member of management. Under no circumstances will the employee be allowed to drive to the testing facility. A member of supervision/management must escort the employee; the supervisor/manager will make arrangements for the employee to be transported home.

**Post-accident:** Employees are subject to testing when they cause or contribute to an accident that seriously damages a City of Bristol, Virginia vehicle, machinery, equipment, or property and/or result in an injury to themselves or another employee requiring off-site medical attention. A probable belief circumstance will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including, but not limited to, forklift, pickup truck, overhead cranes, aerial/man-lifts) appears to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner. Under no circumstances will the employee be allowed to drive to the testing facility.

**Follow-up:** Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including discharge. Depending upon the circumstances and the employee's work history/record, The City of Bristol, Virginia may offer an employee who violates this policy or tests positive the opportunity to return to work on a last chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies

determined by the City of Bristol, Virginia for a minimum of one (1) year but not more than two (2) years as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not comply with the terms of their rehabilitation program or tests positive after completing the rehabilitation program, they will be subject to immediate discharge from employment.

**Random:** Employees may be required to submit to random testing. Employees selected for a random test are required to immediately report to the designated testing area/facility and to complete the test. Any employee called for a random test who refuses to comply with the directive is subject to discipline, up to and including discharge.

### **7.6.2 Collection and Testing Procedures**

Employees subject to alcohol testing (except for a random test) shall be driven to the designated facility and directed to provide breath specimens. Breath specimens shall be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is .04 or more, a second breath specimen shall be tested approximately 20 minutes later. The results of the second test shall be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at the City's discretion. For purposes of this Policy, test results generated by law enforcement or medical providers may be considered by the City as work rule violations.

Candidates and employees subject to drug testing (except for a random test) shall be driven to the designated medical facility and directed to provide urine specimens. Candidates and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens shall be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone, methaqualone and propoxyphene use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory shall screen all specimens and confirm all positive screens. There shall be a chain of custody from the time specimens are collected through testing and storage.

The laboratory shall transmit all positive drug test results to a Medical Review Officer ("MRO") retained by laboratory, who shall offer persons with positive results a reasonable opportunity to rebut or explain the results. Persons with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event shall a positive test result be communicated to the employer until such time that the MRO has confirmed the test to be positive.

### **7.6.3 Consequences**

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to re-apply/re-test in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be disciplined up to and including termination. If the employee refuses to be tested yet the City believes they are impaired, under no circumstances will the employee be allowed to drive home.

The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.

Employees will be paid for time spent in alcohol/drug testing and then suspended pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include a member of management/supervision, a representative (if requested), and Human Resources. Should the results prove to be negative, the employee will receive backpay for the times/days of suspension.

#### **7.6.4 Confidentiality**

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the MRO shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed where relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

### **7.7 Disciplinary Process**

Violation of City policies or procedures may result in disciplinary action including demotion, transfer, leave without pay, or termination. The City encourages a system of progressive discipline depending on the type of prohibited conduct. However, the City is not required to engage in progressive discipline and may discipline or terminate an employee where they violate the rules of conduct, or where the quality or value of their work fails to meet expectations. Again, our attempt at progressive discipline does not imply that your employment is anything other than on an "at will" basis.

Discipline may include any of a combination and in no specified order of the following actions:

- (1) Oral reprimand.
- (2) Written reprimand.
- (3) Reduction in pay.
- (4) Suspension without pay.
- (5) Demotion.
- (6) Dismissal.

A pre-disciplinary meeting shall be held with any full-time employee prior to taking disciplinary action resulting in a suspension without pay, demotion or dismissal. The employee shall be advised of the charge and possible disciplinary action to be taken. The employee shall be given the opportunity to refute the charge leading to the proposed discipline, to provide information to mitigate the severity of the discipline to be taken or to accept the discipline. An employee not

satisfied with the resulting suspension without pay, demotion or dismissal may utilize the grievance process.

Understand that while the City is concerned with consistent enforcement of their policies, the City is not obligated to follow any disciplinary procedure and that depending on the circumstances, employees may be disciplined or terminated without any prior warning or procedure.

## **7.8 Conflict Resolution**

Conflict resolution is an informal process whereby an employee discusses their employment concern with their supervisor(s), other management staff, or the City Manager in order to reach a mutual understanding or solution. This process is used to deal with concerns other than those for which the grievance process is available. The conflict resolution process is available to all employees and can be instituted by an employee by verbal request to their supervisor. It is the expectation that supervisors and employees make every effort to resolve employment concerns promptly as they arise. The conflict resolution process shall be used:

1. When an employee believes that a violation, misinterpretation or misapplication of the City's policies, rules, regulations, ordinances or administrative orders has occurred; or
2. When an employee believes that a work-related issue, condition or concern is inequitable, unfair, unreasonable or unsafe as set forth in the established practices, policies, rules, regulations, ordinances or administrative orders of the City.

## **7.9 Grievance Procedure—City Code §66-31**

An eligible full-time employee not satisfied with a suspension without pay, demotion or dismissal may have access to the grievance process.

Employees are encouraged to take concerns/complaints to their supervisor. Many employee concerns or complaints can be resolved through communication between the employee and the supervisor. However, if an issue is not resolved, the employee may file a written grievance. The City has a formal procedure for filing written grievances as outlined within the procedure itself, as well as to the exceptions as to which employees are eligible to file. A copy of the grievance procedure is available in the Human Resources office, as well as in the office of each department and online within the Code of the City of Bristol, Virginia.

### **Exclusions**

The following categories of employee do not have access to the grievance procedure:

- Introductory employees.
- Appointees of elected groups or individuals.
- Department Heads.

- Constitutional Officers and employees of their offices.
- Law enforcement officers electing to pursue a grievance under Chapter 10.1 of Title 2.1.

### **Resignation**

An employee who has resigned shall not have access to this grievance procedure after the effective date of the resignation. However, any grievance initiated by an employee prior to separation from service may, at the employee's option, continue to be processed through the grievance procedure. (City Code Section 66-31(a)(3)).

### **Non-grievable Issues**

Management reserves the exclusive right to manage the affairs and operation of City government. Accordingly, the following complaints are not grievable:

- Establishment and revision of wages, salaries, position classifications or general benefits.
- Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be part of the job content.
- The measurement and assessment of work activity through a performance evaluation, except where the employee can show that the evaluation was arbitrary or capricious.
- The contents of established personnel policies, procedures, rules, regulations, ordinances and statutes.
- Failure to be promoted, except where the employee can show that established promotional policies or procedures were not followed or applied fairly.
- The hiring, transfer, assignment and retention of employees, provided such actions do not constitute disciplinary actions.
- The relief of employees from duties in emergencies.
- Termination, layoff, demotion or suspension from duties because of lack of work, reduction in the work force or job abolishment.

## **8.0 Safety and Loss Prevention**

### **8.1 General Safety Policy**

The City believes in maintaining safe and healthy working conditions for our employees. To achieve our goal of providing a safe workplace, each employee must be safety conscious. All employees are responsible for their personal safety as well as the safety of others. The City has established policies and procedures that provide for a safe and healthy workplace. The City expects each employee to follow these policies and procedures, to act safely, and to report unsafe conditions. All accidents, personal or vehicular, shall be reported to their supervisor in a timely manner.

### **8.2 Personal Protective Equipment**

The purpose of the personal protective equipment policies (PPE) is to protect from exposure to workplace hazards and the risk of injury through the use of personal protective equipment (PPE). PPE is not a substitute for more effective control methods and its use will be considered only when other means of protection against hazards are not adequate or feasible. It will be used in conjunction with other controls unless no other means of hazard control exist.

Personal protective equipment will be provided, used, and maintained when it has been determined that its use is required to ensure the safety and health of our employees and that such use will lessen the likelihood of occupational injury and/or illness.

### **8.3 Reporting Injuries**

#### **8.3.1 Vehicle Accidents**

Employees involved in accidents with City vehicles shall:

- Not leave the scene of the accident unless injured and transported to a medical facility.
- Stop immediately and do not move the vehicle from the accident scene.
- Use appropriate safety equipment to warn oncoming traffic.
- Aid injured persons by summoning medical assistance.
- Not move the injured persons unless not doing so will threaten the person's safety.
- Contact the appropriate law enforcement official.
- Contact your supervisor immediately.
- Not admit guilt to any other driver or to anyone else at the scene.

- Do not give statements to the press or other individuals at the scene.
- Refer insurance questions to Human Resource staff.

Under no circumstances should an employee or supervisor obligate the City for payment of a claim.

## **8.4 On-the-job Injuries**

The City of Bristol, Virginia is subject to the Virginia Workers' Compensation Act found in Title 65.2 in the Code of Virginia.

The City strives for safety in all activities and operations, and to carry out the commitment of compliance with health and safety laws applicable to the City by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions. Despite our best prevention efforts, injuries and illnesses do occur. Our main concern is immediate and proper medical treatment for an injured or sick worker. All injuries occurring on the job are to be reported to your supervisor immediately. All injuries are to be reported by the employee or the supervisor to the on-call, toll-free telephone reporting mechanism established by the workers' compensation carrier, no longer than 24 hours following an incident. Employees shall seek medical treatment from only authorized medical providers on the list of Panel of Physicians provided to the employee upon notification of a work-related injury. Failure of the employee to sign the panel list may result in denial of payment for treatment by the workers' compensation carrier. After seeking treatment, employees must provide details of the incident to their supervisor so the proper forms may be completed.

Contact Human Resources for workers' compensation information.

## **8.5 Weapons**

Consistent with the provisions of the Code of Virginia, Section 15.2-915. Control of firearms; applicability to authorities and local government agencies, City of Bristol, Virginia employees, with the exception of law enforcement personnel, may not, at any time, while on duty, possess or use any weapon. Regardless of whether an employee possesses a concealed weapon permit or is allowed by law to possess a weapon, weapons are prohibited while on duty. Weapons, include but not limited to, guns, knives, or swords with blades over four inches in length.

Violation of this policy will be subject to disciplinary actions, up to and including employment termination.

## **8.6 Workplace Violence**

The City is firmly committed to providing a workplace that is free from acts of violence or threats of violence. In keeping with this commitment, it is the City's policy to prohibit any employee from threatening or committing any act of violence in the workplace, while on duty, while on City-related business or while operating any vehicle or equipment owned or leased by the City. This policy applies to all employees, including managers, supervisors and non-

supervisory employees. It also applies to third parties, including employee guests, who are on City property.

**The City has zero tolerance for individuals and employees who make threats, engage in threatening behavior, or commit acts of violence against employees, visitors, guests, or other individuals. Compliance with this policy is every employee's responsibility.** An employee is required to immediately report to a supervisor or Human Resources, any incident involving a threat of violence or violent behavior.

If an employee is confronted with a potentially violent situation, the employee should not attempt to handle the situation, but should report it immediately to a member of management. If a report is made to a supervisor or member of management, that individual must immediately inform Human Resources, and the matter will be investigated promptly and appropriate corrective action, if required, will be taken. This action shall include disciplinary action, up to and including immediate dismissal, of employees involved.

An employee who becomes aware of any workplace security hazards, or who have suggestions for increasing security in the workplace, should speak with their supervisors or Human Resources. The City encourages employees to help make the workplace as safe and secure as possible.

Employees are required to report violations of this policy, including any incidents involving actual or threatened violence. An employee making a good faith report may do so without fear of retaliation.

## **8.7 Loss Prevention Policy and Program**

The City is committed to establishing and maintaining an environment free of theft. All employees, therefore, are required to be fully cooperative in any and all programs that help the City with loss prevention.

As part of this policy, management reserves the right to search employees' desks, workstations, or City-owned vehicles.

Any information proffered will be held in the strictest of confidences. For more information about this program, contact your manager or Human Resources. Because loss prevention is everyone's responsibility, we encourage employees to participate in this program. Any time an employee observes suspicious behavior immediately notify the Human Resources Department.

If an employee prefers to remain a “silent witness” to a criminal act of violation of City policy, the complete details of the situation being reported may be outlined in a letter mailed through the U.S. Postal Service, not through inter-office mail, to the following address:

Human Resources Director  
300 Lee Street  
Bristol, VA 24201  
CONFIDENTIAL

The City’s policy with regard to criminal activity is to fully investigate, apprehend and prosecute to the fullest extent of the law.

## **9.0 Customer Relations**

As an employee of the City of Bristol, Virginia you are expected to be intimately familiar with City operations and services. You are encouraged to understand the inter-relationship between your department and other City departments. We consider our employees to be our best ambassadors of the City's reputation as a great place to live and do business.

### **9.1 Customer, Client, and Visitor Relations**

We strive to provide the best services possible to our residents and other stakeholders. You are expected to treat every customer, client or visitor with the utmost respect and courtesy. You should never argue or act in a disrespectful manner towards a visitor or customer. If you are having problems with a customer, client or visitor, please notify your supervisor immediately. In addition, if a customer, client or visitor voices a complaint regarding our services, you are required to inform your supervisor of such immediately. Lastly, please make every effort to be prompt in following up on customer, client or visitor orders or questions. Positive customer, client and visitor relations will go a long way toward establishing our City as a great place to live, visit, and do business.

### **9.2 Gratuities and Gifts**

Employees may not, without the written approval of the City Manager, accept gifts, including money, tickets, meals, trips, goods, or services, from outside entities that have dealings with the City and which might give the appearance of a conflict of interest or inappropriate influence. Employees should not engage in any other conduct that would give the appearance of a conflict of interest.

## **10.0 Closing Statement**

Thank you for reading our Employee Handbook. Hopefully it has provided you with an understanding of the City's mission, history and structure as well as our current policies and guidelines.

We look forward to working with you to advance our common interest in a safe, productive and pleasant workplace.

# 11.0 Acknowledgment of Receipt and Review

By signing below, I acknowledge that I have received a copy of the Employee Handbook and understand that it is my responsibility to read the Employee Handbook in its entirety. I agree to comply with the rules, policies, and procedures set forth herein, as well as any revisions made to the Employee Handbook in the future. I also understand that if I violate the rules, policies, and procedures set forth herein that I may be subject to discipline, up to and including termination of my employment.

I understand that the Employee Handbook contains information about the employment policies and practices of the City. I understand that the policies outlined in this Employee Handbook are management guidelines only, which in a developing organization will require changes from time to time. I understand that the City retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the City. I understand that this Employee Handbook supersedes and replaces any and all prior Employee Handbooks and any inconsistent verbal or written policy statements.

I understand that except for the policy of at-will employment, which can only be changed by the City Manager in a signed written contract, the City reserves the right to revise, delete and add to the provisions of this Employee Handbook at any time without further notice. I understand that no oral statements or representations can change the provisions of this Employee Handbook. I understand that this Employee Handbook is not intended to create contractual obligations with respect to any matters it covers and that the Employee Handbook does not create a contract guaranteeing that I will be employed for any specific time period. I understand nothing in this handbook is created to infringe on any available legal rights.

I understand that this Employee Handbook refers to current benefit plans maintained by the City and that I must refer to the actual plan documents and summary plan descriptions as these documents are controlling.

If I have questions about the content or interpretation of the Employee Handbook, I will ask my supervisor or Human Resources.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Printed Name