

## SECTION II EMPLOYMENT

### 2.1 EMPLOYMENT-AT-WILL

4/15/09

It is the policy of the City of Harrisonburg that all employees who do not have a written employment contract with the City for a specific, fixed term of employment are employed at the will of the City for an indefinite period. Employment with the City is considered at-will so that either party may terminate the relationship at any time and for any lawful reason.

No City representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship. No statements made in pre-hire interviews or discussions, or in recruitment materials of any kind, alter the at-will nature of employment or imply that discharge shall occur only "for cause."

Statements of specific grounds for termination set forth in this manual or in any other City documents are guidelines and are not intended to restrict the City's right to terminate at-will. Completion of an initial period of employment or conferral of regular status does not change, or in anyway restrict the City's right to terminate an employee or change the terms and conditions of employment.

### 2.2 EQUAL EMPLOYMENT OPPORTUNITY

1/10/15

The City of Harrisonburg is an equal opportunity ~~employer—employer and is committed to being a diverse and inclusive place to work.~~ This policy applies to all terms, conditions and privileges of employment and all policies of the City.

The City shall not discriminate or permit discrimination against any applicant or employee because of race, color, religion, gender, sexual orientation, sex, pregnancy, child birth or related medical conditions, national origin, age, marital status, veteran/military status, political affiliation, disability, genetic information, or any other status or condition protected by applicable state, federal or local laws, except where a bona fide occupational qualification (BFOQ) applies. It shall be the policy of the City of Harrisonburg to foster, maintain and promote equal employment opportunities and a diverse workforce. The City shall select employees on the basis of individual ability and qualifications for a given position and the needs of the City. All job openings ~~not advertised as an internal promotional opportunity~~ shall be (minimally) registered with the Virginia Employment Commission/Virginia Workforce Planning. Additionally, the City's Department of Human Resources shall ensure that job openings are advertised in

such a manner as to foster a diverse applicant pool.

This policy also applies to the use of all City facilities and participation in all City-sponsored activities including, but not limited to:

- Recruitment, advertising, and job application procedures;
- Hiring, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
- Rates of pay or any other form of compensation;
- Job assignments, job classifications, organizational structures, position descriptions; line of progression; and seniority;
- Leaves of absence;
- Fringe benefits available by virtue of employment;
- Selection and financial assistance for training;
- Activities sponsored by the City, including social and recreational.

Harassment, retaliation, coercion, interference, or intimidation of any employee or job applicant due to unlawful discrimination or discrimination which violates this policy shall not be tolerated, and any inappropriate conduct shall be subject to disciplinary action, up to and including termination of employment. Any employee who experiences or witnesses such activity shall report it immediately to his/her Departmental Director or to the Director of Human Resources. Employees shall raise equal opportunity concerns or make reports without fear of retaliation.

Individuals who feel that they have been subjected to discrimination shall request information by contacting the Department of Human Resources (540/432-8930); the City Attorney's office (540/432-7701); or an Employee Assistance counselor (1-800-899-8174 227-2195). Every precaution shall be taken to ensure confidentiality at this informal, information-gathering stage.

### 2.3 JOB POSTINGS

4/15/09

The goal of the job posting policy is to ensure that all employees are made aware of, and have the opportunity to apply for open positions ~~either before or~~ concurrent with the City's consideration of external candidates for employment. *Business conditions permitting*, all regular part-time and full-time positions below the level of the City Manager are to be posted and advertised to the public in accordance with this policy when an opening occurs.

Section II - Employment

The statement, "The City of Harrisonburg is an Equal Opportunity Employer," shall be placed on all employment application forms, on the City's website, and shall be disseminated throughout the City of Harrisonburg. The City will abide by Section 504 of the Handicapped Rehabilitation Act, the Americans with Disabilities Act, and all other applicable federal and state employment laws.

~~While it is the City's policy to advertise all job openings to existing employees and to the general philosophy to promote from within whenever possible, there are business conditions that could cause a position to be filled without posting, or to post the position while simultaneously recruiting from the outside. The business conditions that could cause a decision to bypass posting, or to post the position while simultaneously recruiting from the outside, include, but are not limited to: organizational restructuring; position requirements that include skills, education, abilities and/or experience that are not known to match any existing employee; critical operational needs, and so forth. In addition, managers~~public. Managers and supervisors may request an exception ~~to this policy~~ when they have candidates within the same department or division who are qualified and/or already trained for the position. The decision to fill the position without ~~posting~~ advertising to the general public requires the approval of the Human Resources Department.

~~A. Eligibility for application:~~

~~All City employees are eligible to apply for posted openings.~~

~~B. Method of posting:~~

Job openings will be posted on the City's internet for recruitment. ~~Job openings shall be distributed through a variety of ways, including inter-office mail, e-mail and postings on facility bulletin boards. Jobs openings shall may also be recruited-advertised through local/regional newspapers, appropriate web sites and appropriate publications, and other methods as determined by the Human Resources Department. Job openings may also be distributed through a variety of ways, including inter-office mail, e-mail and postings on facility bulletin boards.~~

~~C. Posting Duration:~~

~~Internal Recruitment Only jobs shall be posted for a minimum of five (5) calendar days. External Recruitment jobs~~Job openings shall be posted for a minimum of ten (10) calendar days, which includes weekends and holidays.

## 2.4 RECRUITMENT AND SELECTION

The City of Harrisonburg is committed to employ, in its best judgment, the most suited and best qualified candidates for approved positions, while engaging in recruitment and selection practices that are in compliance with all applicable employment laws and the terms and goals of this policy. It is the policy of the City to provide equal employment opportunity for employment to all applicants and employees and a diverse and inclusive workplace. Consideration of a current employee's service to the City and job performance may be considered during the hiring process.

During the recruitment, selection, hiring and orientation process, no statement should be made promising permanent or guaranteed employment, and no document should be called a contract unless, in fact, a written employment agreement is to be used.

The appropriate authorization is required to initiate any action for an open position including any recruitment efforts, advertising, interviewing and offers of employment. Requisitions are available through the City's online applicant recruitment system, NEOGOV.

A completed online requisition is required for any employment activity, including but not limited to:

- Recruitment of a newly established position ~~(internal or external recruitment)~~;
- Recruitment of a currently vacant position ~~(internal or external recruitment)~~.

### A. Recruitment Procedures

- The hiring supervisor, or an approved designee, submits the completed online requisition form to the Human Resources Department through the online applicant recruitment system. Approvals are acquired as the requisition is forwarded through the appropriate hiring channels.
- Human Resources contacts the hiring supervisor or designee to determine ~~the most~~ cost effective and inclusive method of recruitment and selection;
- Through the on-line application system, Human Resources provides all minimally qualified applications and resumes to the hiring supervisor for review. Human Resources shall provide a pre-screening of the applications, if requested.
- The hiring supervisor shall identify the most appropriate candidates for interviewing and shall contact Human Resources with the names of the candidates. Human Resources serves as the liaison between the hiring

supervisor and the candidates.

B. Selection Process

- Hiring supervisors are responsible for conducting *timely*, effective interviews of qualified candidates for the vacant position;
- If the vacant position is not filled within 90-days of the recruitment initiation, the hiring supervisor is responsible for communicating hiring issues with the Human Resources Department to determine the appropriate course of action;
- The hiring supervisor shall conduct thorough employment reference checks and confirm diplomas and appropriate degrees prior to the selection of the final candidate;

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Section II - Employment

- The hiring supervisor may extend a verbal or written offer of employment which should include any necessary contingencies or disclaimer, such 'contingent upon meeting other job requirements'. The Human Resources Department will determine whether the applicant has the legal right to work in the United States and, where appropriate, will conduct credit, personal reference, driving record and criminal conviction reviews. A prior conviction, taken by itself, will not necessarily disqualify an applicant.
- If the background, medical or any other subsequent investigation discloses any misrepresentation on the application or information indicating that the individual is not suited for employment with the City of Harrisonburg, the applicant will be refused employment or, if already employed, may be terminated.
- The hiring supervisor is responsible for maintaining and forwarding to Human Resources all documentation regarding:
  1. The listing of questions asked of each applicant interviewed;
  2. The responses of each applicant interviewed;
  3. Telephone reference check information;
  4. Any and all background check information;
  5. All responses and information related to the applicants interviewed from others who may have served on the hiring panel; and
  6. Any other screening criteria or listing used in the process.
- Upon receipt of all documentation listed previously, associated with the hiring and selection process, the Human Resources Department shall close out the recruitment file. Recruitment documentation is maintained in the Human Resources Department for a period of no less than three years.

**2.5 PRODUCTIVE WORK ENVIRONMENT**

**12/1/04**

It is the policy of the City to promote ~~a~~an inclusive, productive work environment and to not tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.

Harassment does not refer to occasional comments of a socially acceptable nature. Harassment is a form of inappropriate conduct that undermines the employment relationship. No City employee shall be subjected to ethnic slurs or other verbal or physical conduct relating to the employee's race, national origin, religion, disability, pregnancy, age, military status, ~~or sex, gender, color, veteran/military status, political affiliation, child birth or related medical conditions, genetic information, or sexual orientation.~~ Discriminatory actions based on *perceptions* of an individual's race, religion ~~or national origin, or gender, or sexual orientation~~ are absolutely prohibited. Harassment in the workplace is illegal. Special attention should be paid to the prohibition of sexual harassment.

Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. Sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisory employees, or non-employees is prohibited. This conduct includes:

- Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
- Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
- Demeaning, insulting, intimidating or sexually suggestive comments concerning an individual;
- The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures or photographs;
- Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.

Any of the above conduct, or other offensive conduct, directed at individuals because of their race, sex, national origin, religion, disability, pregnancy, ~~age, or military~~ age, gender, sexual orientation, or military status is also prohibited.

Any employee who believes that a supervisor's, manager's, other employee's, or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. The report or complaint should be made to the employee's supervisor, to the Department Director or the Human Resources Director if the complaint involves the supervisor or a manager.

Related information may be found in Section IX, Employee Conduct.

Complaints of harassment will be handled and investigated under the City's Dispute Resolution Policy (see Section X, Dispute Resolution), unless special procedures are considered appropriate. All complaints of harassment shall be investigated promptly and in as impartial and confidential a manner as possible. Employees shall be required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved.

Any employee, supervisor, or manager who is found to have violated the harassment policy shall be subject to appropriate disciplinary action, up to and including termination. The City prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about the harassment.

**2.6 JOB OR WORK DUTY ACCOMODATIONS**

**4/15/09**

- A. The City of Harrisonburg *may* undertake the following actions in order to accommodate an individual:
  - 1) Modify an individual employee's job duties by reassigning, reallocating, or redistributing non-essential, marginal job functions, and/or;
  - 2) Modify an individual's work schedule within the individual's normal shift, and/or;
  - 3) Modify workflow and/or procedures affecting an individual employee's job duties.
- B. The City may take such actions under the following circumstances:
  - 1) To accommodate the needs of an employee with a disability;
  - 2) To accommodate other extraordinary personal needs of an employee;
  - 3) To satisfy other business needs.
- C. Any employee who has a need for such accommodation shall make the need known to his/her immediate supervisor or to the Department Director. After appropriate medical documentation, discussion and consideration, the Department Director shall make a decision and the employee shall be informed. The Human Resources Director shall have been consulted in this process.



- D. The City shall treat employee accommodation requests and related information as confidential. Any and all documentation pertaining to actions taken by the City under this policy shall be maintained in a separate, confidential file and shall not be available or otherwise made known to persons not specifically authorized by the City.

## 2.7 LEGAL WORK STATUS

12/1/04

- A. The Immigration Reform and Control Act of 1986 requires that all employees hired by the City of Harrisonburg on or after November 6, 1986, provide documentation establishing their identity and proving that they have a legal right to work in the United States.
- B. In compliance with this Act, all job offers extended to successful applicants are made contingent upon the receipt of the required documentation and completion of INS Form I-9 *within three (3) days from the original date of hire*. Only those employees who have provided the required documentation and completed Form I-9 shall be permitted to work. The I-9 Form is located in the Miscellaneous HR Forms Section.

## 2.8 TYPES OF APPOINTMENTS

1/10/15

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- A. **Regular Appointment** is an appointment made to all regular full-time or regular part-time positions as approved and budgeted by the City Council. All regular full-time and part-time employees shall serve an initial period of employment of at least **twelve (12)** months. The initial period of employment refers to a period of time served by the employee to ensure they are qualified to fulfill the duties and responsibilities of the position and can meet the required work performance standards. Previous employment in an emergency status or where there has been a break in service of greater than thirty (30) calendar days shall not be counted toward this initial employment period.

- Full-time (regular) employees whose regularly scheduled workweek is at least 40 hours on a continuing basis are eligible for all the provisions and benefits as provided in this manual. Any exceptions to this hourly restriction shall be approved by the City Manager. This would be an indefinite appointment and the full-time employee may be classified as either exempt or non-exempt.

Full-time, regular School Bus Driver and School Bus Aide classifications are the only exceptions to the 40-hour per week

minimum. These classifications work a minimum average of 25 hours per week.

- Part-time (regular) employees whose regularly scheduled workweek is ~~32~~ 28 hours or less on a continuing basis are eligible for limited benefits (~~excluding health and dental coverage~~). The employee is limited to no more than ~~4500~~ 1456 hours worked in a 12-month period, generally including the 12-month period from ~~July~~ April 1 to ~~June 30~~ March 31, ~~to correspond with the City's fiscal year calendar~~. This would be an indefinite appointment and the part-time employee is generally classified as non-exempt.

**B. Temporary Appointment** is an appointment made to a position that is funded on a temporary or seasonal basis. Since a temporary appointment is limited to a twelve (12) month period, the employee does not serve an initial period of employment, but the time worked may be counted toward the completion of an initial period of employment, if the individual is selected for an appointment to a regular full-time, or regular part-time position immediately following a temporary appointment. An employee assigned to a temporary appointment is not eligible for any provisions or benefits provided by the City. The employee is limited to no more than ~~4500~~ 1456 hours worked in a 12-month period.

If a temporary employee is appointed to regular status, the pay rate shall be reviewed for adjustment to the current, regular full-time or regular part-time rate for the level of skill of the employee. At the time the employee is appointed to regular full-time or regular part-time status, the employee shall become eligible for appropriate benefits.

- C. Acting Status/Emergency Appointment** is the appointment of an individual to fill a position created by an extended leave, separation, natural disaster, time limited program or project, or new policy or program. An emergency appointment is limited to six (6) months in a twelve (12) consecutive month period. Renewal of the appointment shall be approved by the City Manager. **HR Policy 3.8 and HR Procedures Memorandum #1 details Acting Pay requirements and procedures.**

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- D. Appointment of a person to more than one City job is not encouraged. However, it is recognized there may be situations when it is advantageous to the City and employee. An appointing authority that desires to appoint a City employee to a second City job shall consult with the Human Resources Director regarding provisions of the Human Resources Policy Manual and Fair Labor Standards Act. See subsection 2.19, for additional information.

## 2.9 APPLICATION FOR EMPLOYMENT

6/19/09

- A. Application form.  
Every applicant for employment with the City shall complete a City of Harrisonburg Application Form through the City's online applicant recruitment software, NEOGOV. Every question on the application shall be answered.

Some position openings require additional document completion, e.g., a Personal History Statement is required for all Police Department and Emergency Communications Center candidates. Other position openings may also require the completion of additional documents.

- Applicants shall be at least 16 years of age, unless otherwise approved under a federally sponsored program;
  - Applicants shall be able to provide an identification number, e.g., social security number, in the event that he/she is hired to fill the recruited position;
  - Applicants shall agree to a DMV records check (or shall provide one, if required by the department), shall agree to be fingerprinted, allow criminal background, credit and reference checks, and participate in any required pre-employment medical procedures, if requested and necessary for the job classification.
- B. False or incomplete information.  
An applicant or an employee who provides false information on the application form or who fails to disclose information that is pertinent to the appointment is subject to denial of employment or discharge.

## 2.10 HIRING

It is the policy of the City of Harrisonburg to be an equal opportunity employer and to hire individuals on the basis of their qualifications and ability to perform the duties of the job to be filled. It is also the policy of the City to recruit and maintain a diverse workforce. Unless otherwise provided in writing, employment with the City is considered at will, so that either party may terminate the relationship at any time and for any lawful reason.

- A. ~~The City shall normally try to fill job openings above entry level by promoting from within, if qualified applicants are available. In addition,~~ The City will normally give consideration to any known qualified individuals who are on layoff status (City) before recruiting applicants from outside the organization.
- B. Current employees interested in a position that is being recruited shall complete a City Application through the online applicant recruitment software, NEOGOV, by the designated deadline.
- C. ~~If candidates from outside the City are to be considered for the job openings,~~ The Human Resources Department shall be responsible for recruiting ~~the candidates~~ from outside the City workforce and shall use the recruitment methods and sources it considers appropriate to fill the openings in order to achieve the requirements and goals of this policy.
- D. During the recruitment, hiring, and orientation process, no statement shall be made promising permanent or guaranteed employment; and no document shall be called a contract unless, in fact, a written employment agreement is to be used.
- E. The City is taking affirmative action as required by law to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era and qualified disabled individuals. The City is also taking affirmative action as required by law to employ and advance in employment, qualified individuals without regard to race, color, sex, religion, or national origin, gender, marital status, age, or sexual orientation.

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2.11 EMPLOYMENT OF RELATIVES

- A. A member of an employee's immediate family shall be considered for employment with the City if the applicant possesses all the qualifications for employment. An immediate family member, or any other member of the employee's household may not be hired, however, if the employment would:
  - 1) Create either a direct or indirect supervisor/subordinate relationship with a family member, or significant other, or
  - 2) Create either an actual conflict of interest or the appearance of a conflict of interest.

These criteria shall also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family" includes: the employee's spouse, brother, sister, parents, stepparents, children, stepchildren, father-in-law, mother-in-law, son-in-law, daughter-in-law and any other member of the employee's household.

- B. Employees who marry or become members of the same household shall continue employment as long as there is not:
  - 1) A direct or indirect supervisor/subordinate relationship between the employees; and
  - 2) An actual conflict of interest or the appearance of a conflict of interest.

- C. Indirect supervision includes, but is not limited to, being in a position to affect the terms and conditions of another's employment, including making decisions about work assignments, compensation, grievances, advancement or performance evaluations.

- D. Should one of the above situations occur, the City shall attempt to find a suitable position within the City to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees shall be permitted to determine which of them will resign.

- E. This policy applies to all levels of employment, including regular, full-time; regular part-time and seasonal employees.

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## 2.12 RE-EMPLOYMENT

- A. Should an employee voluntarily separate from City service and later decide that he/she would like to rejoin, this action is called re-employment. Re-employment possibilities depend upon the individual's past record of performance, current position vacancies, and the recommendation of the previous immediate supervisor and Department Director. Consideration for interview and/or re-employment shall be at the discretion of the hiring department.
- B. Former employees who have been dismissed related to pre-employment, random or reasonable suspicion drug and alcohol testing (positive), may be considered for reemployment if he/she has successfully completed an appropriate rehabilitation and/or counseling course; and has been provided a certified counselor release. Again, consideration for interview and/or re-employment is at the discretion of the hiring department. The Human Resources Director shall be consulted prior to an offer of re-employment to an applicant.
- C. A former employee who is re-employed shall be considered a new employee from the date of re-employment unless the break in service is less than thirty days, in which case the employee shall retain his/her accumulated seniority. Consideration for compensation and benefits outside of normal practice must be determined at the time of re-employment, and shall require the approval of the Human Resources Director and/or the City Manager.

## 2.13 EVALUATION AND SELECTION

12/1/04

The Department Director or designee shall determine the most appropriate means of evaluating applicants against job requirements to identify the best-suited applicants given the needs of the department and of the City, including the City's goals set forth in this policy. Reference checks, interviews, medical examinations, background checks, performance tests, written tests, and/or other screening procedures shall be used as appropriate. Applicants shall be required to provide any information and undergo any examinations necessary to demonstrate compliance with prescribed qualification requirements for the positions involved.

The Human Resources Director shall oversee the recruitment and selection process to ensure all procedures are designed to place the ~~best suited and best qualified~~ most appropriate applicant in a position and to assure all applicants equal opportunity and consideration for employment as set forth in this policy.

Hiring supervisors shall have each applicant for whom he/she would like to

contact reference information, complete the “Applicant Background Release of Information” form (form can be located under Miscellaneous Forms).

## **2.14 Applicant Driving Reviews**

**1/10/15**

The employment application process for new employees will provide information on the applicant’s driving experience, accident record, traffic violations and past employment for at least the previous three years. A five-year background check is required for applicants for positions requiring a Commercial Drivers License (CDL). Background checks/reference checks will include questions related to driving ability, care of vehicle, driving performance, accident records, etc.

### **A. Guidelines for Applicant Driving (DMV) Reviews**

The City of Harrisonburg requires that all applicants for positions that include driving a City vehicle, as stated in the class specification, authorize the City to obtain a copy of their driving record from the Department of Motor Vehicles (DMV).

A minimally acceptable driving record for applicants includes the following components:

- (-5) or fewer demerits;
- No Driving While Intoxicated/Driving Under the Influence (DWI/DUI) convictions with the last three (3) years;
- At least three (3) years of continuously valid licensing;
- An overall pattern of safe vehicle operation and driving habits.

The following conditions are unacceptable and generally prevent employment in a position which includes driving responsibilities:

- (-6) or more demerits;
- DWI/DUI conviction within the last three (3) years;
- A record of a suspended license, unless the applicant has completed two (2) full years with no subsequent moving violations, at-fault accidents or penalties. A license suspended due to administrative penalties is a concern, but would not typically disqualify an applicant unless there is evidence of having driven with a suspended license;
- Any combination of violations, convictions or accidents that creates a pattern which indicates that the applicant is a high risk driver due to an ongoing history of unsafe driving habits.

B. Applicants for positions that include driving a City vehicle must have a minimum of three (3) years of acceptable licensed driving experience or be at least eighteen (18) years of age and have a driving record that is better than the minimally accepted criteria. In the case of a position which requires

transporting non-employees in City vehicles, the applicant must be at least twenty-one (21) years of age and have a minimum of three (3) years of acceptable, licensed driving experience.

## 2.14 MEDICAL PROCEDURES

1/10/15

~~6/19/09~~

It is the policy of the City that applicants to whom a conditional offer of employment has been extended, and current employees, may be required to undergo medical tests, procedures, or examinations whenever management determines that these are necessary for the safe or efficient operation of the organization.

- A. Successful applicants for employment may be required, as a condition of employment, to take a medical examination to establish their fitness to perform the job duties for which they have applied without endangering the health and safety of themselves or others. If management determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made shall be examined.
- B. Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthy conditions, requests an accommodation for a disability, or has a questionable ability to perform current job duties or the duties of the job for which the employee is being considered (see **Sentara** RMH Service Request Form in the Miscellaneous Forms section).
- C. Employees are encouraged, but not required, to have physical examinations periodically during their employment and to participate in wellness programs.
- D. Medical examinations required by the City shall be paid for by the City and shall be performed by a physician or licensed medical facility designated and approved by the City. Medical examinations paid for by the City are the property of the City, and the examination records shall be treated as confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, shall be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's physician.
- E. Employees who need to use prescription or nonprescription legal drugs while at work shall report this requirement to their immediate supervisor if the use might impair their ability to perform the job safely and effectively. Depending upon the circumstances, employees *may* be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking



the prescription or nonprescription legal drug.

Failure to report the use of prescription or nonprescription legal drug use during work hours shall be grounds for disciplinary action, up to and including termination.

- F. The City shall require job applicants and current employees to take an appropriate test(s) to determine the presence of drugs, narcotics, or alcohol, as necessary.

## **2.15 ORIENTATION AND TRAINING**

**4/15/09**

The Human Resources Department shall orient new employees to the benefits available through the City. All regular full-time and regular part-time employees are required to attend New Employee Orientation. Seasonal employees are exempt. Each department is responsible for orientation as it applies to introducing new employees to their job duties and responsibilities, work rules, and safety and operating policies and procedures.

The New Employee Orientation process also includes an overview of the Employee Assistance Program, Driver Safety training, use of fire extinguishers and various educational sessions offered by City (third party) benefits administrators.

Also, see subsection 7.3, Education and Training.

## **2.16 IDENTIFICATION BADGES**

**7/1/10**

The Department of Human Resources shall verify the employment status of each City employee and determine the appropriate badge identifications number that is to be issued.

- A. The employee's identification (ID) badge shall be worn or displayed on the person of the employee during working hours while on City time and business. An employee wearing a City uniform with their name fixed to the uniform is exempted from displaying the ID badge, however, the employee shall have the ID badge readily available. An example of this would be uniformed Fire Department and Police Department employees.

- B. For safety purposes the ID badge shall be removed when required to work around hazardous equipment/machinery that could possibly cause injury due to badge being caught in a device.
- C. The employee's ID badge shall be worn in a professional manner. The use of a pin, lanyard and/or clip is a permissible means of attaching and wearing the ID badge. Employees shall use only approved lanyards. Placing the ID badge on a cap, or other methods of display that creates a mocking appearance or inappropriate display of the ID badge is prohibited. No items or decorations shall be worn on lanyards or ID badge clips.
- D. Wearing and displaying the ID badge while attending meetings or conferences away from the employee's normal work site is at the discretion of the employee.
- E. The ID badge is the property of the City and shall be treated as such.
- F. Upon termination of employment, the employee or the department designee shall return the ID badge to the Department of Human Resources. Change of employment status, full time to part time or vice versa, may require issuance of a new ID badge to the employee. Change in position classification may also require issuance of a new ID badge to the employee. The departmental designee should contact Human Resources and confirm the need to have a new ID badge made for the employee.
- G. Old ID badges shall be returned to the Human Resources Department when a new ID badge is issued to the employee. See HR Procedures Memorandum #2 for further details.

**2.17 INITIAL PERIOD OF EMPLOYMENT/PERFORMANCE REVIEW 1/10/15**  
**4/15/09**

(Formerly known as the Probationary Period)

It is the policy of the City that all new employees and all present employees transferred or promoted to a new job shall be carefully monitored and evaluated for an initial introductory period of employment. After satisfactory completion of the introductory period, the employees shall be evaluated as provided for in subsection 3.3, Performance Appraisals.

Section II - Employment

Supervisors should prepare a written evaluation of the employee's job performance by the end of the first three months on the new job. However, new employees may be evaluated at any time during the initial twelve (12) month period. Supervisors are strongly encouraged to use the Progress Review Form (located under Miscellaneous Forms), to review the employee performance prior to the mandated twelve-month review.

To move an employee from this initial period status, the supervisor must review the employee using the Performance Appraisal and Counseling Form (see Human Resources Procedures Memorandum #4) or an approved department equivalent form. The employee will remain in the initial period of employment status until the review form is received in the Human Resources Department.

New employees will remain in the initial period status until each completes the required mandatory training for City employees. This training includes the following classes: New Employee Orientation; Sensitivity and Diversity; EAP (Employee Assistance Program) for employees, and Sexual Harassment in the Workplace. It is the responsibility of the hiring supervisor to make certain the new employee is scheduled for attendance for these classes. A schedule of classes is developed annually.

All new employees with the exception of Police Officers (I and II) shall serve a twelve-month initial period of employment. Police Officers shall serve a twelve (12) month period, said period to begin *after* graduation from the academy. Such employees shall be accorded regular status upon the successful completion of this time period.

Initial periods of employment, for those employees who do not receive a satisfactory evaluation, or who have not received the required training, may be extended for up to six (6) additional months, in 30-day increments. The reasons for the extensions shall be thoroughly documented.

Documentation used to support extending the initial period of employment shall provide information to the employee about the performance deficiencies, expected level of performance and the time period related to the review extension.

The department shall use the Employee Performance Appraisal and Counseling Form, marked as a "Special" review.

**2.18 PERFORMANCE APPRAISALS (moved from Section III) 1/10/15**

It is the policy of the City that the employee's supervisor shall evaluate the job performance of each employee periodically.

- A. Supervisors shall complete performance appraisals for both regular full-time and regular, part-time employees, upon the following occasions:
- No later than the end of the first twelve (12) months of employment (see HR Procedures Memorandum #4 for detailed information);
  - Six months after an employee is transferred or promoted to a new job; and/or,
  - Six months after an employee is assigned to a new supervisor. If a performance appraisal has been completed within one month of the new assignment, a new appraisal does not need to be completed.
- Between scheduled appraisals, supervisors shall discuss with employees on an informal basis, any performance issues that require attention and shall keep records of any significant events.
- B. In evaluating employees, supervisors shall consider factors such as the experience and training of the employee, the job description, and the employee's attainment of previously set objectives and goals. Other factors that normally shall be considered include knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, and acceptance of responsibility. Additionally, the Human Resources Department will provide an annual Motor Vehicle Review (MVR) for each employee who is required to drive a City vehicle as part of their regular job duties.
- C. The supervisor shall complete the Employee Performance Appraisal Form, or an approved departmental equivalent evaluation form, and shall include comments and recommendations, with an action plan and goals for both the employee and the supervisor for the next evaluation period.
- D. Department Directors shall review each supervisor's written evaluation to help assure that the evaluation function has been properly completed in a fair and objective manner.
- E. The employee shall be provided an opportunity to make written comments about any aspect of the evaluation. The employee and supervisor shall sign and date the evaluation and forward it to the Human Resources Department for review and inclusion in the employee's personnel file.
- F. In addition to adding written comments to their performance appraisal, employees may request a review by the Human Resources Department.

- G. Information derived from the performance appraisal shall be considered when making decisions affecting training, pay, promotion, transfer, or continued employment.
- H. The procedures listed in this policy are guidelines only. Detailed procedures are listed in HR Procedures Memorandum #4. These procedures are not a promise or contract, expressed or implied, and the City retains the right to determine whether and how they shall be applied, depending upon circumstances.

Current employees whose work no longer meets the required performance expectations shall also have their work reviewed using the Employee Performance Appraisal and Counseling Form ("Special" review). The employee shall be placed in a review status for a minimum of three (3) months. If the employee is still considered an active employee with the City at the end of this review status period, the supervisor and reviewer will make the determination to:

- Re-evaluate the employee's performance for one additional, three (3) month period (employee continues to remain in a review status);
- Demote the employee to a level of ability and skill appropriate for the employee's (successful) performance; or
- Terminate the employee.

#### Details

- A. During any type of review period, the work performance of the employee shall be evaluated. The employee shall be accorded regular employment status if the evaluation reflects satisfactory performance. If the evaluation reflects unsatisfactory performance and the employee's supervisor believes that additional time is justified in order to achieve satisfactory performance, the review period shall be extended for a period not to exceed three months.
- B. At any time during the review period, the Department Director may recommend the termination or the transfer of an employee whose performance does not meet the required work performance standards. The recommendation shall be submitted in writing to the Human Resources Director for review and shall include a performance evaluation and a listing of actions taken to assist the employee in achieving satisfactory work performance. An action to terminate shall have the prior approval of the Human Resources Director. *Employees terminated during or at the end of the review period do not have the right to appeal the termination through the City's grievance procedure.*

- C. Transferred or promoted employees who are unable to perform satisfactorily on their job during, or at the end of, their review period *may* at the discretion of management be returned to their original jobs *if* a vacancy exists, transferred to another vacant position for which they are qualified, or terminated.
- D. Employees in a (disciplinary) review status are not eligible for a compensation increase of any type. The employee shall be eligible for a compensation increase due to cost-of-living adjustments, market increases, pay range adjustments and so forth with the successful completion of the probationary cycle. Employee compensation issues generated due to range adjustments in which the employee's rate of pay falls below the minimum of the new range shall be dealt with on an a case-by-case basis. Department Directors shall contact the Human Resources Department for procedural guidance.

2.19 **REDUCTION IN FORCE** **1/10/2015** **1/1/94**

A Reduction In Force (RIF) occurs when changing priorities, budgetary constraints or other financial conditions require the City of Harrisonburg to abolish positions. A RIF can also occur when a position changes so significantly that the employee is no longer able to perform the required duties.

A. Selection for RIF

A RIF decision requires an evaluation of the need for particular positions and the relative value of work performed by specific employees so that the City of Harrisonburg can continue to provide the highest level of service possible with a reduced work force. Determining the retention or separation of an employee includes an evaluation of the relative skills, knowledge and productivity of the employee in comparison to necessary services. Length of service and other factors are also considered, but receive less weight in the determination. The City of Harrisonburg determines priority for RIF within the following guidelines:

- Temporary/part-time employees performing the same work must be terminated before any employee with a probationary or regular full-time status, provided that a probationary or regular employee can perform the temporary employee's tasks;
- Reduction In Force (RIF) of full-time, regular employees is based on the following factors:
  - Which positions are most critical to the department in the delivery of services;
  - Relative skills, knowledge and productivity of employees;

- o Length of service of employees;
- o Consideration of equal employment factors to avoid adverse impact on the City's Affirmative Action goals.

B. Severance Pay

Severance pay is available for eligible employees in accordance with the City's RIF determination process.

Severance Pay Calculation

The amount of an eligible employee's severance payment is based on length of service, salary at separation and age at separation. Payment is made in the same number of months as the number of months of pay. Payment is discontinued once re-employment is obtained.

Severance Pay Calculation

<u>Years of Service</u>	<u>Payment</u>
Less than 1 year	2 weeks of base salary
1 but less than 5 years	1 month of base salary
5 but less than 10 years	2 months of base salary
10 but less than 20 years	3 months of base salary
20 or more years	4 months of base salary

An employee qualifies for an age adjustment factor at 40 years of age. To compute the amount of the adjustment, 2.5 percent of the annual base salary at separation is added for each full year of age over 39 years of age. The total age adjustment factor cannot exceed the total service payment.

**Example: Age 59, salary of \$24,000 with 20 years of City service**

<u>Factor</u>	<u>Computation</u>	<u>Amount of Severance Pay</u>
Service	\$2,000/month for 4 months	\$8,000
Age	$\$24,000 \times .025 \times (59-39) = \$12,000$	\$8,000
Adjustment	Age adjustment factor cannot exceed the service factor, so the age factor is limited to \$8,000.	
TOTAL		\$16,000
Severance payment distributed over a 4 month period		

C. Deductions from severance pay

The following deductions must be withheld from severance payments:

<u>Deduction</u>	<u>Amount</u>
Federal withholding	Based on an employee's current withholding status on W-4
Garnishments, Support orders, Levies	All based on directive provided
Negative leave Balances	Based on leave balance at the time of separation

The following deductions will not be withheld from severance payments:

- State income withholding tax;
- Medical insurance, including health, dental and vision;
- VRS payments;
- Life insurance.

D. Direct Deposit Enrollment

Severance payments, as well as any leave payout due, will continue to be directly deposited into the bank account currently established. To change to a different account, the employee will need to contact the Human Resources Department.

E. Other Reduction In Force Benefits

1) Unemployment Insurance

Employees separated due to RIF are eligible to collect unemployment insurance provided they meet the normal eligibility requirements. Contact the local unemployment office to file a claim for unemployment compensation.

2) Vacation Leave balances

Vacation leave is paid to the maximum allowed based on years of City service. See section XXXXX for detailed information.

~~If the City must reduce employment because of adverse economic or other conditions, layoff and recall shall be conducted consistent with the City's requirements. Any employee may be laid off without reflection on his/her standing when there is a lack of work, an insufficient amount of budgeted funds to support the position, or the position held is abolished. Employees selected for layoff shall be given as much notice as is reasonable under the circumstances and~~



as required by law. Employees shall be informed of the reason for the layoff and of the estimated length of the layoff.

**2.19 HOURS OF WORK**

**7/1/07**

It is the policy of the City of Harrisonburg to establish the time and duration of working hours as required by workload, service delivery needs, and the efficient management of personnel resources. The department or office to which the employee is assigned shall determine the schedule of hours for employees. Employees shall be required to work overtime when deemed necessary by their supervisor.

The standard workday excludes approved meal periods, but may include a short break period within the first and second halves of the workday or within any uninterrupted four-hour work period.

Department Directors shall schedule overtime or extra shifts, as required based on business necessity. Supervisors shall assign overtime to nonexempt employees (those employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) as needed. Employees are not permitted to work overtime without the prior approval of their supervisor or Department Director.

For the purposes of overtime compensation (one and one-half rate), only hours worked in excess of forty during a workweek shall be counted, except for emergencies, or an absolute business necessity.

Employees attendance at lectures, meetings and training programs shall be considered hours of work (in accordance with FLSA regulations), and therefore shall be compensated time, if attendance is requested by management.

Department Directors, at their discretion, *may* allow nonexempt employees to make-up lost time during a given workweek. However, make-up shall not be allowed if the lost time is the result of conditions the employee could control, if there is not work the employee is qualified to do, or if adequate supervision is not available.

**2.20 OCCASIONAL OR SPORADIC WORK**

**12/1/04**

In general, a City employee cannot do work for a department that is in addition to his/her regular assignments, unless the department is prepared to add those additional hours to the employee's regular work hours in determining compensation.

However, the Fair Labor Standards Act establishes a limited exception to this general rule. If the requirements are met, a City employee may do additional occasional or sporadic work and the employing department may exclude the additional hours from the calculation of the hours for which the employee is entitled to overtime compensation under FLSA.

Four rules must be met in order to use the FLSA exception. These are:

1. The additional work must be part-time. An employee cannot hold two full-time jobs with the City in the same workweek or work period unless the hours worked in the two jobs are totaled in determining the employees' overtime compensation. Therefore, even if the remaining requirements are met, the additional work will not qualify for the exception in any case in which it is deemed to be full-time work.
2. The additional work can be done only on an occasional or sporadic basis.
  - A) If the work is occasional—for example, work performed in connection with seasonal activities—it may be excludable even if regularly scheduled: typically, public recreation and park facilities, and stadiums or auditoriums utilize employees in occasional or sporadic work.
  - B) However, if the additional work does not occur on an occasional or seasonal basis, it must be sporadic: for example, if a police officer were scheduled to work in a concession stand every Saturday morning (all year long or during substantial parts of the year) the exception would not apply.
  - C) In order to ensure that additional work that is not occasional is done only on a sporadic basis, departments shall offer the additional work through some random method, such as a first-come, first-served, sign-up sheet.
3. The occasional or sporadic work must be solely at the employee's option. The employee shall freely elect to accept the additional work. Consequently, the employee's failure to accept additional work shall not be used in evaluating the employee's performance of his/her regular job and should not effect promotions and pay increases.
4. Occasional or sporadic work shall be in a capacity different from the employee's regular work with the City. The employee cannot do additional work that is in the same general occupational category as the employee's regular work.

**2.21 OUTSIDE EMPLOYMENT**

**12/1/04**

Full-time City employees shall obtain prior approval from the Department Director before undertaking any outside employment or other work activity. Generally, however, employees may hold other employment or operate a business during non-duty hours provided that it does not:

- cause a conflict of interest,
- reflect unfavorably upon the City service,
- impair the employee's ability to perform City duties, and
- is not performed in City facilities or with City supplies or equipment.

Employees are cautioned to consider carefully the demands that additional work activity shall create before requesting permission to seek or accept outside employment. Outside employment shall not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued; and, if necessary, normal disciplinary procedures shall be followed to deal with the specific problems.

**2.22 ACCESS TO PERSONNEL FILE RECORDS**

**12/1/04**

Employee files are maintained in the Human Resources Department and are considered confidential. Directors, managers and supervisors (other than the Human Resources Department staff) shall have access to personnel file information on a need-to-know basis. A Director, manager or supervisor considering the hire of a former employee or the transfer of a current employee shall have access to the file.

Employee personnel files are to be reviewed in the Human Resources Department. Personnel files shall not be taken outside of the department.

Representatives of government or law enforcement agencies, in the course of their business, shall be allowed access the file information. This decision shall be made at the discretion of the Human Resources Department in response to the request, a legal subpoena, or court date.

Personnel files may be accessed by current employees and former employees upon request in writing. The employee shall only have access to his or her own personal employee file. An employee shall complete a Request to Inspect Personnel File (form located in Miscellaneous Forms) and shall be contacted to schedule an appointment within three days of receipt of the request.

**2.23 TERMINATION OF EMPLOYMENT**

**4/15/09**

The City of Harrisonburg may terminate employment because of an employee's resignation, discharge, or retirement; the expiration of an employment contract; or a permanent reduction in the workforce. Discharge can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time and for any reason and the City reserves the right to terminate employment at any time and for any reason.

Employees who are absent from work for three consecutive days without giving proper notice or requesting the time away from work, will be considered as having voluntarily resigned.

A) Employees are requested to give written notice of their intent to resign. Failure to give written notice may result in ineligibility for reemployment. The following guidelines are suggested:

- Managerial employees and Departmental Directors shall give three to four weeks' notice;
- Supervisory and administrative employees shall give three weeks' notice;
- Clerical and all other employees shall give a minimum of two weeks' notice.

Annual leave, sick leave, compensatory time and holiday leave shall not be substituted in meeting the notice requirements. Leave, which was scheduled and approved prior to the employee's resignation, may be used with approval by the Department Director, and/or City Manager.

- B) If an employee provides more notice than requested, the department shall evaluate whether the additional notice is necessary for effective business operations and shall notify the employee of the final date of employment.
- C) If an employee provides less notice than requested, the department may deem the individual to be ineligible for rehire, depending upon the circumstances regarding the notice given.
- D) The City reserves the right to provide an employee with two weeks pay in lieu of notice in situations where job or business needs warrant such action. Such a decision shall not be perceived as reflecting negatively on the employee since it may be due to a variety of reasons not known to the individual or other employees.

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- E) Employees shall not be allowed to rescind a resignation, whether given orally or in writing, once the department has confirmed the resignation, and appropriate documentation has been submitted to the Human Resources Department.
- F) Resigning employees shall be scheduled for an exit interview within their department to provide an opportunity to discuss questions or concerns related to employment with the City. Employees who fail to return any company property, including keys, credit cards, tools, uniforms, cellular phones, pagers, and other equipment shall be deemed ineligible for rehire and may be subject to legal proceedings on behalf of the City. An exit interview may be scheduled by the employee, or for the employee, with the Human Resources Department for further discussion of the work situation and/or benefits. See subsection 2.23 on the following page.
- G) Departing employees shall confirm their forwarding address to ensure appropriate and timely delivery of all benefits and tax related information. Final pay shall be mailed to this address by the next payday unless state law or other procedures dictate otherwise. Accrued but unused vacation leave shall be paid out consistent with City policy and state law requirements. A percentage of the employee's accrued but unused sick leave shall be paid out if the employee has met the service (City) requirements and all other financial obligations to the City.
- H) Departing employees, who wish to use the City of Harrisonburg as a reference, shall complete the "Employee Authorization to Release Information" (located under Miscellaneous HR Forms). The original copy of this document shall be maintained in the employee's personnel file, and a copy shall be maintained in the department where the employee worked.
  - 1. Should an employee not complete this form prior to leaving City employment, any contact regarding a reference for this employee shall be directed to the Human Resources Department.
  - 2. The Human Resources Department shall then request that the reference request be made in writing and will limit the responses to dates of employment; beginning and terminating salary; and job classification.
  - 3. If the employee has completed the Authorization Form, the contacted department shall request that the reference questions be sent to them in a written format and the (former) employee's supervisor or designee may respond appropriately. A copy of the written response shall be forwarded to the Human Resources Department and this copy shall be placed in the former employee's personnel file. The employee's department or the

Human Resources Department shall return responses to written reference requests to the requester in an envelope marked "confidential."

**2.24 EXIT INTERVIEW**

**12/1/04**

The Human Resources Department is responsible for notifying terminating employees, who are covered by the City's group health plan, group dental plan, flexible reimbursement account, and the Employee Assistance Program, of their right to continue coverage through the Consolidated Omnibus Budget Reconciliation Act (COBRA).

An exit interview is a short meeting between a separating employee and a member of the Human Resources Department. The exit interview is encouraged in all separations and should be held no more than two weeks after the employee's last day of service. The employee is responsible for making an appointment for the exit interview.

During the exit interview, the employee provides his/her reason(s) for leaving. The informational session is not intended as a counseling or grievance interview. The information gained from the employee's viewpoint on subjects such as pay, benefits, training and working conditions provides important feedback which ultimately can result in more satisfying employment for other personnel.

The employee exit interview form is located in Miscellaneous Forms in this manual.