FY 2014-15 Albemarle County Online Annual Training
FY14-15 OATS Updates:

Slides with additions/revisions since FY13-14 have titles in red, including:

- Grievances
- Americans with Disabilities Act
Grievances

• Virginia Code requires Albemarle County to have a fair and timely defined Grievance Procedure.

• In Albemarle County, the County Executive’s Office determines grievability.
Grievances

• **Items that are grievable include:**
  – Reprimands, involuntary demotions, terminations, discrimination on the basis of race, gender, religion, political affiliation, age, disability or national origin

• **Items that are NOT grievable include:**
  – Leave accrual, classifications, merit increases, transfers/reassignments, loss of stipends, shift differentials
Grievances

• HR tracks the strict deadlines during the grievance process. Details on the grievance process can be found here.
• Contact HR IMMEDIATELY if you want to initiate a grievance.
• Grievances must be started within 20 calendar days of the grievable issue.
Employee Recognition Program

• Each department has a budget to recognize and reward employees who meet certain recognition criteria. Nominations for recognition can be made by anyone—a peer, supervisor, direct report, or someone in another department.

• The County also sponsors the annual “Living Our Values” program, which aims to recognize those local government employees who best exemplify the County’s values of Integrity, Innovation, Stewardship and Learning. County employees can nominate a peer (or peers) in their department or in another department whom they believe deserves such an award.

• For more information about the County’s Employee Recognition programs, click here.
The ADA is a federal law that prohibits discrimination in employment against individuals who have physical or mental disabilities. Under the ADA, an employer is required to make “reasonable accommodations” for the disability-related limitation of the employee or job applicant unless it would cause the employer “undue hardship.”

Click [here](#) to review the Reasonable Accommodation request form.
Americans with Disabilities Act (ADA)

Supervisors’ Responsibility

• If an employee or job applicant requests, or you think he/she may need, reasonable accommodations in order to perform his/her job duties, please contact HR immediately.

  Example: A request to work a 10-hour day, 4 days per week schedule in order to attend physical therapy once a week for 3 months is a request for a reasonable accommodation.

• Requests should be discussed with the employee/job applicant and properly documented.
Criminal Conviction or Arrest [P-05]

• If any employee is arrested for a criminal violation of any kind, whether misdemeanor or felony, he/she is required to report such arrest promptly to his/her supervisor or department head within **one (1) business day**.

• An arrest must be reported regardless of whether it occurred on-duty or off-duty. An arrest occurs even if an employee is released on a criminal summons and is not taken into an officer’s custody.

• Failure to report will lead to disciplinary action, up to and including termination.

• Click [here](#) to read the Effect of Criminal Conviction or Arrest policy.
County employees are either exempt or non-exempt from *Fair Labor Standards Act* guidelines. If you are not sure of your status, check your job description.

**Exempt employees (most managers)**
- Considered “salaried” employees
- Do not earn overtime/compensatory time off if they work over 40 hours

**Non-exempt employees with a scheduled 40-hour workweek (most employees pay grade 15 and below)**
- Must physically work 40 hours before accruing overtime. Annual, sick, and holiday leave do NOT count towards hours physically worked. Some public safety employees have a 28-day work period and are subject to additional state overtime laws.
- Permission to work overtime MUST be requested in advance.
- If you are REQUIRED by your manager to work overtime, you have the choice of being paid or earning time off (at time-and-a-half).
- Albemarle County’s official workweek is Saturday 12:01 a.m. - Friday 12 midnight but may differ in certain departments.
- There is no limit to how many hours an employee can work as long as the employee is over 16 years old and appropriately compensated.
- Whether an employee is considered full-time or part-time does not change the application of the FLSA.
- In the situation of dual job employees, communication is required between the two departments to assure that all hours the employee works are accounted for. Hours above 40 are paid at a blended rate, as calculated by HR.
- Employees transferring to another department or to an exempt position must arrange to use their comp time or be paid out.
Suffered or Permitted
• Work not requested by the employer but suffered or permitted is work time. It is the employer’s duty to see that work is not performed if the employer doesn’t want the work performed. This is true for work performed away from the office or work site, or even at home.

Waiting Time
• Waiting time is counted as hours worked when the employee is unable to use the time effectively for their own purposes or the time is controlled by the employer.

On-Call Time
• On-call time is hours worked when:
  – Employee has to stay on the employer’s premises
  \textit{OR}
  – Employee has to stay so close to the employer’s premises that the employee cannot use that time effectively for his or her own purposes
  \textit{OR}
  – The employee is so restricted that he/she can’t use time for personal purposes
Meal and Rest Periods

- Lunch breaks (30 minutes or more) are not work hours and are not paid.
- If the employee is required to perform any duties, whether active or inactive, while eating, then that time most likely has to be paid (except for certain circumstances).
- Short breaks (normally 5 to 20 minutes) are counted as hours worked and must be paid.

Training Time

- Time spent in meetings, lectures, or training is considered hours worked and must be paid at the employee’s regular hourly rate, unless all 4 of these are true:
  - Attendance is outside regular working hours
  - Attendance is voluntary (i.e. not required)
  - Training is not job related
  - No productive work is done during attendance
Travel Time
• Ordinary home to work travel is not work time.
• Travel between job sites during the normal work day is work time.

Recordkeeping
• Employers must keep certain records for each non-exempt employee, including:
  – Time and day of week when employee's workweek begins
  – Hours worked each day
  – Total straight-time hours worked each workweek
  – Total overtime hours worked each workweek
**Fair Labor Standards Act (FLSA)**

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**Timesheets**
- Need to be completed at least weekly by all non-exempt staff, signed by the supervisor, and turned into department’s leave person by the Monday after the workweek ends.
- Monthly Leave Report is completed by exempt staff if leave is used during the month.
- Can be completed electronically or on paper

**Do Albemarle employees have to record their exact in and out times, including lunch?**
- **IT DEPENDS!** FLSA only requires that employers have an accurate record of the total number of hours worked every day – not specific times.
- However, departments may choose to have employees record exact in and out times depending on their specific needs.

For supervisors:
- Be aware that if your employee works without taking a lunch break (e.g., from 8 am-5 pm), they may be accruing overtime.
- It is your responsibility to manage employee schedules to avoid unauthorized overtime—this may include requiring a lunch break. You may discipline an employee for working during their lunch period without permission.

Click [here](#) to read the Overtime/Compensatory Time policy.
Overtime Provisions Specific to Public Safety

- In addition to the Fair Labor Standards Act rules, certain public safety positions fall under a more stringent provision outlined in Virginia Code 9.1-700
  - Specific to Fire Suppression (Operations, Prevention and Training) and Law Enforcement (Sworn) non-exempt personnel only
  - Requires that “gap hours” — time worked beyond the employee’s “regular” schedule but less than FLSA maximum — be paid at time and a half.
  - Leave of a “paid status” (i.e. annual leave, sick leave) counts towards the hours worked when calculating overtime.
Family and Medical Leave Act (FMLA) [P-90]

• The Family and Medical Leave Act (FMLA) provides up to 12 workweeks (can be used in “blocks” or intermittently) of unpaid, job-protected leave per year to eligible employees. This leave is for the serious health condition of the employee, spouse, child, or parent as well as for pregnancy, adoption, or foster care. It may also be used for a qualifying exigency for a covered family member on military active duty.

• FMLA can run concurrently with accrued paid leave, including sick, sick leave family, personal, annual, compensatory or sick bank (may be used for employee’s condition only). Time missed during worker’s compensation-related injuries may also run concurrently. Time taken off for FMLA does not count against the employee’s attendance record.

Supervisors’ responsibility
• Encourage employees who miss more than three days to check with HR to see if they are eligible for FMLA.

Click here to read the FMLA policy.
Line of Duty Benefits

The Line of Duty Act (LODA) is a Virginia mandated program for public safety hazardous duty employees

• Provides financial assistance (up to $100k) for death/disability incurred on the job
• Provides equivalent health care for life for individual and spouse; limited health care for dependents
• Is awarded following an application/review filed by the employee or surviving spouse
• Contact HR for additional questions.

Click here to review the Line of Duty Act.
Freedom of Information Act (FOIA) [AP-12]

• Under the Freedom of Information Act (FOIA), almost all documents in the possession of County employees are available for public scrutiny including, but not limited to, emails, handwritten notes, receipts, and draft documents.

• Almost any request from a member of the public should be considered a FOIA request—it does not need to be in writing, nor does it need to refer to FOIA. If you get such a request, please contact your department’s FOIA coordinator *immediately*—state law requires that the County respond to the requester within five (5) working days.

Click [here](#) to read the FOIA policy.
Sexual Harassment [P-21]

• Sexual harassment is prohibited by the County because it erodes morale, impairs employees’ work ability and violates state and federal law.
• Harassment can take many forms: requests for sexual favors, romantic relations between supervisors and subordinates, retaliation for refusing a sexual favor, physical touching, and the creation of a hostile working environment (e.g., pin-up calendars, inappropriate emails and jokes, etc.).
• Harassment can be from peers, managers, subordinates, or non-employees (citizens, subcontractors, etc.) with whom employees come into contact at work.
Sexual Harassment [P-21]

Supervisors’ responsibility
• If you get a complaint, however small, take it seriously and go directly to HR. This includes complaints about non-employees.
• Do not do your own investigation. Instead, talk to HR.
• Realize you can be held personally liable if you knew about it or should have known about it.

Employees’ responsibility
• You have the right to a workplace free of sexual harassment. If you are uncomfortable with any person’s behavior, you should ask him or her to stop it immediately.
• If you believe you may have witnessed or experienced sexual harassment, please report it to your supervisor as soon as possible.

Click here to read the Sexual Harassment policy.
Standards of Conduct [P-25]

All County employees are expected to meet minimum standards of conduct. These include, but are not limited to, the following:

• Timely and regular attendance
• Dependable application of time
• Satisfactory work performance
• Appropriate attire
• Courteous and professional behavior toward the public and fellow employees

Click here to read the Standards of Conduct policy.
Access to Medical Records

• All employees and/or their designated representatives have a right to access their own Exposure and Medical Records maintained by the HR Department.

• Your records are maintained for the length of your employment + 30 years.

• For further information or to review your file, contact your HR representatives. Your file will be available for review within 15 days.

• Non-work-related personal health information cannot be used or shared without your written permission.
In the Event You Are Injured at Work

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- In the event of an emergency, please go to the nearest Emergency Room!
- Notify your supervisor of injury.
- Call Company Nurse Injury Hotline at 1-888-770-0925. If you do not wish to call or you’re unable to call, your manager/supervisor must call on your behalf and report the injury.
- Sign the Panel of Physicians Form and return a signed copy to HR for your medical file. (If there is a need for medical treatment, you will only be eligible for reimbursement if you are seen by a doctor on the approved Panel of Physicians AND your claim is ultimately approved by VACORP, the workers comp administrator.)
- All doctor’s notes must be sent to both VACORP and HR for your medical file.
- If you miss time from work, your supervisor is responsible for tracking the amount of time missed and reporting it to HR. If you miss more than four (4) days you or your supervisor must notify HR to start the Family Medical Leave (FML) process.
- *Remember that just because you are injured at work does not mean it will be covered by Workers Compensation insurance.*

Click [here](#) to read the Workers’ Compensation policy.
Hazard Communication

- There are new globally recognized labels that you will start to see on chemicals with the implementation of the Globally Harmonized System (GHS).
- An inventory of all chemicals used in your work environment has been created and this list is stored electronically. Click [here](#) to access it.
- A Material Safety Data Sheet (MSDS) is available on each of these chemicals and tells you the identity, hazards and the manufacturer of the chemical and safety precautions you should take when using it. Under the new GHS protocols, these will be called Safety Data Sheets (SDS) in the future and they will have 16 standards of required information.
- It is also important for you to understand labels which are used to indicate the type of hazard and the degree of hazard the chemical may pose. You will see both old and new labels as GHS is implemented between 2013 and 2016.
Understanding Labels

- It is important for you to understand warning labels which you may see. A common type is the NFPA diamond. The diamond is subdivided into four general categories:
  - Health (blue)
  - Flammability (red)
  - Reactivity (yellow)
  - Special (white)

- Each of the three colored areas in the NFPA fire diamond has a box in which the degree of hazard can be written. The degree of hazard is given by these numbers:

<table>
<thead>
<tr>
<th>Number</th>
<th>Degree of Hazard</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>EXTREME</td>
</tr>
<tr>
<td>3</td>
<td>SERIOUS</td>
</tr>
<tr>
<td>2</td>
<td>MODERATE</td>
</tr>
<tr>
<td>1</td>
<td>SLIGHT</td>
</tr>
<tr>
<td>0</td>
<td>MINIMAL</td>
</tr>
</tbody>
</table>
Understanding NEW GHS Labels

- There are 9 pictogram labels under the new GHS protocols.
- In addition, there are two signal words: **Danger** (greater hazard) and **Warning** (lesser hazard).
Bloodborne Pathogens

• According to the OSHA Bloodborne Pathogen standard, there are 3 types of pathogens which can be present in numerous types of body fluids and can live on surfaces for many days, depending upon the organism: HIV, Hepatitis B, and Hepatitis C.

• In the event that you come into contact with blood or any type of body fluids, DO NOT attempt to clean it up. Instead, you should contact General Services for their assistance.

• Employees who are at risk for exposure to bloodborne pathogens are eligible for Hepatitis B vaccinations with no cost to the employee.
Emergency Preparedness

• Please familiarize yourself with the posted evacuation plan for your building.

• Remember that stairways are the primary means for evacuation and that in the event of an emergency, no one is permitted to re-enter the building until advised to do so.
HR Contacts

HR serves both Local Government and School Division employees. The main phone number is 296-5827. Local government contacts include:

- HR Director: Lorna Gerome, Ext. 3016
- HR Specialist II, Workers Compensation Contact: Naomi Gilliam, Ext. 3011
- HR Generalist: Kim Shigeoka, Ext. 5862
- HR Generalist: Davra Miller, Ext. 3015
- Leave/FMLA administration: Traci Brooks, Ext. 3348
- Program Manager, Compensation & Rewards: Alicia Roberts, Ext. 3017
- Benefits and Retirement Administrator: Claudine Cloutier, Ext. 3018
- Safety and Wellness Coordinator: Leanne Knox, Ext. 3075
- Learning and Development Coordinator: Elizabeth-Latta Brother, Ext. 3447
Need more information?

• All of the County’s Personnel Policies are available for review [here](#).
• All of the County’s Administrative Policies are available for review [here](#).

Click [here](#) to complete a short quiz testing your knowledge of County policies and procedures. After successfully completing the quiz, you will sign into a secure site where you verify that you have completed your FY 2014-15 Albemarle County Online Annual Training.