

TIDEWATER YOUTH SERVICES COMMISSION

PERSONNEL POLICY MANUAL

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- 1.1 **Format of the Manual** – Each subject area of the manual is numbered according to the table of contents. Under each main subject area, the subsections will be numbered consecutively. Each subsection will be typed on a separate page so that substitutions and additions can be made more conveniently.

To be valid, a policy statement must have an effective date and be signed by the initiating authority. The initiating authority may be the Executive Director or the Chairman of the Commission. When substitutions are made, the policy with the most recent effective date is the governing policy. It is the responsibility of the program directors to ensure that the manuals under their control are kept up-to-date.

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1.2 **Location of the Manual** – Each unit should have two copies of the policy manual. One copy is for the program director’s use and should remain in his/her office. The second copy should be kept in the counselor’s office or some other location to which the staff has unrestricted access. At no time should any employee be denied access to the policy manual.

The policy manual is also available on the Employee Portal of the TYSC website.

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- 1.3. The Tidewater Youth Services Commission is a regional public agency authorized to operate treatment programs for at-risk youth under Section 16.1-315 of the Code of Virginia. The Commission was created through a joint resolution signed by the seven jurisdictions who created the system. Those jurisdictions are the cities of Chesapeake, Franklin, Portsmouth, Suffolk and Virginia Beach and the counties of Isle of Wight and Southampton.

Our governing authority is an eleven-member board appointed in accordance with Section 16.1-317 of the Code. The cities of Virginia Beach, Suffolk, Portsmouth and Chesapeake each appoint two members. The city of Franklin and the counties of Isle of Wight and Southampton each appoint one member. This board is the final authority on all policy and personnel matters.

As a condition of the Virginia Department of Juvenile Justice's financial support of our programs, we are required to operate in compliance with the Standards of Operation and Personnel Standards adopted by the state Board of Juvenile Justice. We are an independent political subdivision of the Commonwealth of Virginia, however, and the Department of Juvenile Justice has no direct supervisory authority over the staff of the Commission.

Through the Commission by-laws, the board has delegated the authority for certain matters to the Commission's Executive Director. The Executive Director's authority includes but is not limited to:

- A. The authority to employ full and part-time staff.
- B. The authority to discipline or discharge employees.
- C. The authority to recommend additional positions, salary increases, promotions and salary ranges for positions.
- D. Subject to review by the Commission, the authority to take emergency action in matters concerning the welfare of children, staff and operation of the system.

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- 1.4 In the manual, the following definitions will apply.
- 1.4A Full-Time Employee – An individual hired for an indefinite term in an established position who is expected to work a minimum of 40 hours per week. These persons are eligible for all leave and benefits available from the Commission.
- 1.4B Part-Time Employee – An individual hired for an indefinite term in an established position who is expected to work less than 40 hours per week. Part-time employees are eligible for leave benefits only.
- 1.4C Hourly Employee – An employee who works on an hourly basis as needed. Hourly employees are not eligible for leave benefits. Any employee who averages 30 hours per week over a 12 month period will be eligible for health insurance benefits.
- 1.4D Relief Counselor – Employees paid on a hourly basis who serve as relief for other staff members. Relief counselors are not eligible for leave or other benefits. Any employee who averages 30 hours per week over a 12 month period will be eligible for health insurance benefits.
- 1.4E Administration – The central administrative offices of the Commission. The staff of the administrative office has the overall responsibility for the financial and administrative management of all the programs in the system, as well as coordinating the activities of all the programs.

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- 1.4F Commission – The Tidewater Youth Services Commission as an agency.
- 1.4G Board – The governing board of the agency under Sections 16.1-315 through 16.1-322 of the Code of Virginia. They are ultimately responsible for all aspects of the system's operation. The Commission hires the Executive Director as the chief administrative officer to carry out policies as developed by the Commission.
- 1.4H Minimum Standards – The Virginia Board of Juvenile Justice has the authority under Virginia law to establish standards for the operations of both residential and non-residential programs and services. As a condition of funding, we are required to comply with these standards. On a regular basis, the Department of Juvenile Justice sends "certification teams" into our programs to determine whether we are in compliance *with* standards.
- 1.4I Volunteers – These persons offer their time and services to us free of charge. The recruitment and use of volunteers is encouraged, since they help develop support for us in the community and provide services which would otherwise be unattainable. Before a volunteer is allowed direct contact with any clients, they must be screened in compliance with DJJ minimum standards. At no time should a volunteer be responsible for the supervision or discipline of our clients. Occasionally, programs may bring in guest speakers or presenters. These individuals do not have to undergo background checks, but must never be left alone with juveniles.
- 1.4J Student Interns – From time to time, area colleges will arrange to have a student placed in our programs. This is a learning experience for the student and, as such, we are expected to provide proper supervision to them and to report back to the referring college on their performance. Adequate time records should be kept on each intern so that we can verify that he/she has met his/her class requirements. At no time should a student intern be responsible for the supervision or discipline of the clients.

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- 1.4K Community-Based Counseling– Therapeutic and supportive services aimed at the family with the intention of maintaining the integrity of the family and preventing, if possible, the out-of-home placement of the children. The service is delivered by counselors who meet the majority of time in the home setting and are available to the family seven days a week, 24 hours a day.
- 1.4L Outreach Detention – A program of intensive supervision and support for juveniles who would otherwise be held in secure detention. The goals of the program are to ensure the child’s appearance for court, to prevent further delinquent acts in the community, and to provide support to the youth and family through direct and indirect services. Outreach detention also typically includes electronic monitoring.
- 1.4M Group Home – A residential program which houses and provides therapeutic and supportive services for male and/or female adjudicated and/or social services-referred adolescents. Usually, the primary treatment goal involves the return of the youth to his/her home. Services are provided by staff seven days a week, 24 hours a day. The length of stay may range from a couple of days to four to six months depending on the needs of the youth as well as their particular legal situation.
- 1.4N Diversion Programs – This category of services targets youth who are having their first contact with the court or who are demonstrating risk factors which may lead to delinquent behavior. The services are preventative in nature and take place in the youth’s community or school.

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1.40 Tidewater Youth Services Foundation – Created in 1991, the Tidewater Youth Services Foundation is a 501(c)3 non-profit organization whose mission is to support the work of the Tidewater Youth Services Commission. TYSF provides numerous enrichments, recreational and supplemental help for the youth and families served by the Commission.

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- 1.5A Tidewater Youth Services Commission Mission – The Tidewater Youth Services Commission operates community-based programs for children who are at risk of coming before or have already come before the juvenile and domestic relations district court. Recognizing that our clients often need assistance in several aspects of their lives, we operate as part of a continuum of care and seek opportunities to collaborate with other service-providing agencies. Our programs are designed to help our clients develop the skills necessary to lead productive, law-abiding lives. An integral part of that process is to hold our clients responsible for their choices and for them to experience the logical consequences of their actions.
- 1.5B Operating Principles – While we are working to accomplish our mission, we are guided by the following principles:
1. While all youths have the capacity to change, the work of helping them to reach their potential is complex and uncertain. Therefore, we have to remain flexible and open to alternative approaches. When we are working with our clients to develop a problem-solving method that works for them, our commitment to them must be unequivocal.
 2. We are spending the public's money. We need to spend their money carefully, and should always be willing and able to account for how these funds have been expended.
 3. The clients we serve are the reason for our existence. We respect their dignity and their right to self-determination. They have an absolute right to our best efforts and our honesty. Our adherence to professional ethics should be beyond reproach.
 4. We are committed to upholding the principles of non-discrimination in the course of our agency's work.
 5. Our organization and its staff should always model the kind of behavior we are promoting for our clients.
 6. The families from which our identified clients come are critical to our clients' progress toward self-sufficiency. Therefore, our clients should always be treated within the context of their family system.

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7. When it becomes apparent that one of our clients cannot be reintegrated into his or her birth parents' home, our goal is to find an alternative living setting for him or her, or to train the young person for independent living.
8. We are committed to being a learning organization that evaluates its outcomes, is open to new ideas and works to develop the skills of its staff members.

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2.1A Equal Employment Opportunity –

The Tidewater Youth Services Commission is committed to ensuring equal employment opportunity. All employment decisions, policies and practices are in accordance with applicable federal, state and local anti-discrimination laws.

The Commission will not engage in or tolerate unlawful discrimination (including any form of unlawful harassment or retaliation) on account of a person's gender, pregnancy, age, race, color, religion, creed, sexual preference, orientation or affection, genetic information, marital status, national origin, ancestry, citizenship, military status, veteran status, handicap or disability, gender identity or membership in any other protected group.

For example, and by way of illustration only, the Commission will not unlawfully consider an individual's membership in any protected group as defined above with regard to: interviewing, hiring, compensation, benefits, training, assignments, evaluations, coaching, promotions, discipline, discharge, demotions, layoffs and reclassifications.

The Commission's policy on equal employment opportunity supports and is consistent with the agency's commitment to enhancing diversity and inclusiveness. Diversity means not only membership in the various "protected groups" identified above but also diversity in experience, perspective, ideas, approach and contacts. We believe that we are much stronger as an agency as a result of the richness of our diversity and strive to ensure that we have policies and practices which are respectful and promote inclusion of diversity.

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2.1A Equal Employment Opportunity (continued)

This entire policy applies to all of the Commission's officers, managers, supervisors, employees and applicants. All such individuals are both protected under and restricted by this entire policy. You are protected in terms of your right to have a working environment free from unlawful discrimination, harassment and retaliation and other inappropriate conduct as described in this Policy. You are restricted in terms of your being prohibited from engaging in unlawful discrimination, harassment and retaliation and other inappropriate conduct as described in this Policy.

2.1B Affirmative Action – Recruitment activities will be conducted in such a way that the Commission will have optimal chances of drawing applicants from diverse racial, ethnic and economic backgrounds. It is the goal of the Commission to have a workforce that reflects the cultural diversity of the population we serve. Advertising methods (outlined in Section 2.2) will be used to ensure that a representative pool of applicants based on the program's needs will be attracted.

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2.2A When vacancies occur within our staffing complement, a job posting will be displayed on the bulletin board in the lobby of the administrative office, on the TYSC website (www.tyscommission.org) and on various other internet job listing sites. Other forms of advertising may be used as well.

Potential promotional opportunities and vacant positions will be posted for at least 10 business days. Staff members are encouraged to apply for positions of any interest to them, since it is our general preference to advance the career goals of our employees.

2.2B Re-advertising may be required if a pool of at least five qualified applicants has not been obtained.

2.2C **Promotions and Transfers** – Vacancies may be filled from within, when posted, provided the employee interested in the opportunity is the most-qualified candidate for the job. An employee will be considered for a vacant position only if he or she (a) has completed his or her Probationary Period, (b) has been in his or her current position for at least six (6) months, (c) meets all of the technical, educational and other requirements of the job for which he or she has applied, (d) is not currently under disciplinary action at the level of Reprimand or Final Warning, and (e) is not currently under a Plan of Action to improve job performance. Exceptions to these criteria may be made when a transfer of an employee is deemed by the Executive Director to be in the best interest of the Commission.

An employee who is promoted to a more responsible position, will begin an evaluation period of six (6) months. The evaluation period provides the incumbent with an opportunity to become oriented to the new position. This evaluation period also provides the Commission an opportunity to review the employee's ability to acquire and demonstrate the new skills and responsibilities of the new position.

A formal written review will occur at the end of ninety (90) days and again at six (6) months. Changes in compensation connected with a promotion or transfer become effective on the date of the change in job.

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If either the employee or the Commission should determine, either during or at the conclusion of the evaluation period, that it is not beneficial for the employee to remain in the new position, he or she may be offered an opportunity to return to their previous or equivalent position, provided such a position is available. If the previous or an equivalent position is not available, the employee's employment may terminate.

2.2D

In the event that a position becomes vacant at the same time that an identical position is being filled, the new vacancy would not have to be re-advertised, providing that the following conditions exist:

1. The new position must be in the same job classification and pay grade as the one previously advertised.
2. The job descriptions and qualifications must be the same for both positions.
3. An applicant pool of at least ten qualified applicants exists as a result of the first notifications.
4. All applicants for the first position are considered for the second position as well.

2.2E

There is continuous recruitment for relief counselors and applications may be accepted at any time. The minimum number of applicants does not apply in these instances. In all other respects, however, the application and hiring process is the same as for permanent positions.

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- 2.3A If an application deadline is published, only applications received by that deadline will be considered. If the position is advertised as open until filled, applications will be accepted until the position is taken down.
- 2.3B The minimum number of applicants who should be interviewed for each full-time position is five (5), along with the following exceptions:
1. Any employee of the Tidewater Youth Services Commission who applies for a position must be interviewed, provided that they meet the minimum qualifications for the job.
 2. If, after twenty business days, a pool of five fully qualified applicants cannot be obtained, the Executive Director may give permission to select from fewer than five applicants.
 3. Current full-time and permanent part-time employees of the Commission whose positions have been eliminated will have placement options as dictated by the TYSC Layoff Policy (Section 9.7).
- 2.3C No offer of employment can be finalized until the following have been accomplished:
1. References (3) have been verified.
 2. Most recent previous employer has been contacted.
 3. Credentials have been verified. Processing of a new employee may begin after a request for an official transcript has been made but before it has been received if an unofficial copy is on file.
 4. A valid driver's license has been verified.
 5. A DMV driving record with zero or plus points is received.
 6. If the applicant being considered has prior criminal convictions listed on the application, the Executive Director is to be consulted before any further processing occurs.

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- 2.3D An offer of employment may be made contingent upon the following:
1. A Virginia State Police name search with no record found.
 2. A VADSS Child Protective Services Central Registry check resulting in a letter of employment eligibility.
 3. FBI and Virginia State fingerprint checks with no record found.
 4. A TB test with negative results.
 5. A physical stating that the individual is fit for employment.
 6. Current CPR and First Aid certification (when required for the position).
 7. A certified college transcript (when required for the position).
 8. A pre-employment drug screen with negative results.
 9. Verification of current auto insurance coverage at Virginia minimum limits.
- 2.3E Once a start date is obtained, an official employment letter will be issued by the Executive Director and will include the starting salary and benefits status.
- 2.3F Lateral transfers which do not include a change in an employee's salary classification may be made at the discretion of the Executive Director. In such cases, normal advertising and selection procedures will not be required.
- 2.3G All applicants who were interviewed but not selected will be notified.

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2.4A Since rehabilitation is a primary mission of our programs, and because Title VII of the Civil Rights Act of 1964 prohibits automatic exclusion of ex-offenders from employment, it is neither ethical nor legally proper to forbid the hiring of ex-offenders.

Nonetheless, as service providers for children and adolescents, we have a clear responsibility to exercise diligence when selecting adults who will be placed in positions of influence and authority over our clients. Therefore, before any ex-offender is hired to work in one of our programs, careful screening must take place. Factors to consider are:

1. Nature of the offense in relation to the duties of the position.
2. Length of time since the offense occurred.
3. Applicant's work record since his/her conviction as verified by references.
4. Applicant's perspective on the offense and his or her attitude toward the criminal justice system.

2.4B The Commission Board reserves the exclusive right to approve the appointment of any person convicted of a felony.

2.4C The Executive Director must give prior approval of any offer of employment to any applicant who has been convicted of a misdemeanor.

2.4D The candidate must be deemed eligible for hire by the Virginia Department of Social Services.

****NOTE**** For the purpose of this policy, an ex-offender is defined as any person convicted of an offense classified as a misdemeanor or felony.

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- 2.5A It is understood that in order to attract the best possible staff, it is sometimes necessary to hire a person above the normal entry level. Such a practice has serious budgetary and staff morale implications, however, and should only be pursued when absolutely necessary.
- 2.5B Factors which could justify a request to start an applicant above the starting step:
1. At least one year of experience in excess of the minimum requirements for the position.
 2. The applicant is currently employed in a similar position at a salary higher than our starting step and would have to take a salary decrease to come to work for the Commission.
 3. The applicant possesses specialized skills, education or certification which is critical to the mission of our program and is usually not found in entry-level applicants. (For instance, a person who is certified or licensed by the state boards of counseling, psychology or social work).
- 2.5C Procedure for requesting a salary above the starting step:
1. The request should be made in writing by the program director to the Executive Director. The request should include the proposed salary amount and the justification for the exception.
 2. The Executive Director will consider the following factors before acting on the request:
 - a. Are funds available in the individual program to fund the requested salary without increasing the program's overall budget? Or, is the program in a position, based on current performance, to generate additional revenue to cover the added expense?
 - b. Does the applicant possess clearly demonstrated skills beyond those possessed by any applicants who would accept the position at the entry level salary?

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3. Written notice of the Executive Director's decision will be forwarded to the program director and the Human Resources. The Personnel Transaction Form will serve as written notice.

2.5D

In-Band Adjustments: On occasion, it may be necessary to consider adjustments in an employee's placement on the pay scale where there is no change in job title. Circumstances under which such an adjustment may be considered are:

1. Changes in job duties
2. Application of new knowledge/skills/abilities from education, certification, licensure, etc.
3. Retention
4. Internal realignment to correct inequities

2.5E

Approval of In-Band Adjustments: All requests for In-Band Adjustments must be approved by the Executive Director. The justification must be provided in writing. This policy authorizes the Executive Director to grant up to a 10% increase, not to exceed the pay band maximum. Employees already at the top of their pay scale will not be considered for an In-Band Adjustment. Exceptions that would exceed 10% may be requested for cases that significantly exceed normal criteria. Exceptions must be approved by the Commission Board. In all instances, approval will be contingent on the Commission's financial status at the time of the request.

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- 2.6 Part of the annual budget preparation process will be to develop a staffing pattern that will enable programs to deliver quality services. There must be adequate staffing capacity to ensure compliance with all regulatory standards with regard to staff to youth ratios. The budgeted personnel should be adequate to meet the utilization targets as established in the annual budget. Changes in the size and scope of programs/services will be matched with commensurate changes to the staffing pattern.
- 2.6A The Commission-approved staffing pattern may be expressed as a number of "Full-Time Equivalent" (FTE) positions.
- 2.6B The types of positions and the salary for those positions would be selected from the menu of position descriptions approved by the Commission. Because each program has a different mission and population, not all programs will have the same FTEs, configuration of positions, caseload sizes or position qualifications.
- 2.6C Within the limit of the approved personnel budget for each program, each program's administration is encouraged to be flexible in designing his/her staffing. However, program directors do not have the authority to create new full-time, permanent positions without approval from the Executive Director.
- 2.6D Changes in the use of a unit's FTEs must be approved in advance by the Executive Director. Requests for this reallocation should include:
1. A statement of how the existing pattern will be affected.
 2. How the newly designated position will be used.
 3. How the changes will improve the unit's ability to perform its mission. This should be as specific as possible.
 4. An analysis of how this will be accomplished within the approved program budget.
 5. Affirmation that the staffing configuration is in compliance with applicable standards.

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- 2.6E Positions which are approved for reconfiguration will be deemed to have been abolished. Incumbents in those positions are to be given a six-day notice that their position is slated to be eliminated and that they will have the right to be considered first for the newly-created position if their work to date has been satisfactory and they meet the qualifications for the new position.
- Staff who move from an abolished position to a newly created position will be considered to have no break in service.
- 2.6F Changes in Staffing - Only the Commission may authorize an increase in the personnel budget assigned to the agency. This is ordinarily done during the budget approval process. Hourly staff may be added or subtracted as dictated by program revenues and census.
- 2.6G Managing Staffing Needs - When the Executive Director determines that a demonstrated need exists, he/she may authorize the addition or temporary transfer of staff to a program. This may be done by transferring -staff to the affected unit.
1. The authority to make personnel adjustments does not permit the Executive Director to increase the agency personnel budget above the limit approved by the Commission.
 2. Temporary assignments should not last longer than is necessary to correct the staffing issue.
 3. The authority for temporary positions in one budget year may not be carried forward into the next year without specific Board approval when the annual budget proposal is considered, or when brought to the Board as a special request by the Executive Director.
- 2.6H **Adding New Positions to the Menu of Approved Positions**
1. As program needs arise, it may be necessary to obtain staff who have substantially different knowledge, skills and abilities from the staff in the current menu of positions. In order to add a new position to the menu, the originating program director should observe the following procedure:

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- a. Identify the results to be expected from this position (i.e. do family counseling, transport clients, etc.).
- b. Develop or amend a proposed job description outlining the minimum knowledge, skills and abilities necessary to achieve those results.
- c. The new position may be placed on the director's meeting agenda for peer review.
- d. Once these steps are complete, the job description will be reviewed and approved and/or amended by the Executive Director.

- 2.6H 2. Once a job description has been established, a position on the pay scale will be determined. Criteria for that determination will be:
- a. The pay scale for other TYSC positions requiring similar knowledge, skills and abilities (KSAs).
 - b. Location in the agency structure. Who supervises them? Who do they supervise?
 - c. The scale for similar positions in the state and local public agencies.
 - b. The scale for similar positions in area private organizations.

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3.1 Once an offer of employment has been made by a program director, the applicant should be instructed to contact Human Resources at the administrative office. The program director should send the following documents to Human Resources to begin pre-employment processing, and the applicant should be instructed to call for an appointment.

- The complete application packet, including:
 1. State application form with original signature.
 2. DMV record with zero or plus point balance.
 3. Resume, cover, letter, and any other application attachments.
 4. Three completed reference checks
 5. Completed and signed personnel transaction form.

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- 3.2 Human Resources shall proceed with the pre-employment process. Once all background checks have been received and the New Employee Checklist is complete, the packet will be submitted to the Executive Director for review and approval.
- 3.2A Once the packet is approved, the employee will be contacted to meet with the Payroll Specialist for payroll processing. If the position is full-time, the employee will also meet again with Human Resources to review the benefits package.
- 3.2B When an employee is promoted and at five year intervals, a new set of background checks will be completed.

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- 3.3 Federal law, state standards and our Commission Operating Principles all require that we tell new employees about important information which will affect their work with our agency. At each stage of the process, the orienting employee should ensure that the new employee thoroughly understands the information and has had an opportunity to ask questions. We have separated the process into two parts.

- 3.3A The administrative staff of the Commission will provide an orientation to the agency at the time that a new employee is being processed. This orientation will include information on employee benefits, employee record confidentiality, drug-free workplace requirements and PREA standards. The employee's job description is also reviewed and signed at this point.

- 3.3B Each program will have its own new worker orientation. This orientation will take place within the time frames and on the topics dictated by the program's regulatory standards. Once an employee has completed this orientation, he/she will sign a verification which will be placed in his/her personnel file.

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- 3.4 Because of the nature of our programs, it is required that every employee be willing to work flexible hours to meet the needs of the programs. No employee is guaranteed a set schedule and hourly workers are not guaranteed a minimum number of hours. While every effort should be made to accommodate the personal needs of staff, the director has explicit authority to change employee's hours of work or to require employees to work beyond their normal 40-hour work week when necessary.
- 3.4A **Scheduling** – The program director has the authority to establish work schedules within the program, subject to policies established by the Commission. For full-time employees, the work schedule must be limited to 40 hours per 7-day work week (12:01 AM Monday through 12:00 Midnight Sunday).
- 3.4B **Commission Scheduling Policies:**
1. No residential employee should be scheduled to work more than 12 hours per shift.
 2. No residential employee shall be required to work more than 6 consecutive days.
 3. No residential employee may work 2 consecutive shifts (the only exception allowed is for emergencies when no substitute is available).
 4. No employee will be scheduled to work more than 16 hours in one day.
 5. The program schedule will be developed in a manner that provides the most effective staff coverage based on state standards and the program design.

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3.4C

Adjustments to the Work Schedule - From time to time, the normal work schedule will need to be adjusted to meet extraordinary circumstances. Whenever possible, these adjustments should be made in such a way as to limit a staff member's work week to 40 hours.

For example, adjustments might be necessary because of special outings, court appearances, training, staff meetings and/or emergencies at the facility.

Whenever possible, the director will arrange for an equal amount of time to be deducted from the employee's schedule during the same work week. If this is not feasible, overtime pay may be authorized.

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3.5 **Work Week** - Full-time employees are normally scheduled to work 40 hours during a work week. The work week is defined as beginning at 12:01 AM on Monday and ending at 12:00 Midnight on Sunday. If an eligible employee works more than 40 hours during the week, he/she is eligible to be paid overtime for all the hours in excess of 40. Every attempt is made to accomplish all necessary work without requiring overtime from our employees. However, when overtime is necessary to meet program commitments, the supervisor or manager will try to provide employees with as much notice as possible.

However, there may be times when it may be necessary to require employees to work overtime with little or no notice (e.g., to address a program emergency). The program director or his/her designee will ensure that these occasions are as few as possible. It is also expected that the employee will arrange their personal affairs to comply when these situations occur since cooperation is needed to serve our clients effectively. Secondary employment is never a valid justification for not working overtime as required.

Overtime is permitted only as authorized and approved in advance of its being worked by your program director or his/ her designee unless covered by 3.5B below.

3.5A **Rate of Pay** - Overtime pay will be computed by multiplying the affected employee's hourly salary by 1.5.

3.5B **Leave** - For the purpose of calculating eligibility for overtime, hours spent on vacation or sick leave are not considered hours worked.

3.5C **Authorization** - The program director retains the sole authority to approve overtime payments. Overtime will be authorized only to cover emergencies which cannot be covered by adjustments to staff schedules.

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3.5D Authorization (continued)

Examples of possible reasons for overtime are:

1. Emergencies involving the health or safety of the clients, staff or property.
2. Court appearances requiring staff attendance.
3. Failure of staff to appear on time, thereby requiring an employee to remain on to ensure minimum coverage.
4. Completion of special projects or tasks where it is necessary to work overtime to meet a deadline (grant preparation, audits, etc.)

3.5E Working Additional Hours Without Authorization - Occasionally, situations will arise which require staff to exercise their own judgment about working extra hours. For example, if a staff member is about to go off duty and a major disturbance occurs, he/she would be obligated to stay until order was restored, even though no prior authorization was given. In such cases, the director will retroactively authorize the overtime payment.

3.5F Exempt Employees - There are a limited number of positions within the agency which are exempt from the overtime provisions referenced in this policy. Exempt employees will meet the conditions of the Fair Labor Standards Act for Executive Employees, Administrative Employees or Professional Employees. Job descriptions of exempt employees will specify that the position is exempt and will be signed by the employee

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3.6 Training provides several valuable benefits to the Commission. It improves the performance of our staff, allows them to be exposed to new ideas and approaches, and gives them an opportunity to recharge their batteries away from the pressure of their everyday assignments. Like any resources, however, training has costs attached to it which must be budgeted and controlled.

3.6A **Required Training:**

1. The amount of required training for staff in regulated programs/services will be dictated by Board of Juvenile Justice standards.
2. Full-time clerical staff, ie; administrative assistants and secretaries, will be required to attend at least 20 hours of training each year.
3. Direct service staff are required to receive training in the areas specified by standards and to keep their certifications current. It is the employees responsibility to ensure that their certifications remain current and that training-hour requirements are met. Failure to do so may result in disciplinary action.
4. Employees licensed or certified by the Department of Health Professions are required to meet the training requirements of their respective disciplines and to maintain independent records for the verification of training.

3.6B **Hours of Work:**

If a staff member is attending required training, he/she is considered to be at work. Employees are expected to attend the training in its entirety. These hours should be listed as regular hours on the time sheet. When residential staff are scheduled away from their duty stations for all of their scheduled hours, they should list a full shift worked. In those cases when staff are scheduled for training only during a portion of their scheduled hours for the day, the actual time at the training should be noted along with time at their duty station. In the event that training hours cause the employee to work more than a 40-hour week, overtime must be approved. However, overtime will be contingent upon actual hours worked.

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Training Credit:

1. For the purpose of meeting the minimum requirements for training attendance, an up-to-date log of each staff member's training should be maintained by the program. A summary of all training received will be attached to the annual performance evaluation.
2. Normally, the trainer will establish the number of hours of training credit given for each session. For instance, the Department of Juvenile Justice will include this information on their attendance verification report.
3. If the trainer does not establish a number of training credit hours, the published hours of the training session will be used to establish the appropriate credit.

3.6D

Meals While at Training

1. Staff attending a day-long training session are not eligible for reimbursement of their noon meal.
2. Meals eaten while on overnight travel status will be reimbursed at rates established by the Commission. Claims exceeding the established amounts will not be reimbursed. See Policy 9.2 – Meals.
 6. In the event that a meal is included as part of the training fee, the expense will be considered a part of the tuition for the workshop and is not included in the daily meal allowance.

3.6E

Travel to Training See Policy 9.1 – Travel Regulations.

1. When an employee attends training, he/she is eligible to receive mileage reimbursement for travel to and from the session. If the employee travels directly from home to training, travel distance charged should be the distance between the employee's normal duty station or base point and the training or the distance between home and the training, whichever is less.
2. If an employee reports to his/her duty station and then leaves for a training session for part of the workday, travel to the session and back is reimbursable.
3. Staff are expected to carpool or use an agency vehicle to travel to

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training. If the employee elects to drive their own vehicle when carpooling is available, mileage reimbursement will not be approved.

3.6F

Annual Training Plan

Beginning with orientation, each supervisor will develop an annual training plan for each employee covered by this policy. The plan will be reviewed and revised annually. It will become part of the employee's personnel file.

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- 4.1 If the Board approves a performance salary increase in the annual budget, only those employees meeting all of the following criteria will be eligible:
1. On his/her Employee Performance Review, the employee must have attained an acceptable performance review (score of 300 or higher).
 2. The employee must have been employed by the Commission at least 12 months prior to the increase.
 3. Hourly employees must have worked at least 1040 hours in the previous 12 months.
 4. The employee must not be under an "active" Reprimand or Final Warning.
- 4.1A Performance Salary Increase Dates:
1. Each year the Board's annual approved budget will determine whether a performance or cost of living increase will be instituted as well as the amount and effective date of the increase.
- 4.1B Authority to Grant Performance Increases - The *Tidewater Youth Services Commission* will review the available revenue each year and decide if funds are available to permit the granting of performance or cost of living salary increases. The Board will have the sole authority to determine the amount (if any) which will be budgeted.
- 4.1C Bonuses: The awarding of bonuses will be at the discretion of the Executive Director of TYSC. The Executive Director will utilize the audited financial reports for the fiscal year to determine if bonuses are feasible. If it is determined that the Commission is in a financial position to award bonuses, the following criteria will apply:
1. On his/her Employee Performance Review, the employee must have attained an acceptable performance review (score of 300 or higher).
 2. The employee must have completed their 6 month probationary period with a rating of competent.

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3. Part-Time Hourly employees must have worked at least 1040 hours in the previous 12 months.
4. Relief staff must have worked at least 520 hours in the previous 12 months.
5. The employee must not be under an "active" Reprimand or Final Warning.

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- 4.2 Probationary Evaluation - The employee performance evaluation is designed to assist the director, employee and Commission in recognizing when an employee is contributing his/her best efforts. All new employees shall receive a probationary evaluation by the program director at 90 days and before the end of the employee's sixth month of employment. Should an employee receive a less than competent rating, he/she will be encouraged and assisted by his/her supervisor in the areas in which improvement is needed. A probationary employee who receives an unsatisfactory evaluation at the end of the first six months of employment will be terminated.
- 4.2A Annual Evaluation - Annual evaluations serve as a means for the director to sit down with the employee and identify areas of employee strength and areas in which improvement is needed. It also allows for the establishment of annual performance goals by both the director and the employee.
- Supervisors will evaluate all permanent employees by August 30th of each year. Each employee must receive and sign a copy of his/her performance evaluation. The employee's performance evaluation will become part of each employee's permanent personnel file.

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5.1 Our Expectations and Your Responsibilities as Our Employee

Each of us was selected for employment with the Tidewater Youth Services Commission because our training, prior experience, knowledge, and job skills closely matched the requirements for the job each of us now holds. In accepting employment, we also acknowledged a personal responsibility for assuring that our workplace conduct, job performance and business practices measure up to the expectations of the Commission.

While these expectations are set forth in greater detail throughout our various policies and will be communicated to you further, both formally and informally, in the course of your employment with us. In general, you are expected to:

1. Conduct yourself and all of your professional activities ethically and honestly.
2. Approach and perform your job responsibilities with enthusiasm, professionalism, and respectfulness while promoting access to services for all clients.
3. Promote goodwill by handling all contacts with co-workers, supervisors, and clients in a spirit of courtesy, cooperation, and attentiveness.
4. Deal with all co-workers, supervisors, and clients without regard to their race, color, creed, age, sex, religion, national origin, citizenship, sexual preference or orientation, marital status, veteran's status, handicap or disability, or income.
5. Report to work physically and mentally fit for duty .
6. Report to work promptly, keeping absences, late arrivals and early departures to a minimum.
7. Provide appropriate notice of an unavoidable absence or lateness in accordance with established policy.
8. Perform your job responsibilities efficiently and thoroughly.
9. Remain actively engaged in the performance of your job responsibilities throughout the entire workday.
10. Perform your job responsibilities prudently and carefully, observing all health, safety and security rules at all times.

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11. Protect the confidentiality of information which you acquire in the course of your employment and which is not generally accessible to the public, including but not limited to client information.
12. Avoid engaging in any conduct which could create a conflict of interest or expose the agency to unnecessary liability.
13. Safeguard Commission property to prevent its damage, loss, misuse, or theft.
14. Report accidents, injuries (whether your own, a co-worker's, a client's or otherwise), fire, theft or other unusual incidents, including misconduct by other employees, immediately after occurrence or discovery.
15. Follow all established Commission policies, rules and procedures as well as the specific instructions of your supervisor.
16. Refrain from using Commission property, services, or supplies for personal reasons, unless prior permission has been obtained.
17. Provide complete and honest information in connection with all pay, time, business, and expense and employment records.
18. Ensure that your personal appearance, oral communication, and physical conduct are consistent with high standards of professionalism and propriety.
19. Report immediately to your supervisor any of the following:
 - Being convicted of any criminal or traffic offense (misdemeanor or felony)
 - Being the subject of any Child Protective Service complaint
 - Traffic, moving or parking violations while operating an agency vehicle or while operating a personal vehicle in order to conduct the agency's business. Employees are also required to report any traffic offense which results in a negative DMV point balance or the loss of driving privileges. It is the employee's responsibility to have knowledge of their DMV point balance at all times.
 - Actions by other employees which are unethical, illegal or which present potential to harm to clients, other employees or the reputation of TYSC.

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- Loss or suspension of professional licenses or certifications or notice of any complaint filed with any professional regulatory body, or the filing of any malpractice or civil suit against you relating to your license.
- All convictions will be reviewed by the Executive Director on a case by case basis, and a determination of agency response will be made based on the severity and nature of offense, employee work record and any mitigating or aggravating circumstances.

5.1A

Corrective Notices:

Generally speaking, your failure to meet these expectations will usually result in a Corrective Notice, the goal of which is to turn around unsatisfactory job performance and/or unacceptable conduct and to preserve your employment with the Commission. Normally the process is as follows:

Step One	Disciplinary Notice
Step Two	Reprimand
Step Three	Final Warning
Step Four	Discharge

Each step of this process has an “Active Life.” When the Active Life has expired, that step will not ordinarily be considered in determining any future level of Corrective Notices. The Active Lives for the steps are as follows:

Disciplinary Notice	Six (6) months
Reprimand	Nine (9) months
Final Warning	Twelve (12) months

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Example:

On *January 2*, the supervisor of an employee who has no record of a Corrective Notice holds a Disciplinary Notice session to address the employee's failure to work cooperatively with others. A written disciplinary notice follows.

On *February 15*, the same employee fails to give proper notification of an unscheduled absence from work. The supervisor will hold a Reprimand session with the employee, followed by a letter of reprimand.

On *December 10*, the employee commits a minor safety violation. Since the Active Life of the Reprimand dated February 15 expired on November 15, the supervisor will hold another Disciplinary Notice Session with the employee. Had the safety violation occurred during the Active Life of the Reprimand (prior to November 15); the employee would have received a Final Warning session and letter.

Because unsatisfactory job performance and unacceptable conduct have different levels of seriousness, a supervisor may decide a level of notice different from that which normally would apply under the steps described above would be more appropriate. Notice may be initiated at an intermediate level or a step may be bypassed. Circumstances which may impact on such a decision include, but are not limited to:

- The severity of and conditions under which substandard conduct or performance occurred.
- If the unacceptable behavior violated more than one rule of conduct.
- The quality of your overall job performance.
- Your demonstrated willingness to make improvements in performance or behavior as needed.

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The Corrective Notice process discussed above will NOT be followed:

- During your six month probationary period; or
- When you have engaged in misconduct which falls so far below the expectations of the Commission that employment cannot be continued.

Examples of conduct which may be cause for immediate discharge include, but are not limited to:

Violations of any of the following policies:

- Equal Employment Opportunity policy
- Substance Abuse policy
- Willful violation of Client Confidentiality policy
- Ethics policy
- Conflict of Interest policy

Other examples include:

- Verbally or physically harassing, coercing, intimidating, or threatening a co-worker, supervisor, or client.
- Theft, including misappropriation of Commission property; property belonging to any of the Commission's employees; or property belonging to any person with whom we do business (regardless of when or where the prohibited behavior occurs).
- Dishonesty, including:
 - a) Willful falsification of any pay, time, business, expense or employment record (including your employment application).
 - b) Willful falsification of any log entries or case record documentation.
 - c) Recording the time worked by another employee or permitting another employee to record time worked by you.
 - d) Providing dishonest information or testimony in the course of an investigation being conducted by the Commission.
 - e) Claiming benefits under false pretenses.

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- Deliberate damage to or destruction of property belonging to the Commission or any of its employees or clients.
- Insubordination, which is defined as refusal to obey a supervisor's instructions or willful disobedience when directed to perform work.
- Possession of a firearm or other deadly weapon, including the conversion or threatened conversion into a weapon of any tool or other object common to the workplace.
- Unethical or illegal conduct in the course of your employment including, but not limited to, billing practices.
- Reckless disregard for or willful violation of any safety or security rules where such disregard or violation endangers the safety of any person or the property of the Commission, any client or employee
- Participation in a fight or other physical altercation while on duty (except as reasonably necessary in self-defense under circumstances in which the employee cannot withdraw safely from the situation).
- Gross neglect of duties or job responsibilities.
- Absence from work for three (3) consecutive working days without notice.
- Misrepresentation, misuse or abuse of approved leave time (e.g. working for another employer or self-employed while on sick or FMLA leave).
- Leaving Commission duty station during working hours without prior permission.
- Other serious misconduct.

5.1B Employee Right To Grieve

For any disciplinary action (including dismissal), the employee has a right to file a grievance following the procedures outlined in Section 5.2 of the TYSC Policy Manual.

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5.2 It shall be the policy of the Commission to encourage resolution of employee problems and complaints wherein employees can freely discuss their concerns with immediate supervisors and upper-management levels. However, to the extent that such concerns cannot be resolved, the grievance procedure shall afford an immediate and fair method for the resolution of disputes which may arise between the agency and its employees.

Employment with the Tidewater Youth Services Commission is “at will,” meaning that either the employee or the Commission has the right to terminate employment at any time and for any reason—or for no reason at all—with or without prior notice. However, it is also the philosophy of the Commission to promote an atmosphere of fairness in its employment practices. Where informal methods to resolve problems are not successful, this grievance procedure will be implemented to ensure that complaints are heard in a fair and unbiased manner.

5.2A **Grievance Liaison** - The Commission's Deputy Director will be available to advise employees concerning the appropriate methods to resolve conflicts and the proper use of the grievance procedure when necessary. If the Deputy Director is the subject of a grievance, the Executive Director shall assume the duties of the Deputy Director. If the grievance involves the Executive Director, the Chair of the Commission Board shall hear the grievance.

5.2B **Grievable Issues** - A grievance shall be a complaint or dispute by an employee relating to his/her employment, including but not limited to:

1. Disciplinary actions, including dismissals (whether resulting from formal discipline or unsatisfactory job performance), demotions or suspensions.
2. The application of personnel policies, procedures, rules, regulations, ordinances and statutes.
3. Acts of retaliation as the result of utilization of the grievance procedure or of participation in the grievance of another Commission employee.

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4. Acts of retaliation as the result of complying with state or federal law, reporting of a violation of any such laws to a governmental authority, or seeking to change a law before Congress or the General Assembly.
5. Complaints of discrimination on the basis of race, color, creed, religion, gender, sexual preference, political affiliation, age, national origin, disability or handicap.

5.2C

Non-Grievable Issues - Management reserves the right to manage the affairs and operations of the agency. Accordingly, the following issues are not grievable:

1. Establishment and revision of wages, salaries, position classifications or general benefits.
2. 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.
3. The measurement and assessment of work activity through a performance evaluation, except where the employee can show that the evaluation was arbitrary or capricious.
4. The contents of established personnel policies, procedures, rules, regulations, ordinances and statutes.
5. Failure to be promoted, except where the employee can show that established promotional policies were not followed or applied fairly.
6. The method, means and personnel by which work activities are carried on.
7. The hiring, transferring, assigning and retaining of employees, provided such actions do not constitute disciplinary actions.
8. The relief of employees from duties in emergencies.
9. Termination, layoff, demotion or suspension from duties because of lack of work, reduction in the work force or job abolition.

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5.2D

Definitions of Management Levels –

- A. Level one - The employee's immediate supervisor. This may be the program assistant director if the program director has specifically designated him/her to supervise staff.
- B. Level Two - If an employee is being supervised by the unit's assistant, the level two appeal will go to the program director. If the employee is supervised by the unit director, the level two manager will be the Executive Director and there will be no level three appeal. Appeals to the Executive Director will be final.
- C. Level three – This appeal will apply only when the level one grievance originates below the unit director level. In those cases, the Executive Director will hear level three appeals.

5.2E

Management Step Time Limits -

- 1. A grievance shall be filed within thirty (30) calendar days after the event or action which is the basis for the grievance.
- 2. Five (5) work days are allowed to advance, meet and respond to the grievance through each of the three management steps.
- 3. Time limits may be extended by mutual agreement of the grievant and the responding supervisor or manager. Extensions of these deadlines are to be in writing.

5.2F

Grievance Management Steps - Most employee concerns or complaints can be resolved informally through communication between employee and supervisor. Accordingly, employees are encouraged to take their complaints to their immediate supervisor and then to upper-management levels to seek a solution.

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1. Management Steps

A. First Step

- (1) The employee shall identify the grievance orally to the immediate supervisor in an informal, face-to-face meeting within thirty (30) calendar days after the event or action which is the basis for the grievance.
- (2) If the grievance deals with a charge of discrimination against the immediate supervisor, the employee shall be permitted to initiate the grievance with the next higher level of management.
- (3) The immediate supervisor shall give an oral and/or written response to the employee within five (5) work days following the meeting.

B. Second Step

- (1) If the employee does not accept the response from the first-step respondent, the employee should indicate the desire to have the grievance advanced to the next step. The employee must submit the appeal in writing to the second-step respondent within five (5) work days of receipt of the first-step respondent's reply. The nature of the grievance and the specific relief requested should be clearly stated.
- (2) The second-step respondent shall meet with the employee within five (5) work days of receipt. The only persons present at this meeting are the employee and the second-step respondent. Appropriate witnesses may be called and may remain in the room only while giving their own testimony.

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- (3) The second-step respondent shall give the employee a written response within five (5) work days following the meeting.

C. Third Step

- (1) If the employee does not accept the response from the second-step respondent, the employee should indicate the desire to have the grievance advanced to the third step. The employee must submit the appeal in writing to the third-step respondent within five (5) work days of receipt of the second-step respondent's reply.
- (2) The third-step respondent shall meet with the employee within five (5) work days following receipt. The persons present at this meeting are the employee, the third-step respondent and, at the employee's option, a representative of his/her choice. If the employee is represented by legal counsel, management likewise has the option of having legal representation. Appropriate witnesses may be called and may remain in the room only while giving their testimony.
- (3) The third-step respondent shall give the employee a written response within five (5) work days following the meeting.
- (4) All employees must have the opportunity to have this final management step regardless of the number of management steps. The Executive Director is typically the third level respondent unless the Executive Director is the direct supervisor. In such a case, the Chair of the Commission Board, or his/her designee will be the third level respondent.

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- 5.2G **Appeal to a Hearing Officer** - In the event that the Third Level Appeal does not resolve the matter to the satisfaction of the employee, the grievant has the right to request that the case be heard by a Hearing Officer. The Deputy Director must receive a written request from the employee within five days of receipt of the ruling by the Third Level respondent. Once the request for a Hearing Officer is received, the Deputy Director will arrange for the services of a Hearing Officer through the Supreme Court of Virginia. The Supreme Court of Virginia will select the Hearing Officer. Costs associated with the engagement of the Hearing Officer will be paid by the Commission.
- 5.2H **Authority of the Hearing Officer** – A Hearing Officer’s authority derives from Va. Code Section 2.2-3000 et seq., the Rules for Conducting Grievance Hearings. Hearing Officers have the authority to:
1. Hold a pre-hearing conference
 2. Require the parties to exchange a list of witnesses and documents;
 3. Issue orders for the appearance of witnesses at the hearing and the production of documents;
 4. Decide whether non-parties may attend the hearing;
 5. Record the hearing verbatim;
 6. Administer oaths;
 7. Admit evidence and exclude evidence, including but not limited to evidence in mitigation or aggravation of any offense charged by the agency;
 8. Accept offers of proof of excluded evidence;
 9. Rule on procedural requests;
 10. Render written decisions on qualified grievances and provide appropriate relief; and
 11. Take other actions necessary or specified in the grievance procedure

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- 5.21 **Disputes Not Resolved by the Grievance Process** - While it is the intent of the Commission that the grievance process will provide a vehicle through which employment disputes will be resolved, it is understood that the employee and/or the Commission may not always be satisfied with the process' outcome. Therefore, it is the right of the employee or the Commission to litigate certain matters in the circuit court. Such matters may include but are not limited to:
1. A ruling of grievability.
 2. The findings of the hearing officer.
 3. The application of remedies ordered by the hearing officer
 4. The refusal of any of the parties to comply with *hearing officer* instructions.

In the event that the grievance involves discrimination, harassment, or retaliation, the employee may consult with the United States Equal Employment Opportunity Commission.

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- 5.3 Employees of the Commission are expected to uphold the provisions of the Virginia Conflict of Interest Act in their work with the public and with the providers of goods and services to the agency. Examples of activities about which employees should be particularly aware are:
 - 5.3A Payments from Vendors – It is a conflict of interest for a Commission employee to accept payments or be employed by consultants, suppliers, contractors or others who supply or may see to supply goods or services to the Commission on a paid basis.
 - 5.3B Accepting Gifts – It is a conflict of interest for an employee to solicit or accept gifts from anyone doing business with the Commission for their personal use. The terms “gifts and gratuities” includes but is not limited to: money, credit discounts, seasonal or special occasion presents, food, drinks, household appliances, furnishings, clothing, loans or goods or money, tickets to events, transportation, travel or hotel expenses or any form of entertainment.
 - 5.3C Sale/Exchange of Property – Employees may not engage in the sale or exchange of property when it might appear to the public that the employee’s relationship with the Commission provides an advantage. Information gained because of an employee’s association with the Commission may not be used for personal profit.
 - 5.3D Transactions with Related Parties – From time to time, employees of the agency may operated private businesses, work for a private employer and/or conduct a private clinical practice. These situations present many opportunities for the appearance of conflict of interest. Therefore, the Commission, its agents and/or employees are not permitted to purchase goods or services from any vendor who has an employment relationship with the agency. Furthermore, to avoid any appearance of favoritism, Commission employees are not permitted to make third-party referrals to the businesses of other Commission employees.

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5.4 Employees of the Commission are encouraged to participate in political activities and exercise their right to vote as provided in the Constitution and laws of the United States of America. However, no Commission employee shall:

- Take any active part in managing a campaign, or campaign for political office or otherwise engage in political activity while on duty or within any period of time during which he/she is expected to perform services for which compensation is received from the Commission.
- Otherwise use the authority of his/her position, or utilize Commission funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in a partisan or nonpartisan election involving candidates for office or party nominations, or affect the results thereof.
- Directly or indirectly influence, use any promise of reward, or threat of loss to encourage or coerce any employee to support or contribute time or money to any political issue, candidate, or party.

Failure to comply with this policy is grounds for disciplinary action which, in case of deliberate or repeated violation, may include dismissal.

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5.5 The Commission strictly forbids harassment of any employee, applicant for employment, vendor, contractor or volunteer. Unlawful workplace harassment is any unwelcome or unsolicited verbal, written or physical conduct that either denigrates or shows hostility or aversion towards a person on the basis of race, sex, color, national origin, religion, sexual orientation, age, veteran status, political affiliation, or disability, that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an employee's work performance; or (3) affects an employee's employment opportunities or compensation. Workplace harassment is prohibited and will not be tolerated.

The following behaviors, communications, etc. are inappropriate, and as such, prohibited, regardless or whether they are illegal:

- Derogatory comments about an individual's membership in any protected group, for example, the "old guy;"
- Displays of cartoons, calendars, computer software, pictures etc. which are degrading to or reflect negatively upon any protected group;
- Jokes, comments or stories which have the purpose or effect or stereotyping demeaning or making fun of any protected group, for example, racial "jokes," AIDS "jokes," or Catholic "jokes,"
- Slurs to describe any protected group, for example, the "N" word;
- Nicknames which relate to a person's membership in any protected group;
- Verbal or non-verbal innuendo which relates to or reflects negatively upon any protected group, for example, mimicking a disabled employee's walk or an immigrant's accent;
- Hate symbols or other symbols which suggest the inferiority of any group, for example, "a white power sign,"

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- Hostile, abusive or demeaning behavior, including threats, directed at an employee because of his or her membership in any protected group, even if not racial, ethnic, religious etc. in nature;
- Stereotypic slurs about any protected group, for example, “they don’t work hard;”
- Any other inappropriate behavior of the kind or similar to that referred to here or elsewhere in this policy

It is important to remember that these prohibitions apply not only to oral and written communications, but also to e-mail, voice mail, Internet communications and searches, and other technology-assisted communications.

The prohibitions on inappropriate behavior set forth above apply not only in the workplace itself but also to all other work-related settings, such as meetings, as well as business trips and business-related social functions.

It is of no defense to inappropriate behavior that there was no bad intent, that it was only a “joke” or that it was not directed at any particular person.

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5.6 The Tidewater Youth Services Commission is committed to maintaining a safe workplace and to providing dependable and economic services to its clients. Successful attainment of these goals is directly dependent upon the establishment and maintenance of a workplace that is free from the adverse effects of drug use and alcohol abuse. Consistent with these goals, our policy on drugs and alcohol, which applies to all of the Commission's applicants and employees, is as follows: ¹

5.6A Self-Identification and Rehabilitation

- a. In that the Commission believes that all people have the potential and competence to change, employees who suspect that they have a drug or alcohol problem will receive support from the agency in seeking treatment and rehabilitation.
- b. Consequently, employees with a drug and/or alcohol problem are encouraged to seek help (self-identify). ² For the purposes of this policy, one who "self-identifies" is an employee who seeks help voluntarily for a drug or alcohol which he/she admits in connection with his/her **initial** request for help.
- c. An employee who self-identifies may be eligible for and/or be required to take a paid or unpaid leave of absence in accordance with TYSC leave policies and procedures and will be permitted to return to work subject to the terms, conditions and restrictions set forth in Sections 5.6G and 5.6H below.
- d. An employee will not be considered to have sought help voluntarily if the request for help is made at the point at which a drug and/or alcohol test is about to be performed or an investigation is taking place as to a potential violation by the employee of the policy or any other rule or regulation of the Commission.
- e. An employee who has reason to believe that the performance of another employee is impaired by alcohol, controlled substances, and/or medication shall immediately notify the supervisor.

¹ Please read carefully the definitions set forth in the Appendix to this policy so that you understand what conduct is prohibited.

² The Employee Assistance Program (EAP) is available to assist any employee, if needed. Because the EAP is confidential, the Commission will not know if the employee informs the EAP of any need for accommodation. Accordingly, the employee should notify the Commission directly of any need for accommodation

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5.6B Medical Review Officer

A Medical Review Officer will review all positive drug tests and will contact the individual to review any information on medications taken. Every positive and every questionable result (dilute/adulterated/shy lung/shy bladder) will be reviewed by the Medical Review Officer, and the Medical Review Officer will contact the employee to discuss the results. Based on confirmed medical explanation and/or confirmed legitimate prescriptions, a final determination will be made. If the Medical Review Officer finds a legitimate medical explanation for the positive test result, the results will be reported as negative.

5.6C Alcohol

The use or possession of alcohol while on Commission premises or during working hours is strictly prohibited and could result in the employee's **immediate discharge**. Please note that this prohibition precludes an employee from consuming alcohol, even if at breakfast, lunch or dinner off Commission premises, if the employee returns to work thereafter.

The possession or concealment of alcohol while on Commission premises is strictly forbidden and could result in an employee's **immediate discharge**. However, an employee may have in his/her own vehicle unopened containers of alcoholic beverages, provided that the alcohol is intended for consumption off-premises.

5.6D Illegal Drugs

The use, possession, manufacture, sale, dispensation or distribution of illegal drugs or drug paraphernalia while on Commission premises or during the workday is strictly forbidden and could result in an employee's **immediate discharge**. This includes the use of synthetic marijuana or any other synthetic drugs.

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5.6E Fitness for Duty

- a. Employees are required to be fit for duty.
- b. An employee is unfit for duty if, while on Commission premises or during the work day, he/she is under the influence of or affected by illegal drugs or alcohol and/or tests positive for illegal drugs or alcohol.
- c. Unfitness for duty can be determined through a variety of means, separately or in conjunction with each other, depending on the circumstances, such as direct observation and/or drug and/or alcohol testing.
- d. If an employee is suspected of or determined to be unfit for duty, he/she will be required to submit to drug and/or alcohol testing by a testing facility of the Commission's choosing. The employee will be placed on paid administrative leave until the results are received. A positive drug or alcohol test could result in **immediate discharge**.
- e. Employees whose test results are reported as positive for the presence of a controlled substance may request within 72 hours that their original specimens be re-tested by a TYSC-approved laboratory at the employee's expense. The testing contractor will keep enough of the original specimen for this additional test. If the results of the re-testing are negative, the employee will be reimbursed the cost of the re-testing, and the results of the first test shall be expunged.

5.6F Prescription and Over-the-Counter Medications

An employee shall inform the Deputy Director or designee prior to commencing work if he/she is taking any prescription or over-the-counter medications which could interfere with his/her ability to safely perform his/her job functions. The program director or designee may consult with the employee's doctor in determining whether the medication creates a safety risk. If the program director or designee concludes that it does, he/she will notify the deputy director so that appropriate measures can be taken. ³

³Depending on the nature of the employee's normal work duties, he/she may be reassigned temporarily.

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5.6G Leaves of Absence and Return to Work

- a. If an employee self-identifies pursuant to Section 5.6A above:
 - He/she must seek and receive treatment by a substance abuse professional approved by the Commission. His/her leave shall be subject to such other terms and conditions applicable to employees on medical leave.
 - Before the employee can return to work, the substance abuse professional must certify that the employee is physically and mentally fit for duty. The employee also must submit to and test negative on drug/alcohol tests before returning to work.
- b. If an employee self-identifies pursuant to Section 5.6A above:
 - Upon return to work, he/she will be subject to unannounced periodic testing for drugs and/or alcohol. In addition, if he/she sought treatment, he/she must comply with any ongoing treatment plan, if applicable, and permit the Commission's EAP to monitor compliance.
 - The employee's employment could terminate immediately if he/she:
 - ✓ Tests positive for drugs or alcohol or refuses to submit to a drug or alcohol test on the date and time required.
 - ✓ Fails to comply with any ongoing treatment recommended by his/her substance abuse professional, if applicable.
 - ✓ Otherwise fails to meet the Commission's expectations for performance and behavior.

5.6H Paid Time Off and Other Benefits

- a. If an employee self-identifies pursuant to Section 5.6A above, he/she may be eligible for paid time off benefits and/or payments pursuant to the Commission's leave policies.
- b. The cost of administering drug or alcohol tests required by the Commission will be paid by TYSC. The cost of the required professional certification and of the pursuit of rehabilitation, if applicable, must be borne solely by the employee and not the Commission. However, the employee may be eligible for payments pursuant to the Commission's group health plan, subject to its eligibility requirements and terms, conditions, restrictions and exclusions.

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5.6I Testing of Applicants

As a condition of employment or reemployment, all applicants will be required to pass a drug test. An applicant who fails the pre-employment drug test or does not submit to the test on the date assigned shall not be hired.

5.6J Testing of Employees

- a. Reasonable Suspicion – An employee may be required to submit to drug and/or alcohol testing whenever there is reason to believe, because of physical, behavioral or performance indicators, that the employee is under the influence of or affected by illegal drugs and/or alcohol while on Commission premises or during working hours.
- b. Post-Accident – An employee may be tested for drugs and/or alcohol after any accident, as defined herein, which could have been caused by human error or carelessness. For purposes of this policy, an accident shall be defined as occurrences: (1) resulting in medical treatment by a medical professional independent of the Commission or (2) damage to property reasonably expected to equal or exceed \$500 in terms of estimated replacement and/or repair cost.
- c. Return to Work – An employee who self-identified or is unfit for duty pursuant to Section 5.6A above shall be required to submit to drug and/or alcohol testing as a condition of returning to work, and shall be subject to unannounced, period testing for drugs and/or alcohol as a condition of continued employment upon return to work for a minimum of one year.
- d. Random testing – After being hired, all employees may be required to submit to random drug testing. Failure to submit to the testing at the assigned time and/or receiving a positive test result could result in the employee's **immediate discharge**.

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5.6K Searches

The Commission reserves the right to search at any time an employee, his/her possessions, work area or vehicle, while on Commission premises, to determine if illegal drugs or alcohol are present in violation of this policy.

5.6L Failure to Cooperate

- a. An applicant who refuses to provide a specimen on the date and time requested, who refuses to provide written consent to testing, or who provides an adulterated, substituted or otherwise tampered specimen, will not be employed.
- b. An employee who refuses to provide a specimen at the date and time requested, who refuses to provide written consent for testing, who provides an adulterated, substituted or otherwise tampered specimen, or refuses to consent to a search of his/her person, possessions, work area or vehicle, shall be discharged.

5.6M Appendix of Definitions

- a. Alcohol – Any beverage containing alcohol which is capable of producing a physical, mental, emotional or behavioral change in the user.
- b. Commission Premises – Includes the facilities, building, surrounding grounds, parking areas and vehicles owned or leased by the Commission.
- c. Drug Paraphernalia – Any equipment, device, apparatus or finding which is used in the administration, consumption, ingestion or inhalation of illegal drugs.
- d. Illegal Drugs – Includes: (1) Any chemical substance whose manufacture, use, possession or sale is prohibited by law; (2) Any legally-dispensable controlled substance (medications available only as prescribed by a licensed physician) obtained fraudulently or used by any individual other than the person for whom prescribed; (3) Any over-the-counter medication capable of impairing one's alertness and/or physical or mental reflexes taking for the purposes of abuse or misuse; and (4) inhalants, such as glue that can be abused, which not

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only may cause serious medical problems, but also may impair an employee's physical and/or mental faculties.

- e. Working Hours – Includes, in addition to actual working time, break and meal period, if the employee returns to work after such break or meal period, regardless of whether the individual is on Commission premises during such time and regardless of whether the individual was paid for such time.
- f. Prescription or Over-the-Counter Medication – Medication normally taken for medicinal or other legitimate reasons, consistent with directions of a physician or, in the case of over-the-counter medications, consistent with the directions on the package.
- g. Synthetic Drugs – Chemically-laced substances designed to have effects similar to marijuana, cocaine and methamphetamines which are sold over the counter and are not regulated by any government agency or any variation thereof.

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5.7 Sexual harassment is a form of sex discrimination that the Commission will not tolerate. Consistent with the foregoing, the following behaviors are prohibited, whether by a man or a woman and whether directed at a man or a woman.

- To threaten or insinuate, expressly or implicitly, that any person is required to submit to sexual advances or to provide sexual favors as a condition of employment, continued employment or any term, condition or benefit of employment, or that a person's refusal to submit to sexual advances or to provide sexual favors will affect adversely the person's employment, continued employment or any term, condition or benefit of employment.
- To make any employment decision or take any employment action based on a person's submission to or refusal to submit to sexual advances.
- To engage in unwelcome sexually-oriented or otherwise hostile conduct which has the purpose or effect of interfering unreasonably with another person's work performance or of creating an intimidating, hostile, abusive or offensive working environment.

The following behaviors, communications etc. are inappropriate, and as such, prohibited, regardless of whether they are illegal:

- Linking/conditioning any employment decision, benefits, etc. to a subordinate's submission or refusal to submit to sexual advances;
- Demands or requests for sex;
- Repeated requests for dates;
- Unwelcome and/or inappropriate physical contact, such as patting, pinching or brushing against another person's body;
- Sexual bantering, "jokes" and "teasing;"
- Sexual, suggestive or biased "jokes;"
- Sexual flirtations, advances or propositions;
- Verbal abuse of a sexual nature;
- Verbal commentaries about an individual's body, sexuality, or sexual orientation;

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- Sexually-degrading words used to describe individuals;
- Discussions of or questions about sexual desires, fantasies, experiences, frustrations, etc.;
- Sexually-explicit or sexually-suggestive objects, cartoons, software, photos, pictures, etc.;
- Sexually-oriented or degrading gestures;
- Verbal or nonverbal innuendo of a sexual, suggestive or biased nature;
- Other nonverbal communications of a sexual or suggestive nature, such as leers and gawks;
- Obscene, off-color or otherwise hostile language of a sexual, suggestive or biased nature;
- Any other behavior of a hostile or abusive nature directed at one sex, even if not sexual in nature; and
- Any other inappropriate behavior of the kind or similar to that referred to here or elsewhere in this policy.

It is important to remember that these prohibitions apply not only to oral and written communications, but also to e-mail, voice mail, Internet communications and searches, and other technology-assisted communications.

The prohibitions on inappropriate behavior set forth above apply not only in the workplace itself but also to all other work-related settings, such as meetings at customer/client work sites, as well as business trips and business-related social functions.

It is of no defense to inappropriate behavior that there was no bad intent, that it was only a “joke” or that it was not directed at any particular person.

Any employee or Commission agent who engages in sexual harassment or retaliation or who fails to cooperate with Commission-sponsored investigations of sexual harassment or retaliation may be subject to suspension or dismissal. Administrators who refuse to implement remedial measures, obstruct the remedial efforts of other employees and/or retaliate against sexual harassment complainants or witnesses may be immediately suspended or dismissed.

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Complaints of acts of sexual harassment or retaliation will be accepted in writing or orally. All complaints of sexual harassment or retaliation shall be filed in accordance with the employee grievance procedures outlined in Section 5.2 of the Employee Personnel Policy Manual, with the exception that complaints made in accordance with this policy may be filed directly with the Deputy Director without going through the program director or direct supervisor. A complaint need not be limited to someone who was the target of harassment or retaliation. Anyone who has observed sexual harassment or retaliation should report it to the unit director or the Deputy Director.

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6.1 The Tidewater Youth Services Commission has established a bi-weekly payroll period. The pay period extends from 12:01 AM on Monday morning of the first week until 12:00 Midnight on Sunday of the second week. Pay dates are on the Friday following the end of each pay period. A pay calendar is established by the administrative office one year at a time, and a copy is posted at each unit. In the event that a payday falls on a bank holiday, checks will be issued on the day before the holiday. Direct Deposit is required for all employees.

6.1A **Time Sheets** - In an effort to maintain orderly and accurate records of employees' work time, each employee is required to fill out a time sheet. An employee who, without good cause, fails to prepare his/her timesheet will not be paid. In those cases, payment for the time period in question will be made on the next regularly scheduled payday. No employee is to fill out or sign the timesheet of a co-worker. If an employee is not available to fill out the timesheet because of absence, illness, emergency or termination, the supervisor may complete the timesheet. If the employee returns to work, they must review and sign the timesheet submitted by the supervisor and any payment adjustments that may be needed will be included in the succeeding pay period.

Employees are to be diligent as to the accuracy of their timesheets. Any employee who is found to have falsified their time sheet may be subject to immediate termination.

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6.2 Each year, the Commission establishes employee classifications and the approved salary ranges. This scale may be revised during any given year to include salary scale adjustments which are approved in the annual budget. The approved salary ranges will be distributed to each program director any time a revision occurs. Employees may access this information through the program director or Human Resources.

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7.1 In order to manage the operations of our agency, it is necessary that information concerning our employees be available to appropriate administrative and supervisory staff. At the same time, our employees have a right to privacy and should expect us to ensure that information about them is not shared with anyone who does not have a legitimate interest in the information. In order to meet these requirements, the following policies are adopted:

7.1A **Definitions**

1. **Official Personnel File** - The employee's official personnel file is located at the administrative office. The personnel file room is locked at all times and may only be accessed by authorized personnel. The personnel file includes information on applications, references, pre-employment record checks and other pre-employment documentation, any subsequent personnel actions such as promotions, merit increases, etc.; disciplinary records, grievance materials, performance appraisals, commendations, awards, and any other relevant personnel information.
NOTE: Supervisory records retained at the programs are not considered part of the official personnel file.
2. **Administrative Staff** - Personnel at the administrative office who are charged with the responsibility of managing the payroll and benefits programs for the agency. These employees have access to the personnel file to the extent necessary for them to meet their job responsibilities. They are not authorized to release information to other personnel or any person/entity outside of TYSC without the written consent of the employee and permission from the TYSC Deputy Director or Executive Director.

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7.1A **Definitions (cont.)**

3. **Supervisory Staff** - Employees who are charged with the responsibility to manage one or more of the operating units of the Tidewater Youth Services Commission. These staff include the Executive Director, Deputy Director, Finance and Accounting Manager, Program Directors, and Assistant Directors. Supervisory staff within the employee's assigned unit have unlimited access to information contained in the personnel file. In those cases where an employee works for more than one unit at a time, all of the appropriate supervisory staff will have access to the employee's personnel information.
4. **Privacy Act** - For the purposes of this policy, the Privacy Act refers to the Privacy Protection Act of 1976 as amended (Reference 2.1-382 Code of Virginia).
5. **Medical Records** - Information concerning the health status of our employees are maintained in folders separate from the personnel file. These records contain protected health information and should only be accessed to add documents to the file or in an emergency situation.

7.1B **Employee Notice and Permission to Share Information**

At the time of employment, employees are to be notified of the circumstances under which personnel information might be shared. This notification should include the possibility that the information might be shared with supervisory personnel from other units in the Commission, other government agencies such as the Support Enforcement Bureau or the Division of Motor Vehicles, criminal justice agencies bearing statutory authority, and/or other non-governmental entities with a legitimate business interest in the information. The employee must also be notified that he/she has the right to have access to his/her personnel file and may dispute the accuracy of documents therein.

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7.1C Employee Notice and Permission to Share Information (cont.)

To verify that the employee has been notified of the circumstances under which information will be shared and to clearly establish the agency's authority to share this information, each new employee will be asked to sign a Release of Information Consent form. Any time that information concerning an employee is shared with anyone outside of the Commission thereafter, written notice will be given to the employee.

Exception - If the information shared is part of an ongoing criminal investigation and the disclosure that it had been shared would jeopardize the investigation, the agency is not required to notify the employee.

7.1D Employee Access

An employee or his/her official representative may have access to his/her personnel file. Access may be restricted to normal business hours. If access is requested by an employee's representative, the agency will require that the employee provide written permission for us to share the information with a representative.

7.1E Disputed Entries

An employee may dispute the accuracy of information contained in their personnel file. The Deputy Director has the responsibility to investigate these claims and make corrections as appropriate. If information which has been shared is later corrected, the agency must notify the receiving entity of the correction.

If the disputed information is not corrected, the employee may file a written statement setting forth his or her arguments, which will be filed with the original document.

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- 7.2 Giving and receiving accurate pre-employment references are critical steps in the hiring process. Particularly when giving references for current or previous employees, we need to balance our desire to share complete employment information with prospective employers with our employee's right to privacy. When called upon to give references, please follow these steps:
- 7.2A As indicated in Policy # 7.1, no information should be released without the employee's written permission. This protection should extend to ex-employees as well. Therefore, no references are to be given without the written permission of the individual on whom the information is requested. The release should include:
1. The date of the release.
 2. The company, individual, etc. to whom the information is to be released.
 3. The signature of the person giving us permission to provide a reference.
- 7.2B References for past or present Commission employees should be provided in writing and a copy of the reference should be forwarded to the administrative office to be filed along with the release.

NOTE: Since verbal remarks made to prospective employers may be subject to misunderstanding, it is always best to provide written references. However, this may not always be possible and so consents should indicate that the reference can be given in writing or verbally.

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7.2C **Pre-Employment References** – It is preferred that references come from previous supervisors, employers or members of academia. The references should be documented in writing and include the following:

- a. Name and position of the person providing the reference.
- b. Name and position of the person receiving the reference.
- c. Date the reference was received.
- d. A list of the questions asked and the responses given.

Three references are required before the hiring is finalized. Only Commission personnel in a supervisory position should obtain references. If it is not possible to receive three references, the supervisor must document attempts to obtain the reference or give the reason why obtaining three references is not possible. Any waiver of the three reference rule must be approved by the Executive Director.

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8.1 The purpose of this policy is to set forth guidelines under which annual and personal leave shall be credited, utilized, and recorded for employees hired prior to January 1, 2014 and/or who are currently enrolled in Plan 1 or Plan 2 of the Virginia Retirement System.

Since our facilities operate 365 days a year, we have developed a leave accrual system that is flexible enough to meet the needs of both the agency and our employees.

Days off for both vacations and holidays are treated as leave. Therefore, if an employee needs to work on a recognized holiday, he/she can save that leave time for another day. Our procedures for the management of leave are as follows:

8.1A **Holidays** - The Commission recognizes the following official state holidays. On these days, the administrative office will be closed. An employee who takes time off for one of these holidays will be charged leave:

New Year's Day	Columbus Day
Dr. Martin Luther King Day	Election Day
President's Day	Veteran's Day
Memorial Day	Thanksgiving Day
Juneteenth	Friday after Thanksgiving
Independence Day	Christmas Day
Labor Day	

Each year eligible employees accrue 104 hours of annual leave to be taken on holidays. Leave not taken on holidays may be carried forward in the same manner as annual leave. Additional leave that is granted by the Governor to state employees may also be granted to Commission employees at the discretion of the Executive Director.

8.1B **Annual Leave** - Eligible employees accrue annual leave each year in addition to the leave which is accrued for holidays. The rate of accrual increases according to the employee's years of service. The accrual rates are as follows:

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8.1B Annual Leave (continued)

Years of Service	Annual Leave Yearly Accrual	Holiday Leave Yearly Accrual	Total Leave Accrual	Pay Period Accrual Rate
1 – 5 years	100 hrs	104 hrs	204 hrs	7.85 hrs
6 – 10 years	124 hrs	104 hrs	228 hrs	8.77 hrs
11 – 15 years	148 hrs	104 hrs	252 hrs	9.69 hrs
16 – 20 years	172 hrs	104 hrs	276 hrs	10.62 hrs

8.1C Part-Time Employees - Permanent employees who work less than 40 hours per week, and are scheduled to work a set number of hours per week are eligible for annual leave if they work at least 20 hours per week. Employees who work on an hourly and/or on an as-needed basis are not eligible for leave benefits.

8.1D Maximum Leave Balance - All annual leave balances in excess of the maximum carryover amount on June 30th shall be forfeited. Employees are solely responsible to monitor and manage their leave balance to avoid a forfeiture situation. Any notice of leave balance received by management is a courtesy and does not relieve employees of the responsibility to monitor annual leave balances. If extraordinary circumstances exist that prevent staff from using their leave, the Executive Director may extend the deadline. This will not be a standard practice and staff need to plan accordingly.

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8.1D Maximum Leave Balance (continued)

Employees may carry forward twice the number of annual leave hours that they earn each year plus one half year (48 hours) of holiday leave. The maximum number of hours of leave which may be carried forward are as follows:

Years of Service	Annual Leave Carryover	Holiday Leave Carryover	Maximum Carryover
1 – 5 years	100 hrs	104 hrs	204 hrs
6 – 10 years	124 hrs	104 hrs	228 hrs
11 – 15 years	148 hrs	104 hrs	252 hrs
16+ years	172 hrs	104 hrs	276 hrs

8.1E Leave Paid Upon Termination - An employee with less than 10 years of experience will be paid for all unused annual leave up to 288 hours (36 days) upon that employee's separation from service. Employees with more than 10 years of service will be paid unused annual leave up to 336 hours (42 days).

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8.2 **Sick Leave** – Sick leave is provided as insurance against loss of income for those times when an employee is unable to work due to illness. This benefit is not intended to be an entitlement which is paid if unused.

Employees shall accumulate sick leave at the rate of 1¼ work days per month (10 hours) with no maximum. Part-time employees of the Commission will accumulate sick leave on a pro-rated basis as described in Section 8.1C.

Sick leave is defined as leave with pay granted during periods of personal illness, temporary disability (including maternity), medically required confinement and medical and dental appointments, provided none of the above are a result of a job-related injury.

8.2A Requests for Sick and Family Sick Leave – Each sick leave request will be submitted as far in advance as possible for medical and dental appointments. Employees shall complete a leave slip designating the leave type that is being requested and submit the slip to their supervisor for approval.

8.2B Medical Documentation

1. A doctor's statement may be required by the Program Director, or designee, at any time regardless of the amount of sick leave taken or whether the sick leave usage was for the employee or the employee's immediate family member. However, the obtaining of a doctor's statement will not automatically guarantee the granting of sick leave.
2. Written medical documentation of an employee's illness shall be mandatory when an employee's sick leave usage exceeds forty (40) consecutive working hours for employees assigned to a forty (40) hour work week. Once an employee has been absent from work for seven consecutive calendar days, they will be automatically evaluated for Short-Term Disability. Medical documentation will be submitted to the third party administrator for eligibility determination of the Short-Term Disability claim. If found

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8.2B 2 (Continued) eligible, the time will be deducted from the employee's available sick and annual leave balances. Short-Term Disability may run concurrently with leave under the Family Medical Leave policy (Section 8.13).

8.2C Up to 40 hours of non-Family Medical Leave Act (FMLA) designated sick leave may be used within a 12-month period due to illness in an employee's immediate family. For the purposes of this policy family members shall include spouse, child, parent, step-parent, step-child, sibling, legal guardian, or a person verified as residing in employee's household. Additional sick leave required for either the employee or care of family members will be governed by Commission Personnel Policy 8.13 – Family and Medical Leave.

8.2D At the discretion of the Executive Director, an employee who has already submitted a resignation or who has been given a termination notice may be denied paid sick leave if absent while working out the notice.

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8.3 The purpose of this policy is to provide for the administration of multi-purpose leave to employees participating in the Virginia Retirement System (VRS) Hybrid Retirement Plan. The Hybrid Plan combines the features of a defined benefit and a defined contribution plan for retirement benefits. Paid Time Off (PTO) is a paid leave program for those on the Hybrid Plan that combines annual and sick leave into one leave program.

8.3A **ELIGIBILITY:**

1. All full-time employees hired on or after January 1, 2014 except full-time employees with active VRS service who are hired from a Plan 1 or Plan 2 VRS position without any interruption in VRS membership.
2. All full-time employees who made the irrevocable decision to participate in the VRS Hybrid Plan effective July 1, 2014.

8.3B **PTO Accrual**

PTO leave shall be accrued based on years of service for each bi-weekly pay period of service at the appropriate rate enumerated in the chart below when an individual is employee is in a pay status (e.g. not on leave without pay status).

Years of Service	Annual Leave Yearly Accrual	Holiday Leave Yearly Accrual	Total Leave Accrual	Pay Period Accrual Rate
1 – 5 years	120 hrs	104 hrs	224 hrs	8.62 hrs
6 – 10 years	144 hrs	104 hrs	248 hrs	9.54 hrs
11 – 15 years	168 hrs	104 hrs	272 hrs	10.46 hrs
16 – 20 years	192 hrs	104 hrs	296 hrs	11.38 hrs

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8.3C Maximum Accrual

1. No employee shall be allowed to carry over more than the maximum annual PTO accrual per service level from one fiscal year to the next.
2. All PTO leave balances in excess of the maximum carryover amount on June 30th shall be forfeited. Employees are solely responsible to monitor and manage their leave balance to avoid a forfeiture situation. Any notice of leave balance received by management is a courtesy and does not relieve employees of the responsibility to monitor annual leave balances. The Executive Director, in extraordinary circumstance may extend the deadline. Allowable annual carry over amounts are as follows:

Years of Full-Time Service	Annual Holiday Accrual (hours)	Annual PTO Accrual (hours)	Maximum Annual PTO Carry-Over Accrual (hours)
1 Mo - 5 Yrs	52	120	172
6 Yrs - 10 Yrs	52	144	196
11 Yrs - 15 Yrs	52	168	220
16+ Yrs	52	192	244

8.3D Utilizing Accrued PTO Leave

Employees seeking PTO leave shall be required to comply with TYSC and program leave policies and procedural requirements for requesting leave, absent any extraordinary circumstances.

1. Requests for PTO will be submitted as far in advance as possible for planned leave, including medical and dental appointments. Employees shall complete a leave request designating the appropriate leave type and submit the leave slip per their program policy for approval by the employee's supervisor.
2. When the need for PTO is not foreseeable, as may be the case of unforeseen illness or emergency situations, employees are

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8.3D (Continued)

expected to follow established call-in procedures to gain approval for PTO and upon returning to work shall submit the leave request per their program policy for approval.

3. Failure to comply with TYSC and program leave policies may subject the employee to disciplinary action in accordance with the TYSC Standards of Conduct (Section 5).

8.3E Medical Documentation

1. A doctor's statement may be required by the Program Director, or designee, at any time regardless of the amount of sick leave taken or whether the sick leave usage was for the employee or the employee's immediate family member. However, the obtaining of a doctor's statement will not automatically guarantee the granting of sick leave.
2. Written medical authorization of an employee's illness shall be mandatory when an employee's PTO leave usage due to illness exceeds forty (40) consecutive working hours for employees assigned to a forty (40) hour work week. Once an employee has been absent from work for seven consecutive calendar days, they will be automatically evaluated for Short Term Disability. Medical documentation will be submitted to the third party administrator for eligibility determination of the Short Term Disability claim. If found eligible for Short Term Disability, the time will be deducted from the employee's available PTO leave balances. Short Term Disability may run concurrently with leave under the Family Medical Leave policy (Section 8.13). If the PTO balance is exhausted before the end of Short Term Disability eligibility, the employee will be paid Short Term Disability payments at percentages according to length of service.

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- 8.3F Up to 40 hours of non-FMLA designated PTO leave may be used within a 12-month period due to illness in an employee's immediate family. For the purposes of this policy family members shall include spouse, child, parent, step-parent, step-child, sibling, legal guardian, or a person verified as residing in employee's household. Additional PTO leave required for either the employee or care of family members will be governed by Commission Personnel Policy 8.13 – Family and Medical Leave.
- 8.3G At the discretion of the Executive Director, an employee who has already submitted a resignation or who has been given a termination notice may be denied paid PTO leave if absent while working out the notice.

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- 8.4 Employees who are not covered by the provisions of the Fair Labor Standards Act are eligible to earn compensatory leave (comp time). The accrual and use of comp time will be governed by the following regulations:
- 8.4A Comp time may be earned for time worked in excess of 40 hours in one work week. The work week will be calculated from 12:00 AM on Monday through 12:00 midnight the following Sunday.
- 8.4B For the purposes of establishing eligibility to earn comp time, hours spent on sick leave or annual leave are not considered time worked.
- 8.4C The maximum accumulation of comp time is 24 hours.
- 8.4D The accrual and use of comp time are subject to the approval of the employee's immediate supervisor.

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8.5 The Tidewater Youth Services Commission shall grant an employee leave with full pay for any absence necessary for serving on a jury. Leave for this purpose shall be considered civil leave and is not to be charged to an employee's annual leave balance. It should be listed as regular hours on the time sheet and it should be noted on the bottom of the time sheet that the hours were for jury duty.

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8.6 Grants of military leave shall be in addition to leave otherwise allowed by the Commission. An employee who is absent for annual active duty as a member of the reserve components of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service, National Guard or United States Coastal and Geodetic Survey shall be entitled to a leave of absence at full pay for no more than fifteen (15) days per calendar year. The official orders for duty shall state the dates for reserve training.

An employee entering extended active duty in the Armed Forces of the United States after June 30, 1956 shall be entitled to military leave without pay, and to reinstatement in his/her position upon return from active duty unless the position has been abolished. This entitlement shall extend only to such employees who (A) have permanent positions with the Commission prior to entering active military duty, and (B) serve not more than four years on active military duty or such longer periods as shall be fixed by the Governor, and (C) have a certificate attesting that the military duty was satisfactorily completed, and (D) apply for reinstatement with the Commission not later than three calendar months following separation from duty, unless a longer period shall be approved by the Executive Director. The reinstatement entitlement of employees entering active duty before June 30, 1956 is set forth in Section 2.79 of the Code of Virginia.

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8.7A The Tidewater Youth Services Commission authorizes the Executive Director to approve leave without pay for the following purposes:

- * Educational leave for periods of study once an employee's annual leave balance has been exhausted.
- * Investigative periods if an employee has been charged with a violation of the criminal code.
- * Extended illness or injury. For eligible employees, Leave within the 12-week FMLA period will be considered FMLA leave and is required to be granted. Leave without pay for periods beyond the FMLA period are to be granted at the sole discretion of the Executive Director.
- * Call to active duty in the Armed Forces of the United States.

8.7B **Special Conditions**

Leave without pay shall not be granted until all applicable leave with pay has been exhausted, except when leave without pay is given as a disciplinary action. Military leave is the only category of leave without pay which may be granted for more than twelve (12) months.

8.7C **Approval Process**

Requests for leave without pay must be submitted to the Executive Director in writing and should be co-signed by the Program Director and the Deputy Director. The request should include the reasons for the request as well as a plan to cover the employee's assignments during the period of leave.

The Executive Director is the final authority in granting leave without pay. The Executive Director may approve the entire request, approve a period of leave less than originally requested or deny the request. The decision will be communicated to the employee in writing.

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8.8 A full-time employee shall be granted time off for bereavement for the loss of a family member as outlined below. If an employee is absent on bereavement leave, the time off should be listed as regular hours on the time sheet and should be indicated on the bottom of the time sheet as bereavement leave.

- Up to three (3) days absence with pay for the death of an immediate family member (spouse, child, parent, step-child, step-parent, sibling or legal guardian). This period may be extended to five (5) days absence if the deceased family member resided in the employee's household.
- Upon written approval from the Program Director and the Deputy Director, up to three (3) days may be granted in the event of the death of any other person residing in the employee's household.
- Any additional time off that is required due to a death in the family will be deducted from the employee's annual leave upon the Program Director's approval.

Part-time employees shall be eligible for bereavement leave at a pro-rated share of full-time employee leave.

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8.9 The Commission offers health insurance to its employees, including medical, dental, prescription, vision, and mental health coverage. The agency pays a varying percentage of the premium and the employee is responsible for the balance. These percentages are approved each year during the Commission's budget planning cycle. Payroll deductions are done on a pre-tax basis.

If an employee begins work before the 10th of the month, benefits are effective on the first of the next month (for example, if an employee begins on March 5th, coverage would be available April 1st). If an employee begins work after the 10th of the month, benefits are effective on the first of the subsequent month (for example, if an employee begins on March 21st, coverage would be available May 1st).

Details of the health insurance coverage will be provided to the employee at the time of hire. The administrative office shall assist employees in solving any problems relating to their coverage.

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8.10 As a political subdivision of the state, the Commission is a member of the Virginia Retirement System (VRS). Employees may be considered VRS Plan 1, Plan 2 or Hybrid Plan members depending upon their date of hire and/or prior service.

Pension contribution rates are based on an employee's monthly gross salary. The employee share of the pension contribution is 5%, and the Commission's percentage is set annually by the VRS. Employee contributions are deducted on a pre-tax basis. Membership begins in the first full month following employment.

Members are entitled to a refund of their 5% share upon separation, even if they have not reached the five-year vesting point. However, vested members should consider the impact of a refund on future service retirement benefits. In all cases, IRS rules for such distributions apply.

8.10A At the time of employment, each employee will be given a VRS "Handbook for Members," which provides extensive information on the VRS and the individual plan. More information is available at www.varetire.org or by calling VRS Member Assistance.

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- 8.11 **Group Life Insurance** – As part of its membership in the Virginia Retirement System, the Commission participates in the VRS Employee Group Life Insurance program. Group term life insurance is a benefit provided at no cost to the employee. Insurance is equal to the employee’s annual salary rounded to the next highest thousand, then doubled. In addition to the amount that is payable upon a natural death, the insurance also includes a number of accidental death benefits, a dismemberment benefit and an accelerated benefit. Coverage is provided by Minnesota Life, and begins with VRS membership, in the first full month following employment. More information is available at www.varetire.org or by calling VRS Member Assistance.
- 8.11A **Optional Life Insurance** – Additional life insurance is also available through the VRS Optional Life Insurance plan. Employees may elect to pay for additional coverage, and may also cover a spouse and child with this option. An employee may select coverage for themselves at 1, 2, 3 or 4 times their annual salary, with spousal coverage at half that amount. Children may be covered at set amounts based on the level of employee coverage. The insurance is provided by Minnesota Life and coverage is automatic if elected within 30 days of employment

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8.12 A deferred compensation (457) plan, administered by the Virginia Retirement System, is available to member employees. This program allows employees to save and invest a portion of their salary on a tax-deferred basis through payroll deduction. Employees may choose to contribute a set amount of money each pay period and it is invested per the employee's instructions. Deductions are made prior to income tax calculation, allowing the employee to reduce the amount of their current income tax, since the deferred income amount is tax-exempt until it is withdrawn.

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8.13 The Tidewater Youth Services Commission provides workers' compensation insurance in accordance with Virginia state law. If an employee should lose time from the job as a result of an on-the-job injury, he/she will be paid compensation in accordance with the benefit provisions set forth in the Compensation Act. In accordance with the Act, benefits do not begin until after the seventh day of lost time from work due to injury.

When a work-related injury occurs, the affected employee must immediately notify a supervisor and it must then be reported to VML via NT-24. If medical attention is necessary, the supervisor will provide the employee with a Panel of Physicians from which to choose. The toll-free number for injury reporting is posted at each program and the administrative office.

If injury is the result of an assault on a staff member by a resident, Commission and Department of Juvenile Justice serious incident reporting procedures should be followed.

Any job-related injury should be reported, whether or not the need for treatment is immediately evident, e.g. twisted ankle, jammed finger, injury related to a vehicle collision, etc. In the case of any serious injury, treatment at a hospital emergency center may be necessary. Worker's Compensation will administer these benefits. Follow-up treatment and treatment for all other injuries will be in accordance with the Virginia Code and approval from Worker's Compensation. It provides that the employer shall furnish the employee with a panel of at least three physicians from which the employee is to select the initial treating physician. The TYSC Administrative Office will provide the panel, in writing, as soon as it learns of the employee's accident or injury.

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8.14 The Family and Medical Leave Act (FMLA) is a federally-mandated program that was signed into law on February 5, 1993 and amended by the National Defense Authorization Act on January 28, 2008. It is the policy of the Tidewater Youth Services Commission to fully comply with the FMLA and provide eligible employees with up to 12 weeks of unpaid family and medical leave per leave year because of their own serious health condition or the serious health condition of an eligible family member, or up to 26 weeks of unpaid leave to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the service member.

The Commission has in place a policy on sick and paid time off leave. In some circumstances, our leave policy is more generous than required by the FMLA. In those cases, our policies will take precedence. Family & Medical Leave is always to be administered in conjunction with our existing leave policies.

8.14A **Eligible Employees**

- (1) The employee must have worked for the Commission for at least a total of twelve months.
- (2) The employee must have worked at least 1250 hours over the prior twelve months.
- (3) Eligibility determinations are made as of the date that the family and medical leave is to begin.

8.14B **Limits of the Entitlement**

- (1) Each eligible employee may take up to twelve work weeks of unpaid leave during any twelve-month period.
- (2) Leave taken for the birth or adoption of a child must conclude within twelve months of the birth or placement. Note: Spouses who are both employed by the Commission are limited in the amount of family and medical leave they may take for the birth and care of a newborn child, or the placement of a child for adoption or foster care to a combined total of 12 weeks.

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- (3) For the purpose of calculating the maximum allowable amount of FMLA leave that an employee may take, the twelve-month period will be measured backward from the date an employee uses any leave under this policy.

8.14C

Definitions:

Adoption - The act of legally and permanently assuming the responsibility of raising a child as one's own.

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; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

Employment Benefits - All benefits provided by the Commission to salaried employees including group life insurance, health insurance, paid time off, annual and sick leave, educational benefits, and retirement contributions.

Equivalent Position - one with the same pay, benefits and working conditions (shift and schedule) and the same or substantially similar duties, conditions, privileges, and status which require equivalent skill, effort, responsibility and authority.

Health Care Provider - Doctors of medicine or osteopathy that are authorized to practice medicine or surgery (as appropriate) by the state in which the doctors practice; any other person determined by the Secretary of the Department of Labor to be capable of providing health care services; and others capable of providing health care services to include only

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podiatrists, dentists, clinical psychologists, optometrists, chiropractors, physician assistants, nurse practitioners and nurse-midwives authorized to practice in the state and performing within the scope of their practice as defined under state law.

Intermittent Leave Schedule - A leave schedule permitting the employee to take leave periodically for a few hours a day (less than eight hours), or for a few days, on an as-needed basis.

Parent - Biological parent or individual who stood in place of the parent of the employee and was charged with the duties and responsibilities of the parent.

Qualifying Exigency - A reason for taking FMLA leave, arising out of the fact that the employee's spouse, son, daughter or parent is on, or has been notified of an impending call or order to active duty in the Armed Forces. Qualifying exigencies fall into 8 categories: 1) short-notice deployment, 2) military events and activities, 3) childcare and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities, and 8) additional activities which arise out of active duty, or call to active duty, provided that the employee and agency agree.

Reduced Schedule - A leave schedule permitting the employee to reduce his/her usual number of hours worked per workweek or workday.

Serious Health Condition - An illness, injury, impairment or physical or mental condition that involves inpatient care; or either a period of incapacity lasting more than three consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition that also includes:

- a) Treatment two or more times within 30 days by or under the supervision of a health care provider, the first of which must occur within seven days of the first day of incapacity; **or**
- b) One treatment by a health care provider, within the first seven days of incapacity, with a continuing regimen of treatment; **or**

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- c) Any period of incapacity related to pregnancy or to prenatal care. A visit to the health care provider is not necessary for each absence; **or**
- d) Condition which continues over an extended period of time, requires periodic visit to a health care provider at least twice a year, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; **or**
- e) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; **or**
- f) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Son or daughter - A biological, adopted or foster child, a stepchild, or legal ward, or a child of a person standing in place of the parent. The child must either be under age 18 or be age 18 or older and incapable of self-care because of a mental or a physical disability.

Spouse - Husband or wife as recognized under the laws of the Commonwealth for the purpose of marriage.

8.14D

Purposes for which FMLA will be Granted

- (1) The birth or placement of a child for adoption or foster care.
- (2) To care for a spouse, son, daughter or parent with a serious health condition.
- (3) To take medical leave when the employee is unable to work because of a serious health condition.
- (4) Because of any qualifying exigency arising out of the fact that they employee's spouse, son, daughter or parent is a covered military member on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.

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8.14E Intermittent Leave or Reduced Work Schedule

When medically necessary because of an eligible employee's own serious health condition or the serious health condition of a child, spouse or parent, an employee may take family or medical leave on an intermittent leave basis or work a reduced schedule, not to exceed 480 hours for full-time employees.

Employees who take intermittent leave or work a reduced schedule must use their available paid leave balances as permitted by each specific leave policy or, if no leave is available, take unpaid family and medical leave.

Employees do not accrue annual and sick leave for pay periods when they are on leave without pay status during family and medical leave.

If approval is granted by agency management in advance, an employee may take leave intermittently or on a reduced schedule to care for a newborn child, or a child that has been placed with the employee for adoption or foster care.

When the conditions noted above are applicable, the agency may temporarily transfer the employee to another position that better accommodates the intermittent leave or reduced schedule as long as the new position carries equivalent pay and benefits.

8.14F Maintenance of Health Insurance Benefits

The Commission will continue to pay its share of the employee's health insurance premium while the employee is on FMLA leave. The employee will be responsible for paying his/her additional premiums to extend coverage to other family members. If the employee fails to pay his/her portion of the required premium, the Commission will discontinue the payment of its portion. Ex-employees may be eligible for the continuation of their health insurance under the provisions of COBRA. Employees

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should consult with the agency's benefits administrator or Executive Director for an explanation of eligibility requirements.

If an employee elects not to return to work at the end of his or her FMLA leave, the Commission may, at its option, recoup any health insurance premiums paid on the behalf of the employee who was on FMLA leave.

8.14G Coordination of Leave and FMLA Benefits

FMLA benefits are managed by the TYSC Deputy Director. The use of FMLA will be coordinated with our existing sick and annual leave (VRS Plan 1 and 2 employees) or paid time off (VRS Hybrid plan employees) policies. FMLA leave will be deducted from the employee's leave balances in the following order: 1) sick leave; (2) annual leave; (3) paid time off; (4) leave without pay. It is the Commission's policy that employees on FMLA must use accrued leave in the order above.

8.14H Certification of Need for Leave

Employees seeking to use FMLA Leave may be required to provide:

- (1) Thirty-day advance notice of the need to take leave when the reason is foreseeable.
- (2) Medical certification supporting the need to take FMLA leave because of a serious health condition.
- (3) Second or third medical opinions and/or recertification at the employer's expense.
- (4) Periodic reports on the employee's status and intent to return to work.
- (5) A "fitness for duty" certification to return to work.

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The agency may require that a request for family and medical leave be supported by a Health Care Professional's (HCP) certification of the medical condition of the person affected.

When leave is for the employee's own serious health condition, the health care provider should complete the "Certification of Health Care Provider for Employee's Serious Health Condition" form (U.S. Department of Labor Form WH-380-E) to satisfy the certification requirement.

When leave is for a family member's serious health condition, the health care provider should complete the "Certification of Health Care Provider for Family Member's Serious Health Condition" form (U.S. Department of Labor Form WH-380-F). Medical certification is required except in the case of birth, adoption, or foster placement. Other confirmation may be required in the case of adoption or foster placement.

Medical certification shall be obtained by the employee and returned to the agency within 15 calendar days of the request or upon return to work from an absence that may qualify as FMLA leave (absent extenuating circumstances). If an employee fails to provide certification, recertification, or clarification in a timely manner then the agency may deny FMLA leave until the required certification is provided.

8.14I

Leave Because of a Qualifying Exigency

An employee may take family and medical leave for qualifying exigencies while his or her spouse, son, daughter, or parent who is a member of a regular component of the Armed Forces, or a member of the National Guard or Reserves is on active duty or called to active duty status in support of a contingency operation.

The employee should submit a complete and sufficient "Certification of Qualifying Exigency for Military Family Leave" (U.S. Department of

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Labor Form WH-384) form and submit it to his or her Human Resource department or supervisor.

The first time an employee requests leave because of a qualifying exigency, he or she must provide a copy of the covered military member's active duty orders or other documentation issued by the military. This documentation must include the dates of the covered military member's active duty service. This information need only be provided once. A copy of new active duty orders or other documentation issued by the military shall be provided if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered military member.

8.14J

Leave to Care for a Covered Service Member

An eligible employee is entitled to receive up to 26 weeks of unpaid leave during a single 12-month period to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the service member.

The single 12-month period commences the first day leave is taken to care for the covered service member and expires 12 months later.

Note: An eligible employee is entitled to a combined total of 26 weeks of unpaid leave during a single 12-month period for any FMLA-qualifying reason.

Example: An eligible employee may take 16 weeks of family and medical leave to care for a covered service member and 10 weeks of family and medical leave to care for a newborn child.

The employee should submit a complete and sufficient "Certification for Serious Injury or Illness of Covered Service member" form (U.S. Department of Labor Form WH-385) to his or her Human Resources department or supervisor.

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A handwritten signature in blue ink, appearing to read "B. J. Bayne".

8.14K Returning From Leave

Upon returning from family and medical leave, an employee is entitled to be reinstated to their original position, or an "equivalent position." During periods of family and medical leave agencies can require their employees to report periodically on their status and intent to return to work, and can require certification from health care providers that employees are able to return to work

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8.15 Suffering an accident or illness which exhausts his or her leave can be a devastating experience for an employee. To lessen the loss of income resulting from being ill and on leave without pay, the Commission has authorized a leave sharing policy.

8.15A General Leave Sharing Provisions

- Donations to recipients shall be in the form of annual leave only.
- For all purposes other than the receipt of salary, employees receiving donations through this policy shall be considered on leave without pay status.

8.15B Eligibility Criteria and Procedures for Recipients

1. All full-time and part-time employees who accrue leave are eligible to become recipients. Leave sharing hours will be pro-rated for part-time employees (e.g., if a part-time employee who works 20 hours per week received 60 hours of donated leave, the leave must be paid to that employee at the rate of 20 hours per week).
2. Recipients shall have no balance of personal leave (annual, sick, PTO or compensatory) and shall have been placed on leave without pay for ten consecutive workdays (e.g., 80 work hours for a full-time employee or 40 work hours for a part-time employee who works 20 hours per week), per medical condition, per 365-day period, prior to being eligible to receive leave from a donor.

NOTE: A chronic, on-going medical condition such as kidney disease requiring dialysis would be considered one medical condition. Thus, an employee would have to be on leave without pay for ten work days only once in a 365-day period to be eligible for donated leave for this illness during the same 365-day period.

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3. All requests for donated leave and the justification for the absence must be submitted to the Deputy Director on the Recipient Application Form.
4. In the event that an employee is physically or mentally unable to make a request, a family member or supervisor may file the request.

8.15C Eligibility Criteria and Procedures for Donors

1. All donors must have at least 40 hours of annual leave and/or sick leave in their personal accounts after the donations have been made.
2. Donors will be limited to donating a maximum of 40 hours in a 365-day period.
3. Donations to a recipient shall be made in eight-hour increments.
4. Donors shall complete the Donor Form when contributing leave and submit it to the Deputy Director.
5. Leave given by a donor cannot be reclaimed by the donor unless the Donor Form has not yet been processed.

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8.15D Deputy Director Responsibilities

1. The Deputy Director shall coordinate all functions of the leave sharing program.
2. The Deputy Director shall ensure that recipients are eligible to receive leave from a donor.
 - a. The Deputy Director is charged with maintaining all medical information and leave sharing records with the same degree of confidentiality as is used with other personnel records.
 - b. The Deputy Director shall maintain all records associated with leave sharing for three fiscal years. These records should be maintained independent of other personnel records and should include, but are not limited to:
 1. Copies of leave slips
 2. Recipients' forms
 3. Donor forms
 4. Donor summaries
 5. Cumulative leave records for each employee's donations.
 - c. The Deputy Director shall be solely responsible for soliciting leave for donations from agency employees. Employees are not permitted to solicit leave.
 - d. The Deputy Director may request a second physician's certification from a physician of Deputy Director's choice. Such certification shall be at the agency's expense.

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8.15E Termination of Benefits

Recipients will immediately lose the right to receive donated leave hours because of the following:

- (1) Termination of employment from the Commission.
- (2) Voluntary request to stop receiving or using donated leave.
- (3) Failure to provide required physician certification.
- (4) Exhaustion of the donated leave hours.

8.15F Termination or Modification of Program

If, for any reason, it becomes necessary to terminate or modify the program or any part of the program, the Commission reserves the right to make such termination or modification unilaterally and without prior notice.

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8.16 The employee leave sell back program is a benefit offered to all leave eligible staff. The program will be offered twice a year during the months of December and June dependent on the financial position of the agency. The Executive Director or Designee will make the determination as to whether or not the agency is able to offer the program each year. Eligibility to participate in the program will be based on the employee's status as of the last day of the second pay period in the months of November and May. Procedures for carrying out this policy will be detailed in the TYSC operating instruction for the leave sell back program. The maximum amount of leave an employee may sell back to the agency will be 80 hours per fiscal year. It should be noted that the leave sell back payment will be included in the normal payroll schedule and all required withholdings will be applied. The following are guidelines for participation in the TYSC leave sell back program:

Leave eligible staff:

- Only vacation and paid-time off hours can be sold back to the agency. Sick leave or compensation time cannot be sold back under any circumstances.
- The employee must have at least an overall satisfactory annual evaluation and must not be under an active disciplinary action in order to participate in the leave sell back program.
- Staff carrying a combined sick and vacation or paid-time off balance of 320 + hours may sell back up to 40 hours of leave to the agency per sell back period.
- Staff carrying a combined sick and vacation or paid-time off balance of 160 + hours may sell back up to 20 hours of leave to the agency per sell back period.
- Staff carrying a combined sick and vacation or paid-time off balance of 80 + hours may sell back up to 10 hours of leave to the agency per sell back period.

The minimum balance requirements were established to help employees maintain paid leave benefits should they need to be out of work on short-term disability or for an extended period of time.

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- 9.1 Employees who are required to travel in order to perform their duties for the Commission are eligible to receive travel reimbursement. Reimbursement for approved travel may include mileage (the rate per mile is established each year in the budget), meals, lodging and miscellaneous expenses such as tips and parking fees.
- 9.1A **Calculating Mileage** - ALL mileage for the day is to be recorded. At the end of each day's mileage record the round trip mileage from home to and from the assigned base point will be subtracted from the total. The round trip commutable miles should be the same every day.
Exception: When an employee reports to work at a location other than his/her base point, they may only claim mileage to this work site which is in excess of their normal home-to-work travel distance.
- 9.1B **Meals Reimbursement** - When employees are on travel status, they may be reimbursed for the cost of meals. The normal level of meal reimbursement will be established by the Executive Director and is to be reviewed and updated on a regular basis. In extraordinary circumstances, the Executive Director may approve reimbursement for the cost of meals above the established rate. Receipts must accompany meal reimbursement requests.

If an employee is at least 50 miles from his/her duty station for a 24-hour period, they are considered to be on travel status. If any of the day's meals are included in the meeting or training, the allowance(s) will be subtracted from the total.
- 9.1C **Emergency Travel** - If an employee has completed his/her normal workday, or if he/she is off for the day and is called in to work for an emergency, the employee is eligible for mileage reimbursement from home to work and back.

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9.2 The Tidewater Youth Services Commission authorizes meals for residential staff members who are on duty and responsible for direct supervision of children, providing they have their meals with the residents. Food service staff on duty at mealtime are also authorized to have a meal. Volunteers and interns who are providing services to the program without compensation at mealtime are also entitled to join the residents. Reimbursements for meals are not authorized when either residential or non-residential employees are away from the facility or work station for activities such as local trainings.

9.2A Travel Regulations This policy delegates the responsibility for setting maximum meal reimbursements to the Executive Director. The maximum recommended reimbursement for meals will be as follows:

Breakfast:	\$13.00
Lunch:	\$16.00
Dinner:	\$31.00
Daily Total:	\$60.00

These amounts include tips and taxes for the meals in question. Breakfast meals at the start of a trip are not reimbursable. To be reimbursed for a dinner expense, the traveler must be unable to return home before 7:30 PM. Staff members must list the time of departure and return on their travel voucher when they are claiming meals.

These meal reimbursement amounts will remain in effect until further notice.

Under certain circumstances such as out-of-state travel, higher reimbursement rates may apply and are guided by current standards for state employees. TYSC employees should consult the administrative staff with any questions regarding the appropriate meal rate.

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9.3 If you are considering resigning, we encourage you to discuss the matter with your immediate supervisor. Perhaps opportunities of which you may not be aware can be pointed out to you, problems resolved or misunderstandings corrected. Whatever the reason motivating your possible resignation, it is generally to our mutual benefit for you to review your situation with us before you make a final decision. Regardless of whether you share your plans with us, employees of the Tidewater Youth Services Commission will be expected to give a written notice of their resignation of employment to the program director.

A minimum of two weeks' notice is expected of all employees. The letter of resignation shall contain the date of termination and the employee's signature. Once received, the program director shall prepare a Personnel Transaction Form to be approved by the Deputy Director or the Executive Director. Proper notice is necessary because separation procedures take time, and notice will allow us time to prepare the necessary documents relative to your final pay and continuation/conversion of certain benefits, as well as attempt to recruit and train a replacement.

In addition, by giving proper notice, you will leave in good standing, which is to any employee's benefit. With the exception of Commission- recognized holidays, you are expected to be present as scheduled for each work day during your notice period. However, if you fail to give us proper notice or fail to report for work on each day of your notice period, any earned paid leave for which you otherwise may be eligible at the time of your separation will be reduced by the number of days your notice was short.

Failure to give proper notice and/ or to work the entire notice period as required also shall result in your ineligibility for rehire. However, the Commission may, at its sole discretion, waive your notice period, in whole or in part, with pay. Reference Personnel Policy 8.2 F for conditions regarding sick leave. Failure to return any Commission property will also result in the deduction of its value from any payments due to employees (i.e. mileage reimbursements, payroll checks).

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- 9.4 Employees may not engage in any off-duty work or activity which interferes with their ability to fulfill their obligation to the Commission, which may be construed as a conflict of interest, or which may tend to bring the Commission into disrepute. The TYSC Outside Employment Form shall be completed during pre-employment processing, thus permitting prospective employees to disclose any additional employment. Any current employee who accepts additional employment must inform a supervisor immediately. For those with current outside employment, any changes in work hours or conditions must be reported. The TYSC Outside Employment form is to be completed annually.
- 9.4A **Outside Activities on Commission Time** - On occasion, an employee will get the opportunity to do training or consultation at another organization beyond the scope of his/her normal duties, based on skills or knowledge that he/she gained through employment with the Commission.
- If the employee's schedule permits and if his/her supervisor gives prior written permission, the employee may perform this service while on Commission time. Any fees for this service would be returned to the employee's unit to support the unit's operations.
- 9.4B **Using Commission Resources for Outside Employment** - Employees working under the provisions of Policy 9.4B may be granted the use of Commission resources. Employees working under the provisions of Policy 9.4A are not to use any Commission resources. Examples of Commission resources are copy machines, paper, secretarial time, research and testing materials, phones, computers, etc.

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9.5 On 2-21-2019, the Governor signed into law a measure which made it unlawful for anyone under the age of 21 to purchase or possess tobacco products. All clients under 21 are forbidden to have tobacco and tobacco products or to use tobacco in any form in a TYSC facility. The use of e-cigarettes and vaping devices by TYSC clients are also prohibited in TYSC facilities.

Because of the health hazards of smoking, being around smokers, and/or using other tobacco products have been clearly identified, and since we have an obligation to serve as role models for our residents, this prohibition is extended to the staff employed by the Commission as well as all visitors, volunteers, outside contractors, etc.

9.5A **Prohibited Products** - The ban includes cigarettes, pipe tobacco, cigars and any other form of smoking tobacco, as well as snuff, chewing tobacco or any other smokeless tobacco product, including e-cigarettes, vaping devices, and any variation thereof. The use of products containing nicotine are also prohibited unless prescribed by a physician to aid in the cessation of smoking.

9.5B **Facility Definition** - For the purpose of this policy, Commission facilities are defined as the buildings and grounds surrounding them, as well as Commission vehicles.

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9.6 The Commission receives grants from federal agencies and must certify compliance with the Drug-Free Work Place Act. All employees must acknowledge receipt of the following statement during pre-employment processing.

"The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the TYSC workplace. Employees who violate this policy will be guilty of a Step Three Offense," as indicated in Section 5.1 -- Standards of Conduct, and will be subject to termination under that provision."

9.6A Employees must agree that they will:

- (1) Abide by the terms of the statement.
- (2) Notify their supervisor in writing of any criminal drug statute incident and/or conviction for a violation occurring in a workplace no later than five calendar days after such incident or conviction.

9.6B The Commission must:

- (1) Notify the grant agency within ten calendar days after receiving notice under the above subparagraph from an employee or otherwise receiving actual notice of such conviction.
- (2) Take appropriate personnel action.

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9.7 The purpose of this policy is to permit the Commission to implement reductions in the workforce according to uniform criteria when it becomes necessary to reduce the number of employees or to reconfigure the work force.

9.7A **Definitions**

1. **Abolishing Positions** – Discontinuing a position due to agency needs based on funding or organizational changes. Classified employees in positions identified for abolishment will be considered for placement and layoff benefits according to the provisions of this policy.
2. **Classified Employee** – A full-time classified employee is a salaried staff member who is scheduled to work at least 2080 hours per year. A part-time classified employee is a salaried staff member who is scheduled to work less than 2080 hours per year.
3. **Demotion in Lieu of Layoff** – When an employee is removed from his or her position and is placed in a different position at a lower pay range within the agency, or a change in the status of an employee’s position from full-time to part-time status for these reasons.
4. **Former Position** – Position held by the employee just prior to being placed on layoff status or placed in another position through the layoff placement status.
5. **Layoff Notice** – Written notification to an employee of at least two weeks before the date of the layoff or placement.
6. **Layoff Status (Involuntary Separation)** – Status of an employee who (1) was involuntarily separated from his or her position because the position was abolished and (2) is eligible for certain benefits as outlined in this policy. Layoff status extends for 12 months from the layoff effective date, or until the employee is recalled or otherwise achieves permanent placement in a position that is in a pay grade equal to or higher than that of the employee’s former position, or the employee resigns, whichever is sooner.

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7. **Minimally Qualified** – Employees who are determined by management to (1) possess the necessary knowledge, skills and abilities (KSAs) and other legitimate job requirements as outlined in the job description and (2) would be able to satisfactorily perform the duties of the new position after a six-month period of orientation.
8. **Placement** – The assignment of an employee to a position within the Commission that is in the same pay grade or a different role in the same or a different pay grade, rather than placing the employee on layoff status or separated status.
9. **Placement Option** – Alternative position that is offered to an employee for placement under this policy, rather than placing the employee on layoff status or separated status.
10. **Pre-Layoff Leave** – Paid leave that allows the Commission to compensate an employee for a maximum of two weeks (up to 80 hours) prior to the effective date of layoff (during the layoff notice period). This period is intended to provide time for the employee who will be placed on layoff status to seek alternate employment. The time may be granted in a block or intermittently, at the discretion of the program director.
11. **Recall** – The placement of an employee who is on layoff status, or who has been demoted in lieu of layoff, into a position that is in the employee's pre-layoff role.
12. **Restricted Position** – A position that is funded 10% or more from non-continuous or non-recurring fund sources, such as grants, donations, contracts, capital outlay projects or higher education auxiliary enterprise revenues.
13. **Seniority** – Total continuous *salaried* Commission service, computed from the last employment or re-employment date into a classified position. Seniority must be used when determining (1) who will be affected by the layoff and (2) who is eligible for placement options within the agency before layoff or for recall opportunities.
14. **Separated Status** – Status of employees who do not qualify for the continuation of benefits under this policy or for severance benefits because they have declined certain placement or recall options.

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15. **Severance Benefits** – Salary continuation benefits provided to an eligible employee who is placed on layoff status.
16. **Substantially the Same Work** – The criterion used to determine which employee(s) will be impacted by the layoff policy. The following are indicators that assist in making these determinations: They have the same work title; are at the same reporting level in the organizational structure; and have similar job duties, the same KSAs and other job requirements, based on the position.
17. **Valid Vacancy** – A vacant position that is fully funded and has been approved by the appointing agency to be filled. These may include restricted positions, depending upon agency needs and position funding.
18. **Work Units** – Designation which may be used by the Commission to define the scope of the layoff to organizational units within the agency. Each of our individual programs, plus the administrative office, is designated as a work unit.

9.7B **Prior to Implementing Layoff** – Before implementing a layoff, the Commission must:

1. Determine whether the entire agency or designated work unit(s) are to be affected.
2. Designate the work unit(s) to be affected as appropriate, and
3. Review all vacant positions to identify valid vacancies that can be used as placement options for employees to be impacted by application of the layoff policy.

Valid vacancies can be filled after the agency has determined that no employees to be affected by layoff are eligible for and interested in the positions.

9.7C **Implement Layoff (Layoff Sequence)** – After identifying the work that is no longer needed or that must be reassigned, the agency must select employees for layoff within the same work unit who are performing substantially the same work, according to the following sequence:

1. Hourly employee(s) performing the same work (hourly employees are

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9.7C 1 (Continued) not covered by the provisions of this policy or severance benefits).

2. The least senior through the most senior part-time restricted employee; and then
3. The least senior through the most senior part-time classified employee; and then
4. The least senior through the most senior full-time restricted employee (if the position is anticipated to be funded for longer than 12 months); and then
5. The least senior through the most senior full-time classified employee.

9.7D

Layoff Benefits for Certain Restricted and Part-Time Employees – An employee who holds a full or part-time restricted position or a part-time classified position that is discontinued due to application of this policy is eligible for placement consideration provided by this policy and to severance benefits, *only if*:

1. The position was held immediately prior to the position being discontinued was a full-time classified position and
2. There was no break in service in the employee's tenure between the full-time classified position and the restricted or part-time position.

If part-time or restricted employees are eligible for placement options under this policy, they will be considered in order of seniority with all other employees being considered for placement.

9.7E

Impact of Layoff on Employees on Family & Medical Leave – Employees who are on family and medical leave or civil leave without pay are considered active employees and shall be treated as if they were in their positions. If their positions are to be abolished and they are otherwise qualified to receive the benefits outlined herein, they must be provided placement options and the appropriate benefits. If their positions are not being abolished, they may not be used as placement options for other employees impacted by layoff.

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9.7F Placement Opportunities Before Layoff

1. **Pre-Layoff Leave** – The agency may provide pre-layoff leave to employees who will be impacted by layoff. Pre-layoff leave is granted at the discretion of the program director and, if it is to be used on an intermittent basis, it should be scheduled with the supervisor.
2. **Placement Within the Agency** – After the Commission has identified all affected full-time classified employees, an attempt must be made to place them by seniority to any valid vacancies agency-wide in the current or lower pay grade. Such placement shall be in the highest position available for which the employee is minimally qualified at the same or lower level in the same or lower pay grade, regardless of work hours or shift.

Placement within the agency should take place on the date layoff would have become effective; however, the agency may determine that is in the best interest of the employee and/or the agency to make placement prior to that date.

3. **Use of Hourly or Restricted Positions as Placement Options** – Hourly positions may be offered to full-time classified employees as placement options if there are no other full-time positions available for placement. Employees who accept such placement will be eligible for recall rights and the continuation of health benefits in accordance with this policy for one year following the effective date of placement. Employees who decline placement to hourly positions will be placed on layoff status and will be eligible for the rights described in this policy and severance benefits.

Restricted positions that are expected to continue for longer than 12 months must be used as placement options if there are no other classified positions available for placement. Employees who decline placement to restricted positions may be eligible for recall or severance benefits as described herein.

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Commission management must determine that an employee is *minimally qualified* for the position being considered as a placement option.

4. Compensation

Reassignment Within the Pay Grade – Employees placed in positions that are in the same pay grade will retain their salaries.

Demotions in Lieu of Layoff – When demoted in lieu of layoff an employee will retain his/her salary if it is within the employee's new pay grade. If the salary is above the maximum for the pay grade, the agency may freeze the employee's current salary for a maximum of six months before reducing it to the maximum for the pay grade.

Performance Increases – An employee who is placed within the agency will be eligible for performance increases, according to established regulations regarding performance increases.

5. Decline Vacancy

Reduction in Salary – An employee may decline a position and be placed on layoff status, retaining the benefits of this policy and severance benefits if:

- a) The placement option would result in a lower pay grade and
- b) Would result in a reduction in salary

No Reduction in Salary or Relocation – An employee who turns down a vacancy in the same or lower pay grade that would not result in a reduction in salary will be placed on separated status and will not be entitled to other placement options under this policy or severance benefits. Once such a position has been offered and declined by the employee, the agency has no obligation to consider additional placement options.

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- 9.7G **No Placement Options** – If no placement options are available within the agency, the employee must receive a final layoff notice that he/she will be placed on layoff status at least two weeks before the layoff effective date. The notice must indicate the layoff effective date. When employees are placed on layoff status, they must be notified of their rights during the layoff period and applicable severance benefits.
- 9.7H **Duration of Layoff Benefits** – Leave without pay-layoff status extends for one year from the layoff effective date or until the employee is recalled, resigns or achieves employment in another classified position that is at a pay grade equal to or higher than the pay grade of the employee’s former position.
- 9.7I **Placement Opportunities After Layoff**
1. **Recall Rights** – Employees who have been placed on layoff status or who have been demoted in lieu of layoff have recall rights to the position(s) for which they are minimally qualified in the same role from which they were laid off or demoted.
 2. **Duration of Recall Rights** – Recall rights extend to positions that are in the grade held at layoff. Recall rights extend for 12 months from the layoff effective date. However, recall rights cease if an employee is employed in or promoted to a position that is in a pay grade that is the same or higher than the pay grade of the employee’s former position, resigns or retires.
NOTE: If an employee who has been demoted in lieu of layoff is terminated by the agency while his/her recall rights are in effect, recall rights will cease on the effective date of termination.
 3. **Seniority** – Employees are recalled to positions in order of seniority. If more than one employee has recall rights to a position, the position will be awarded to the most senior, *minimally qualified* employee.
 4. **Recall Declined** – When an employee declines recall to a position in the same grade as his/her former position that does not require a salary reduction, he/she forfeits rights for further severance payments and his/her name will be removed from the recall list.
 5. **Recall Compensation** – An employee who accepts recall will return to

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9.7I 5 (Continued) his/her pre-layoff salary, provided it is not above the maximum of the pay grade.

- 6. Performance Increases** – An employee who is recalled is eligible for performance increases, according to established Commission regulations regarding performance increases.

9.7J

Layoff Effects on Leave/Service

- 1. Annual Leave** – No annual leave is accrued while an employee is on layoff status. An employee may request payout of his/her accrued annual leave or be allowed to retain those balances when placed on layoff status.
 - a)** An employee who retains his/her annual leave balance while on layoff status will be paid upon expiration of the period of layoff or at resignation, whichever occurs first.
 - b)** Payment of annual leave will be only for the maximum amount provided for in TYSC Policy 8.1 – Annual Leave.
 - c)** Employees who are on separated status will be paid for their annual leave balances up to the maximum allowed in accordance with Policy 8.1.
- 2. Sick Leave** – No sick leave is accrued while an employee is on layoff status.
- 3. Paid Time Off** – No paid time off is accrued while an employee is on layoff status. An employee may request payout of his/her accrued paid time off or be allowed to retain those balances when placed on layoff status.
 - a)** An employee who retains his/her paid time off while on layoff status will be paid upon expiration of the period of layoff or at resignation, whichever occurs first.
 - b)** Payment of paid time off will be only for the maximum amount provided for in TYSC Policy 8.3 – Paid Time Off.
 - c)** Employees who are on separated status will be paid for their paid time off balances up to the maximum allowed in accordance with Policy 8.3.
- 4. Compensatory Leave** – At the time an employee is placed on layoff status, he/she will be paid for his/her accrued compensatory leave.
- 5. Service Credit for Leave** – After an employee returns from layoff

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9.7J 5 (Continued) status, the employee will receive credit for the time spent on layoff status for the purpose of determining their leave accrual rate.

9.7K Separation Status – Employee who have been on layoff status for 12 consecutive calendar months shall be placed on separated status.

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- 9.8 When it is necessary to involuntarily separate an employee for reasons unrelated to performance or conduct, it is the Commission's objective to provide severance benefits as outlined in this policy.
- 9.8A **Employees to Whom This Policy Applies** – Full-time, salaried employees only.
- 9.8B **Definitions**
1. **Involuntary Separation** – Includes but is not limited to terminations and layoffs from employment with the Commission, or being placed on layoff status due to budget reductions, agency reorganizations, work force downsizings or other causes not related to job performance, misconduct or voluntary resignations.
 2. **Eligible Employees** – Employees who are entitled to severance benefits.
- 9.8C **Severance Benefits** – The benefits below will be provided to those employees who are involuntarily separated from their positions:
1. **Life Insurance** – The Commission will continue its contribution toward group life insurance for 12 months from the effective date of layoff.
 2. **Health Insurance**
 - a) For employees who were covered by the Commission's health insurance at the time of layoff, the Commission will continue to pay its portion of the employee's health insurance premium for 12 months from the effective date of layoff. The employee is responsible for paying his/her share of the premium as directed by the agency.
 - b) The Commission's obligation to pay for health insurance will end when the laid-off employee obtains coverage through another source.
 - c) An employee who wishes to change coverage should contact Human Resources.
 3. **Severance Payments** – Severance payments will be based on years of service. Eligible employees will be entitled to severance payments, paid every two weeks in accordance with the Commission's pay

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9.8C 3 (Continued) schedule, based on the following formula:

- 2 or less years of service – 4 weeks salary.
- 3 to 9 years of service – 4 weeks salary plus 1 additional week for every year over 2.
- 10 to 14 years of service – 4 weeks salary plus 1 additional week for every year over 2 and 2 additional weeks for every year over 9.
- 15 or more years of service – 2 weeks salary per year of service, not to exceed 36 total weeks.

The chart below computes the number of weeks of severance pay due to employees based on years of service upon involuntary separation.

Consecutive Years of Service	Benefit (Weeks of Salary)
2 years or less	4
3 years	5
4 years	6
5 years	7
6 years	8
7 years	9
8 years	10
9 years	11
10 years	14
11 years	16
12 years	18
13 years	20
14 years	22
15 years	30
16 years	32
17 years	34
18 years or more	36

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- a) The maximum severance benefit to which an employee may be entitled is 36 weeks of salary.
- b) Employees with partial years of service will have that service rounded up to the next highest year for the purpose of determining the severance benefit. Partial years of service will not affect leave accrual or years toward services for retirement purposes.
- c) Severance payments will cease when an eligible employee is re-employed or hired in an individual capacity, or is hired as an independent contractor or consultant by the Commission during the time he/she is receiving such payments.

9.8D

Re-Employment Restrictions – Benefits cease if the person is re-employed, hired as an independent contractor or hired as a consultant by the Commission during the time of receiving the benefits.

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9.9 Policy Regarding Contacts with the Media

As a public agency, the Commission is committed to remaining accountable and accessible to the public. Requests for interviews, information, and program descriptions to the media (broadcast, print, Internet) should be reviewed by the Executive Director who serves as the agency's public affairs officer. After review, the Executive Director may designate a staff person to serve as spokesperson for the agency. In addition to administrative approval, sharing information regarding individual clients (including pictures) is not permitted without the written consent of the client and legal guardian. Incidents regarding clients which draw media attention should be reported to the Commission administrative staff (Executive Director or Deputy Director) and the Department of Juvenile Justice via a Serious Incident Report and/or telephone call as dictated by departmental instructions. In situations where civil litigation or criminal investigation is involved, all requests for information will be handled by the Executive Director.

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9.10 Child Abuse and Neglect

The Code of Virginia mandates, under penalty of law, that any employee in a counseling, child care or caretaking role with a child under the age of 18 report any instance where there is reason to suspect that a child is being or has been abused or neglected. Employees are required to both immediately notify his/her supervisor AND file a report with the Child Protective Services (CPS) unit of the Department of Social Services in the locality in which the child resides or, if that cannot be determined, where the abuse/neglect is alleged to have taken place. All information must be reported to CPS and they will make the determination about whether they will open an investigation/assessment regarding the concerns. It is not the employee's responsibility to conduct an investigation or to have irrefutable "proof" that abuse or neglect has occurred.

Once CPS has been notified, the reporting employee should completely document the date, time, person who received the report, content of the report and any response from CPS. This documentation should be signed with full name and title and submitted to the reporting employee's supervisor, with a copy placed in the client file. If the youth is a group home resident, the report should also be documented in the program log, and the supervisor may also require that a DJJ Serious Incident Report be completed. Supervisors are to provide immediate and detailed support to reporting employees throughout the reporting process, ensuring that all relevant parties are informed. If the reporting employee does not feel that the supervisor is responding appropriately, the information should be taken to the next highest level of management.

If the individual suspected of abuse/neglect is an employee of TYSC, he/she will be immediately placed on paid administrative leave until an investigation is completed. If the reporting employee's supervisor is the suspected abuser, the report should be made to the next highest level of management. If the suspect is the Executive Director, a report should be made to the Board Chair. NO form of retaliation will be tolerated if an employee, in good faith, reports a program manager to a higher official.

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If a TYSC employee is reported to be an abuser, he/she will be immediately placed on paid administrative leave until an investigation can be completed. No contact with any client will be allowed. Even if CPS does not open a formal investigation of the complaint, the Commission will conduct an internal investigation to determine whether any TYSC Standards of Conduct or state regulatory standards have been violated. If the report is determined to be unfounded, the employee will be returned to his/her position without any penalty or prejudice. If the investigation determines that TYSC Standards of Conduct have been violated, disciplinary action may follow, up to and including discharge. If the employee is full-time, all hours missed during the investigation will be charged to the employees annual leave balance. It is not necessary for a complaint to be considered "founded" by CPS in order for TYSC to find that the employee engaged in misconduct.

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9.11 **Access to Services:**

No juvenile or family member of a referred juvenile will be denied access to services on the basis of race, national origin, color, creed, gender, physical handicap or sexual orientation.

9.11A **Prohibited Practices:**

All clients are to be treated with the utmost dignity and respect. No client will be subjected to:

1. Deprivation of drinking water or food necessary to meet daily nutritional needs except as ordered by a licensed physician for a legitimate medical purpose and documented in the juvenile's record.
2. Any action which is humiliating, degrading or abusive.
3. Corporal punishment.
4. Unsanitary conditions.
5. Deprivation of opportunities for bathing or access to toilet facilities except as ordered by a licensed physician for a legitimate medical purpose and documented in the client's record.
6. Confinement in a room with the door so secured that the juvenile cannot open it.
7. Limitation on contacts and visits with the client's attorney, probation officer, regulators or placing agency representative.
8. Bans on contacts and visits with family or legal guardians except as permitted by other applicable state regulations or by order of a court of competent jurisdiction.
9. Delay or withholding of incoming or outgoing mail except as permitted by other applicable state and federal regulations or by order of a court of competent jurisdiction.
10. Deprivation of health care.
11. Deprivation of appropriate services and treatment.

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12. Application of aversive stimuli except as permitted pursuant to other applicable state regulations.
Administration of laxatives, enemas, or emetics except as ordered by a licensed physician for a legitimate medical purpose and documented in the client’s record.
13. Deprivation of opportunities for sleep or rest except as ordered by a licensed physician for a legitimate medical purpose and documented in the client’s record.
14. Limitation on contacts and visits with advocates employed by the Department of Behavioral Health and Developmental Services or the Department for Rights of Virginians with Disabilities.

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9.12 **Juvenile Participation in Research:**

It is the policy of the Tidewater Youth Services Commission that we will not conduct or participate in experimental research.

9.12A Medical or pharmaceutical testing for experimentation or research is prohibited.

9.12B Program evaluation data is collected in such a manner that names or other identifying data are not reported. In conducting evaluative research, TYSC will comply with Department of Juvenile Justice guidelines and the provisions of Chapter 5.1 (section 32.1-162.16 et seq.) of the Code of Virginia (COV) and with section 16.1-305 of the COV regarding confidentiality of client records.

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9.13 The Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA) protects all members of the uniformed services from discrimination in employment, regardless of whether their uniformed service was in the past, present or future (intent to join). The discrimination provisions of USERRA address problems regarding initial employment, reemployment, retention in employment, promotion, or any other benefit of employment.

Any person re-employed after military service is entitled to all seniority and other rights and benefits, including medical insurance coverage, which would have been available if the employment had not been interrupted by military service. The veteran reemployment rights are effective unless the cumulative length of the current absence plus any previous absences exceed five years.

USERRA requires that all service members provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable or precluded by military necessity. Upon return from military duty, the period that an individual has to make application for reemployment or to report back to work is based on the time spent on military duty. For service of 30 days or less, the service member must report back to work at the beginning of the next regularly scheduled work period on the first full day after release from service. For service of 31 – 180 days, the service member must submit an application for reemployment within 14 days of release from service. For service of 181 days or more, an application for reemployment must be submitted within 90 days of release of service.

Reemployment of a person is excused if an employer's circumstances have changed so much that reemployment of the person would be impossible or unreasonable. Employers are excused from making efforts to qualify returning service members, or from accommodating those with disabilities incurred during service, when doing so would be of such difficulty or expense as to cause "undue hardship." Reemployment is not required where the position left to enter service was for a brief and non-recurrent period and which could not reasonably be expected to continue indefinitely or for a significant period. The employer has the burden of proving (not simply asserting) the impossibility or unreasonableness, undue hardship, or the brief, non-recurrent nature of the employment.

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An employer has the right to require a person who is absent for a period of service of 31 days or more to provide documentation showing that: 1) the application was timely; 2) the 5-year service limit was not exceeded; and 3) the separation from service was not under circumstances specified in Section 4304 of USERRA. An employer may not use the lack of documentation at the time that the individual requests return as a basis for delaying or denying reinstatement. If the documentation received later shows that the individual is not eligible for protection under USERRA, the person may be terminated at that point.

The following are some of the major requirements of USERRA, but is not meant to be all-inclusive:

Health Benefit Coverage – on return from service, health insurance coverage must be reinstated without any waiting period or exclusions for preexisting conditions, other than any waiting period or exclusions that would have applied even if there had been no absence for uniformed service.

Pay – a person reemployed is entitled to the rate of pay he or she would have attained, with reasonable certainty, if continuously employed during the period of service. The term “pay” is not limited to the wages received. It includes all elements of compensation such as drawing accounts, bonuses and shift premiums. It includes hourly rate, piece rate, salaries and commissions. USERRA does not require an employer to pay an employee while performing uniformed service; however, an employer is free to do so if desired.

Promotions – unless it is impossible or unreasonable, an employer is generally required to allow a returning service member to make up a test for promotion that was missed while he or she was absent. If the reemployed employee is successful on the makeup exam, and there is a reasonable certainty that, given the results of the exam, that employee would have been promoted during the time he or she was in military service, then the employee’s promotion must be made effective as of the date it would have occurred had the employment not be interrupted by military service. If it is reasonably certain that an employee would have received a promotion during his or her absence for service and the

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employee requires further qualification for the position as a result of the military leave, the employer must make reasonable efforts to qualify the person. USERRA provides that returning service members are reemployed in the job that they would have attained had they not be absent for military service (a.k.a. “escalator position”) with the same seniority, status and pay, as well as other rights and benefits determined by seniority.

Raises – a returning service member is entitled to all general pay raises that he or she would have received with reasonable certainty but for the absence for service in the military.

Vacation – USERRA requires an employer to allow an individual to use earned vacation credits while absent for service, providing that usage is at the employee’s request. An employer may not require the use of vacation for a service absence, unless the absence coincides with a period (such as a plant shutdown) when ALL employees are required to take vacation.

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- 9.14 The purpose of this policy is to ensure the appropriate, responsible and safe use of electronic communications and social media by employees and to establish minimum standards for all employees.
- 9.14A **Business Use** – Agency-provided electronic communications tools are the property of the Commission and are provided to facilitate the effective and efficient conduct of business. Employees are permitted access to the Internet and electronic communications tools to assist in the performance of their jobs. Some users may also be permitted to access and use social media to conduct agency business.
- 9.14B **Personal Use** – In general, incidental and occasional personal (non job-related) use of the Commission’s electronic communications tools, including the Internet, is permitted as long as such personal use does not interfere with productivity or work performance or adversely affect the efficient operation of the Commission. Personal use of social media that refers to any aspect of the work environment should be done in a responsible and professional manner.
- 9.14C **User Requirements**
1. General Requirements – Users should:
 - a) Be responsible and professional in all activities. Employees should conduct themselves in a manner that supports the mission of the agency and the performance of their duties.
 - b) Exercise the appropriate care to protect the agency’s electronic communications tools against the introduction of viruses, spyware, malware or other harmful attacks.
 - Use the Internet, electronic communications tools and social media only in accordance with Commission policy;
 - Maintain the conditions of security (including safeguarding of passwords) under which they are granted access to such media;
 - Check with appropriate agency staff prior to downloading or accessing a file or document if the source of the file or other circumstances raises doubts about its safety.

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- c) Be respectful of the Commission, other employees, clients and others when posting and communicating information. Users should be sensitive to referring to or including others in their communications and posts and should be aware of any associated potential liabilities. Users may desire to obtain consent prior to communicating or posting information about the work place.
2. Business Use Requirements – Users should:
 - a) Use their accurate identities and state their affiliation when using electronic communications or social media for business purposes.
 - b) Ensure the security of sensitive or confidential information when communicating electronically or posting information on internal or external websites, including social media.
 - c) Ensure information is accurate prior to posting on social media sites, state or agency websites, or other electronic media sites. If information is discovered to be inaccurate after posting, users should work to quickly correct errors.
 3. Personal Use Requirements – Users should:
 - a) Be clear that their communication or posting is personal and is not a communication of the agency when using electronic communications or social media for personal use. For example:
 - Users should use their personal email addresses and not those related to their positions with the Commission when communicating or posting information for personal use.
 - Users may use a disclaimer when posting information or views for personal use such as, “The views expressed on this (website, blog, social media site) are my own and do not reflect the views of the Commission,” when appropriate to ensure that these views are not considered official Commission communications.

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9.14D **Prohibited Activities** – Certain activities are prohibited when using the Commission’s Internet and electronic communications tools or using social media in reference to the work environment. Employees who engage in prohibited activities may be subject to disciplinary action in accordance with Section 5.1 – Standards of Conduct. Prohibited activities include but are not limited to:

1. Any use that is in violation of applicable federal, state or local law.
2. Accessing, uploading, downloading, transmitting, printing, posting or storing fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory or otherwise unlawful messages or images.
3. Accessing, uploading, downloading, transmitting, printing, posting or storing information with sexually explicit content as prohibited by law.
4. Installing or downloading computer software, programs or executable files without specific authorization by the Executive Director.
5. Accessing, uploading, downloading, transmitting, printing, posting or communicating access-restricted agency information, proprietary agency information, sensitive data or records or copyrighted materials in violation of Commission policy.
6. Posting information or sending electronic communications such as email using another’s identity.
7. Permitting a non-user to use the Commission’s electronic communications tools or social media for the purposes of communicating the message of third-party individuals or organizations.
8. Using Commission logos without written consent.
9. Texting, emailing or using hand-held electronic communications devices while operating a Commission vehicle or operating a personal vehicle while on Commission business.

9.14E No user shall have any expectation of privacy in any message, file, image or data created, sent, retrieved, received or posted in the use of the Commission’s equipment and/or access. The Commission reserves the right to monitor any and all aspects of electronic communications and social media usage. Such monitoring may occur at any time, without notice, and without the user’s permission.

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A handwritten signature in blue ink, appearing to read "B. J. Bayne".

9.14F The Commission is responsible for ensuring that employees have access to and have read, understood and acknowledged this policy.

9.14G Violations of this policy will be addressed under Policy 5.1 – Standards of Conduct. The appropriate level of disciplinary action will be determined on a case-by-case basis by the Executive Director or designee, with sanctions up to or including termination, depending upon the severity of the offense, consistent with Policy 5.1.

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- 9.15 When an employee is issued a Commission cell phone, they will be required to sign a copy of the TYSC cell phone policy detailing restrictions on use of the phone.
1. Phones are for business use only and employees are required to reimburse the Commission for all personal/non-business charges or fees.
 2. When employment ceases, employees are required to return in good order all Commission-issued equipment and accessories before final pay is issued.
 3. Employees are responsible for any damage, abuse, neglect, loss or theft of Commission-issued equipment.
 4. The Commission has authorization to monitor cell phone usage and fees, etc.
 5. The Commission may monitor cell phones on a routine and/or special case basis.
 6. The use of a cell phone while operating a motor vehicle is illegal in some places and is prohibited by this policy while an employee is performing employment-related tasks. If cell phone use is necessary while driving, employees are required to pull over to a safe location prior to using the phone.
 7. Calls to toll numbers or access to inappropriate sites such as dating sites or pornography is prohibited. Also, employees are not permitted to download files, applications, videos, watch live video feeds or stream music on Commission-issued equipment.
- 9.15A While employees are not prohibited from using their personal cell phones in the workplace, employees should make sure that such use does not interfere with their work or the work of others. Personal calls are not permitted on the Commission issued cell phone.

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9.16 As a general rule, visual recording devices and sound recording devices belonging to or being used by employees and/or visitors are not permitted on the Commission premises. Employees are further prohibited from recording conversations, phone calls or other activities in the workplace, or for arranging for or assisting other (employees or non-employees) to do so, unless all parties are aware and have given written consent.

For purposes of this policy, the following definitions apply:

- Visual recording devices includes, but is not limited to, cameras, video cameras, cellular camera phones and any other device which is capable of taking, storing or displaying a visual picture, whether in real time or time delayed.
- Sound recording devices includes, but is not limited to, tape recorders, video camera with audio components, and/or any other device which is capable of capturing, storing or playing sounds.
- Commission premises includes, but is not limited to, the facilities, buildings, parking areas, surrounding grounds and motor vehicles owned or leased by the Commission.

9.16A Under certain limited circumstances, designated Commission officials may authorize, in writing, the use of visual recording devices and sound recording devices by employees for specific legitimate business purposes. In such instances, the designated Commission official will ensure that the appropriate consent to the recordings, where applicable, has been obtained. For instance, recording counseling sessions for the purpose of supervision may be permitted if applicable consents are signed by the client and/or parent/guardian.

In addition, employees may possess on Commission premises cellular camera phones, so long as they do not use the camera feature.

An employee who violates the policy will be subject to appropriate disciplinary action, up to and including immediate discharge.

This policy applies not only to all employees but also to all visitors at any time they are on Commission premises as defined above.

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9.17 If your work assignment includes the operation of a Commission vehicle, you must have at all times a valid operator's (driver's) license. A copy of your license must be given to the Administrative office at the time your employment with the Commission begins and upon each renewal.

Commission vehicles are to be driven only for work-related purposes. Commission vehicles **cannot** be used for personal reasons unless express written permission has been given by the Executive Director.

We insist that our employees obey all speed, parking and traffic regulations. Fines imposed as a result of traffic violations shall be immediately reported to the employee's supervisor and all fines will be paid entirely by the employee responsible for the violation.

9.17A You may not operate any Commission vehicle whenever your ability to drive safely may be impaired or diminished for any reason (for example, you are taking medication, either prescription or over-the-counter preparations, which may have the effect of reducing your alertness and/or impairing your reflex response). Further, your operation of any Commission vehicle while you are under the influence of alcohol or illegal drugs is cause for immediate discharge.

You must return the Commission vehicle assigned to you to the appropriate location at the close of each work day, and you are responsible for reporting to your supervisor any mechanical or safety problems you experience with Commission vehicles as soon as you become aware of these problems. Because facility emergencies can arise at any time, vehicles assigned to maintenance staff may be driven home. However, the agency's vehicle must only be used for agency business.

If you operate a Commission vehicle and your operator's license is suspended or revoked, you must advise your supervisor immediately. Your failure to notify your supervisor of an occurrence of this nature and/or your operating a Commission vehicle without a valid operator's license is cause for immediate discharge. If your essential job duties require your ability to drive, having your licensed revoked or suspended may mean termination of your employment with the Commission.

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9.18 Generally speaking, access to Commission premises and project sites is strictly limited to individuals currently employed by us and to those having business with the Commission. Visitors (former employees and non-employees) other than those conducting business with us are not permitted on Commission premises (including office and production areas) without the prior permission of your supervisor.

We recognize that, on occasion, you might have a friend or member of your family visit you at work. However, such visits should not occur frequently or during times when this type of occurrence could produce a negative effect on the quality of your work. Consequently, such visits, when they do occur, should be kept brief.

Visitors may not solicit or distribute on our premises for any cause or on behalf of any organization. In addition, all visits should take place in an environment free of confidential information.

If you notice the presence of any unauthorized individual or individuals on Commission premises, you should notify your supervisor immediately.