COUNTY OF ALBEMARLE
PERSONNEL POLICY

§P-02 DEFINITION OF EMPLOYEE STATUS

The ~~Board~~ County will maintain standard definitions of employment and will classify employees in accordance with these definitions, unless otherwise stated by policy or the Code of Virginia. ~~To aid in continuity and ease of reading, masculine pronoun will be used throughout our policies to denote both male and female employees.~~

~~PERSONNEL~~

~~Procedure for Compliance – Definition of Employee Status~~

A. At-Will Employees - All County employees and Partner Agency employees who are bound to this policy and/or other employment related County policies are employees at-will and may be dismissed from employment at any time for any lawful reason or for no reason in the absence of a written employment contract signed by the County Executive or on authority from the Board of Supervisors expressly contradicting the at-will status. Neither this policy nor any other County or administrative policy shall be construed to constitute a contract. All such policies are subject to change at any time.

B. Appointees – Those officers, directors, and department heads appointed by the Board and serving under a contract of employment.

C. Board Members – Elected officials serving on the County's Board of Supervisors. Board Members are not considered employees of the County.

~~A.~~D. Classified Employees – ~~A classified employee is defined as any~~ County employees being paid according to the County's classified pay scale or pay range. Classified employees are normally paid on the County classified pay scale or other approved pay scale. Exceptions must be approved by the Director of Human Resources/designee.~~All County employees are employees at-will and may be dismissed from employment at any time, for any reason, or for no reason. Regular full-time or part-time employees who have completed all probationary periods, and are eligible to grieve, may grieve such actions according to the grievance procedures set forth in Section P-03 of this Policy Manual.~~

E. Essential Personnel – To ensure efficient business operations, certain staff may be required to report to their job sites during periods of building closure and delay. Employees who are regularly expected to work during building closures are designated as essential personnel in the job description. Supervisors should ensure that employees are aware of their appropriate reporting schedules for different situations. If an employee designated as essential in the job description is not required by the supervisor to report to work for the building closure, he/she is considered non-essential personnel on that day.

F. Partner Agency - A Partner Agency is a public agency/organization which uses and relies upon the Albemarle County financial systems, including payroll, and has agreed in writing to follow some or all County and/or Albemarle County Public Schools policies. Employees of Partner Agencies remain employees of their respective Partner Agencies. They are not employees of the County or Albemarle County Public Schools

and are not entitled to any of the rights, privileges, or benefits related to employment with either unless otherwise agreed upon in writing by the Board/designee or expressly provided by policy.

G. Temporary Employees - Temporary employees are those hired for a specific period of time or for the duration of a specific project, activity, or group of assignments not to exceed one year. Temporary employment is not indefinite and will not continue for more than one year without renewal in writing. Employees working as substitutes in the absence of incumbents for regular positions are also considered temporary employees. Pay is based upon an established or agreed-upon rate exclusive of any approved pay scale. Unless specified by an Employment Agreement establishing terms and conditions of employment and any benefits provided or by policy, temporary employees are not granted the rights, privileges, or benefits of regular employees.

H. Volunteers – Those who provide services to the County without compensation from the County. Volunteers are not employees and are not granted the rights, privileges, or benefits of employment. However, they may be paid expenses, reasonable benefits, a nominal fee, or any combination thereof without losing their status as volunteers. Volunteers may be required to follow some Board policies as determined by the County Executive/designee and/or the Department of Human Resources. County employees may provide volunteer services, but only if such services are i) provided freely and without pressure or coercion from a supervisor or superior and ii) not the same type of service for which they are employed as determined by the department head/designee in consultation with the Department of Human Resources and County Attorney.

Procedure for Compliance

A. ~~Definitions~~ Terms of Employment

1. Regular/Permanent:~~—~~ Employment in an approved, budgeted, non-temporary, full-time or part-time position that is ~~meant to be~~ part of the regular County work force. The terms "permanent" ~~shall have the same meaning as~~and "regular" have the same meaning and~~as these terms~~ are used ~~throughout~~ interchangeably throughout ~~this Policy Manual~~Board policies. Regular and Permanent Employment includes Appointees and Classified Employees. The use of the term "permanent" does not confer any right, privilege, or benefit of employment beyond that provided by Board of Supervisors policy or written contract of employment and does not impose any obligation, burden, or contract of continued employment, implied or otherwise, on behalf of the Board of Supervisors.

   a. Full-Time: ~~-~~Employment in an established position that meets the requisite hours per workweek and weeks per fiscal year for that position. ~~scheduled for not less than 40 hours per normal workweek (Saturday at 12:01 a.m. to Friday at midnight)* and 52 weeks per fiscal year. Upon prior recommendation by Human Resources and approval by the County Executive, some positions may work less than 40 hours per workweek and still be designated "Full-Time."~~

   b. Part-Time: ~~-~~Employment in an established position requiring less than the hours designated as full-time for that particular position~~scheduled for less than 40 hours or other full-time schedule per subsection (a) above per normal workweek~~.

   c. Probationary:~~-~~ Newly hired regular employees. Probationary periods are established based upon the position. Probationary employees are ineligible to use grievance procedures.~~The first six (6) months (12 months for certain positions) of employment with the County are a probationary period. This time is used by both the employee and the County to determine whether the position and the employee are suited for each other. An employee's progress will be evaluated throughout the probationary period, as required by Section P-23 of this Policy Manual.~~

   d. Non-probationary: Regular employees who have successfully completed the prescribed probationary period.

~~1. Salaried Board Members: Members of the Board of Supervisors and Planning Commission are paid an annual salary as established by county ordinance and state law.~~

2. Temporary: ~~-~~Employment of a definite term not exceeding one year. Temporary employment is at-will and not subject to grievance procedures.~~Regularwhose July and AugusttheseRegularwhose JulyitRegularare not designated as 10-month or 11-month employeesthat meets one or more of the following criteria:~~

~~Employment in a position established for a specific period of time.~~

~~Employment for the duration of a specific project or group of assignments.~~

~~Employment as a temporary in the absence of the incumbent in a position classified as full-time or part-time, as defined in Section B.1 above. This shall not include regular employees who are serving in another position on a temporary basis (see P-60).~~

~~*NOTE: Schedules other than those noted may be established by Department Heads provided that the alternate schedules are in writing and provided to the employees and to the Department of Human Resources.~~

B. Months Worked

The following designations shall apply. Exceptions must be approved by the Director of Human Resources/designee.

1. 10-month Employees – Regular employees whose days worked per fiscal year is generally 210 or fewer, but may extend to 219. While actual work may be performed in July and August, these are not considered months worked for benefits and payroll calendar purposes.

2. 11-month Employees - Regular employees whose days worked per fiscal year is generally 220 to 240, but may extend to 259. While actual work may be performed in July, it is not considered a month worked for benefits and payroll calendar purposes.

3. 12-month Employees - Regular employees who are not designated as 10-month or 11-month employees

~~B. §P-02~~
~~C.~~
~~D. PERSONNEL~~
~~E.~~
~~F.~~
~~G. Definition of Employee Status (continued)~~
~~H.~~
~~I.~~C. Extent of Participation in ~~and Eligibility for~~ Benefits

1. Employee Status

a. Regular Full-Time: ~~-~~Regular Full-time employees are ~~E~~eligible for all employment benefits available under Board of Supervisors policy ~~to participate in all benefit programs~~.

b. Regular Part-Time: Must be at least half-time (~~4.0 hours per day~~50% of the full-time equivalency [FTE] for that position) to be eligible to participate in prorated medical and dental benefits, leave benefits, and applicable retirement and life insurance programs.~~-~~ If less than half-time, employees are not benefits eligible. ~~County e~~Employees hired prior to the implementation of this policy (i.e. October, 1985) and who received benefits~~,~~ will not lose such benefits.

When an employee holds two or more regular part-time positions, the positions' FTEs may be combined to determine eligibility for medical and dental benefits, leave benefits, and applicable retirement and life insurance programs. However, an employee must be regular full-time in a single position to participate in the Virginia Retirement System (VRS.)

The Board of Supervisors may extend certain benefits to groups of part-time employees at rates established for full-time employees.

~~b.~~c. Temporary: ~~-~~Temporary employees are not benefits eligible unless approved by the Director of Human Resources/designee~~Ineligible to participate in benefits programs~~.

2. Eligibility for Insurance Benefits

~~c. Salaried Board Member: Eligible to participate in all medical and dental insurance programs.~~

~~a. In order for a new employee to be paid by the end of the month in which they are hired, paperwork must be received in the Department of Human Resources by the 15th of the month. If the 15th falls on a weekend, paperwork must be received the workday prior to the 15th.~~

~~b.~~

a. New regular employees who are benefits eligible are eligible for medical and ~~/~~dental insurance coverage the first of the month following the month in which they are hired. ~~Employees are not required to pay the employee premium for that month. Employees may elect for insurance coverage to begin earlier, but not prior to the date of hire. In such cases, the employee will be responsible for the full cost of the premium (Board and employee portions), prorated based on a 30-day month. Non-benefits-eligible employees who subsequently become eligible and employees who previously declined coverage and subsequently elect coverage will be treated the same as new employees regarding coverage start date and premium payments. Medical/dental premiums are paid in advance of the month of coverage.~~Additional payment or credit is not provided to employees who do not elect medical or dental coverage.

Except as provided under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) or other applicable law, medical~~/~~ and dental insurance coverage ~~may continue through the end of the month following the month of termination provided all employee premiums are paid. Otherwise, coverage will cease at the end of the month of termination~~ceases on last calendar day of the month for which the premium was paid.

b. County Spouses

Benefits-eligible ~~E~~employees who are married to ~~another County~~other benefits-eligible employees of the County, Albemarle County Public Schools, or Partner Agencies who participate in Albemarle County insurance plans are eligible for discounted medical and dental insurance. ~~will be eligible for two Board contributions toward medical/dental insurance.~~ It is the responsibility of the employee to notify the Department of Human Resources of this situation and, upon notification, the change in contribution will be made ~~with~~ for the next payroll. The Board of Supervisors is not responsible for and will not ~~In no event will the County be responsible for~~ retroactively ~~payments to~~compensate employees who fail to provide this notification. In the event such married employees legally divorce, it is the responsibility of those employees to notify Human Resources immediately of the effective date of the divorce. Employees who fail to provide timely notice of the divorce will be required to reimburse the County or Albemarle County Public Schools for any benefits received or premiums required for the period during which they were no longer eligible for dual contributions. This benefit may be extended to Partner Agencies per agreement.

c. Board Members are eligible to participate in all medical and dental insurance programs. Elected/appointed officials on the Planning Commission and Board of Elections are also eligible to participate in all medical and dental insurance programs.

d. Volunteers are not eligible for benefits, unless approved by the Director of Human Resources/designee.

D. Continuous Service ~~is defined as~~

1. Continuous Service means a period of regular Uninterrupted employment while a regular employee with the County of Albemarleor Albemarle County Public Schools with no break in service.

2. Break in Service means the separation from regular employment with the County or Albemarle County Public Schools for any reason, including resignation, voluntary termination, and involuntary termination.Continuous service is broken by termination of or resignation from employment, voluntary or involuntary.

3. When agreed upon in writing by the County Executive/designee, regular employees moving between certain Partner Agencies and the County or Albemarle County Public Schools are considered continuously employed so long as they do not have some other break in service.

1.4. A transfer directly to a different position of regular employment with no work time missed is not a break in service. 10-month or 11-month employees do not have a break in service if they fulfill the preceding year's employment period/contract and are provided a new position/contract by the time the new position would begin for the next year. This includes contracts/employment for 12-month positions. The Director of Human Resources/designee may approve exceptions for transfers, promotions, and demotions when a break in service may cause an undue (or unfair) hardship, particularly with contracted employees. Employees are responsible for any applicable insurance premiums when changing positions and/or months worked.

J. Throughout the policies, the word "Day" shall be defined as: the number of hours an employee is identified on the Employee Personnel System as working. It is not necessarily the number of hours the employee actually works per day. It is calculated by taking the number of hours the employee works per year, and dividing it by 260 (the number of days per year in the system).

~~Definition of Employee Status (continued)~~

~~Full Time~~	~~Classified (designated in subsection B(1)(a) above)~~	~~2080 hrs/year~~	~~a day = 8 hours (or as designated in subsection B(1)(a) above)~~
	~~Police Patrol~~	~~2071 hrs/year~~	~~a day = 8.1 hours~~
	~~Fire & Rescue Day Personnel~~	~~2496 hrs/year~~	~~a day = 9.6 hours~~
	~~Fire & Rescue 24-hr Personnel~~	~~2912 hrs/year~~	~~a day = 11.2 hours~~
~~Part Time~~	~~Classified~~	~~Prorated based on hrs worked~~	~~Prorated~~

Amended: August 7, 1996; June 2, 2004;~~,~~ July 7, 2004;~~,~~ July 6, 2005; March 1, 2019