

<p style="text-align: center;"><b>ACTIONS</b>  <b>Board of Supervisors Meeting of December 13, 2023</b></p>		
		December 14, 2023
<b>AGENDA ITEM/ACTION</b>	<b>ASSIGNMENT</b>	<b>VIDEO</b>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>The meeting was called to order at 1:00 p.m., by the Chair, Ms. Price. All BOS members were present. Also, present were Jeff Richardson, Steve Rosenberg, Claudette Borgersen, and Travis Morris.</li> </ul>		<a href="#">Link to Video</a>
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> <li><b>PULLED</b> consent agenda item # 8.3 VDOT Monthly Report (December) 2023 from the agenda because the report was not received.</li> <li>Announced that agenda item #10, Fiscal Year 2023 Annual Comprehensive Financial Report and Audit Results Attachment A – Draft Report, was uploaded on December 12.</li> <li>Commented that agenda item #10 should be an action item not a presentation item.</li> <li>By a vote of 6:0, <b>ADOPTED</b> the final agenda as amended.</li> </ul>		
<p>5. Brief Announcements by Board Members.</p> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> <li>Encouraged community members to get vaccinated and remarked that the current flu vaccine was 85% effective.</li> <li>Reported on the ridership of the County's MicroCAT program.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Reported on the Charlottesville Municipal Band's concert attendance over the past year.</li> <li>Invited people to attend Wreaths Across America starting at noon on Saturday, December 16 starting at the Dogwood Memorial at McIntire Park and proceeding to the memorial at the County Office Building, then to Oakleigh Veterans Park, and ending at the VFW in Earlysville.</li> </ul> <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> <li>Reported on her attendance of the Paul and Diane Manning Institute of Biotechnology groundbreaking at UVA's Fontaine Research Park.</li> </ul> <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> <li>Commented that the Paul and Diane Manning Institute of Biotechnology will be a game changer for all.</li> </ul> <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> <li>Acknowledged the passing of Wilson "Will" Richey and offered his condolences to the Richey family.</li> </ul> <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> <li>Reported on her attendance at the Charlottesville Band's free concert and the Paul and Diane Manning Institute of Biotechnology groundbreaking and commented that both were good events.</li> </ul>		
<p>Proclamations and Recognitions.</p> <p>a. Recognition of Supervisor Donna Price.</p> <ul style="list-style-type: none"> <li>Board members commented on Supervisor Donna Price's tenure on the Board, her leadership as Board Chair, and presented her with plaques of recognition.</li> </ul>		
<p>7. From the Public: Matters Not Listed for Public</p>		

<p>Hearing on the Agenda or on Matters Previously Considered by the Board or that are Pending Before the Board.</p> <ul style="list-style-type: none"> <li>• <u>Dirk Nies</u>, a resident of the White Hall District, addressed the Board concerning affordable housing and real estate tax relief for low-income, elderly, and disabled homeowners.</li> <li>• <u>Jane Kulow</u>, a resident of the Samuel Miller District and Jefferson-Madison Regional Library Board member, encouraged the Board to include the renovations of the central branch of the JMRL Library in the CIP (Capital Improvements Program).</li> <li>• <u>Wanda Bruce</u>, a resident of the White Hall District, addressed the Board on real estate tax relief for the elderly and disabled homeowners.</li> </ul>		
<p>8.1 Personnel Policy Revisions.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> Resolution to amend personnel policies § P-4, § P-6, § P-7, and § P-32.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Human Resources and County Attorney's office. (Attachments 1)</p>	
<p>8.2 Appointment of County of Albemarle Representative to the Blue Ridge Cigarette Tax Board.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution to appoint, and authorize the County Executive to select a designee, to serve as the County's representative on the Blue Ridge Cigarette Tax Board with all authority and obligations of a representative of the Tax Board.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Finance and Budget and County Attorney's office. (Attachment 2)</p>	
<p>9. <b>Work Session:</b> 5-Year Financial Planning.</p> <ul style="list-style-type: none"> <li>• <b>HELD.</b></li> </ul>		
<p><b>Recess.</b> At, 3:41 p.m., the Board recessed and reconvened at 3:50 p.m.</p>		
<p>10. <b>Presentation:</b> Fiscal Year 2023 Annual Comprehensive Financial Report and Audit Results.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>	<p><u>Clerk:</u> Schedule on agenda when final report is received.</p>	
<p>11. <b>Presentation:</b> Rivanna Futures Update.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>		
<p>12. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <p>a. Year in Review.</p> <p><u>Jeff Richardson:</u></p> <ul style="list-style-type: none"> <li>• Presented a Year in Review video showcasing the work of Albemarle County staff over the past year.</li> </ul>		
<p>13. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p>a. <b>Discussion:</b> Minutes of the Board of Supervisors.</p> <ul style="list-style-type: none"> <li>• <b>CONCENSUS</b> to evaluate a future budget proposal to provide additional funding to the Clerk's Office for Board meeting minutes.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>• Reported on the Council of Workforce Officials and the Workforce Development Boards meetings held on December 13, 2023.</li> </ul> <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> <li>• Reported on the December Thomas Jefferson Planning District Commission meeting.</li> </ul> <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> <li>• Thanked Board members for her time on the Board.</li> </ul>		
<p>14. Closed Meeting.</p>		

<ul style="list-style-type: none"> <li>• Closed meeting not needed.</li> </ul>		
16. Adjourn to January 3, 2024, 1:00 p.m. Lane Auditorium. <ul style="list-style-type: none"> <li>• The meeting was adjourned at 5:47 p.m.</li> </ul>		

ckb/tom

Attachment 1 – Personnel Policies Resolution


Attachment 2 – Resolution Appointing Representative to the Blue Ridge Cigarette Tax Board

**RESOLUTION**

**WHEREAS**, the Board of Supervisors may adopt Personnel Policies under Albemarle County Code §2-901; and

**WHEREAS**, the Board desires to amend and re-number the following Policies: §P-5 Effect of Criminal Conviction or Arrest as §P-4 Effect of Criminal Conviction or Arrest, §P-25 Standards of Conduct as §P-6 Standards of Conduct, §P-27 Conflict of Interest, §P-28 Indebtedness to the County, and §P-33 Outside Employment by County Employees as §P-7 Code of Ethics, and §P-22 Employee Discipline as §P-32 Employee Discipline.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Supervisors of Albemarle County, Virginia, hereby approves the renumbering and amendment to the County's Personnel Policies as set forth in the documents attached hereto.

	<b>P - §4</b>	<b>Policy Name:</b> Effect of Criminal Conviction or Arrest	<b>Approved Date:</b> December 13, 2023
	<b>Prepared By:</b> Human Resources		<b>Adopted Date:</b> August 4, 1993
	<b>Amended Date:</b> June 1, 2005; February 6, 2019, December 13, 2023		

#### A. PURPOSE

The purpose of this policy is to set forth guidelines regarding job candidates and current employees who are subject to arrest, criminal investigation, and/or criminal conviction. This policy applies to all County employees and volunteers as well as job candidates.

#### B. DEFINITIONS

**Administrative Leave** – paid or unpaid leave from work that is taken at the direction of management, for purposes of investigation or a step in the disciplinary process, and without impact to an employee’s accrued leave.

**Arrested** – detained by law enforcement for suspicion of committing a criminal act.

**Barrier Crimes** – crimes set forth in §63.2-1719 of the Code of Virginia, which automatically bar an individual convicted of same from employment or volunteer services. Traditionally involves crimes of abuse or neglect but also include assault, terrorism, firearm-related crimes, drug crimes, crimes with minors, etc.

**Crime** – an action or omission that constitutes an offense that may be prosecuted by the state and is punishable by law; includes any felony or misdemeanor, regardless of degree. Traffic infractions are not included in this definition.

**Disposition** – in relation to a crime, means conviction, entering any plea other than “not guilty”, sentencing, and any court order that takes a finding of guilt under advisement or requires a defendant to take some action or meet some requirement in lieu of a conviction.

#### C. ROLES AND RESPONSIBILITIES

**Employees** – Must endeavor to report any event described in this policy to their supervisor on the next business day unless good cause is shown.

**Supervisors** – Must contact Human Resources upon learning that any event described in this policy has occurred.

**Human Resources** – Processes and keeps records of all background and other checks.

## **D. POLICY**

It is the County's policy not to employ or to continue the employment of any person who may be deemed unsuitable for employment by reason of arrest and criminal conviction or information appearing in the registry of founded cases of child abuse and neglect maintained by the Department of Social Services. While an arrest or conviction of a crime, in and of itself, may not be an automatic bar to employment, if an arrest or conviction relates to the individual's suitability to perform duties in a particular position, such person may be denied employment or, in the case of current employees, may face disciplinary action up to and including termination. The County shall have the sole discretion to determine whether any conviction is related to the duties of the position for which application is made or whether it affects the fitness of the applicant to work for the County.

### **1. Applicants for Employment**

#### **a. Criminal Proceedings**

Virginia Code § 15.2-1505.3 prohibits Virginia agencies and localities from requiring prospective employees to complete an application that asks about prior criminal arrests, charges, or convictions. There are exceptions for certain positions (e.g., law enforcement, schools, health and safety, etc.); and some departments may ask applicants about criminal matters during or after an interview and may consider such information after conclusion of an interview, as outlined in Virginia Code.

#### **b. Disclosure of Criminal Record**

If an applicant discloses a criminal record that reveals a conviction, or arrest awaiting final disposition of a crime, a prospective employee, intern, or volunteer may or may not be offered the volunteer position, dependent upon the crime and the relationship to the position sought.

As a condition of employment, an applicant shall be required to submit to a background check once an offer of employment has been made. Offers of employment may be rescinded based on the results of a background check.

#### **c. Founded Cases of Child Abuse and Neglect**

Applicants must disclose whether they are the subject of a founded case of child abuse or neglect. As a condition of employment for certain positions, applicants are required by the Virginia Department of Social Services to provide written consent for the County to search the registry of founded cases of child abuse and neglect.

### **2. Employees**

a. Criminal Proceedings

Employees must disclose to their supervisors any crimes for which they have been arrested or received a disposition, whether the conduct was committed on- or off-duty, on the next business day. Employees must then provide copies of any summonses, warrants, and orders as then become available. Late notification is, itself, a Category II offense, unless good cause is shown.

In determining appropriate action, the County will consider the seriousness of the offense and the relationship between the offense and the employee's position. An employee may be placed on administrative leave, with or without pay, pending the conclusion of the case. If the County finds substantial evidence that the employee committed the charged crime, employment may be terminated prior to disposition.

Upon the conclusion of an investigation by law enforcement agencies or of a court action, the County has the discretion to:

- I. Impose disciplinary action, up to and including termination in accordance with the Employee Discipline policy; or
- II. If an employee is exonerated of any crime or misconduct, the County will reinstate the employee to the same or comparable position, as permissible by Virginia Code and County policy.

The County reserves the right to refill any position at any time to alleviate undue hardship resulting from staffing inadequacies.

b. Founded Cases of Child Abuse and Neglect

Employees must disclose whether they are the subject of a Social Services investigation for child abuse or neglect, or of a founded case of child abuse or neglect. Whether such status is grounds for immediate termination is based upon the seriousness of the offense and the relationship between the offense and the employee's position. Certain positions are forbidden by the Virginia Department of Social Services from being occupied by the subject of a Social Services investigation for child abuse or neglect, or of a founded case of child abuse or neglect.


c. Barrier Crimes

A current employee, intern or volunteer will be subject to termination if a criminal record reveals a conviction for crimes set forth § 63.2-1719 of the *Code of Virginia* ("barrier crimes"). If there is an arrest waiting final disposition, the employee will be placed on administrative leave without pay pending investigation. An intern or volunteer will be dismissed from their position.

### **3. Notice of Adverse Actions**

If an application is denied, offer rescinded, or an employee is disciplined or terminated under this policy, the County will notify that person and provide a copy of background check, DMV, sex offender registry, or other report that formed part of the basis of the County's decision.



	<b><u>P - §6</u></b>	<b><u>Policy Name:</u></b> Standards of Conduct	<b><u>Approved Date:</u></b> December 13, 2023
	<b><u>Prepared By:</u></b> Human Resources		<b><u>Adopted Date:</u></b> August 4, 1993
	<b><u>Amended Date:</u></b> February 1, 2002; December 3, 2014; December 13, 2023		

#### **A. PURPOSE**

As a representative of the County each employee is responsible for conducting themselves in a professional and respectful manner. The purpose of this policy is to set forth minimum standards for employee conduct as a representative of County government. This policy applies to all employees, as well as volunteers appointed by the Board of Supervisors to serve on Boards and Commissions.

#### **B. DEFINITIONS**

**Employees** – the definition of employees in this policy are all persons working on County property or for the County who typically have a specified pay rate and/or a written or implied employment agreement with the organization.

**Satisfactory Attendance** – means regular attendance, in accordance with the requirements of the position, and as directed by the assigned department.

#### **C. ROLES AND RESPONSIBILITIES**

**Employees** – Employees must familiarize themselves with and follow the County's standards of conduct and department directives in accordance with this policy.

**Supervisors** – Supervisors must ensure that expectations are communicated with their employees and are within the guidelines of this policy. Supervisors are also responsible for maintaining accountability for adherence to this policy.

**Human Resources** – HR assists employees and supervisors with interpretation of and compliance with this policy.

#### **D. POLICY**

The County has adopted Standards of Conduct that

- a. are designed to protect the well-being and rights of all employees;

- b. to ensure safe, efficient government services;
- c. ensure compliance with federal and state law;
- d. are in alignment with the County's mission and vision.

This policy establishes the minimum standards of conduct expected from all County personnel. Department heads may adopt additional standards of conduct within their departments that are within the framework of County personnel policies. These should be documented and communicated to employees at least annually. This requirement does not prohibit department heads or supervisors from issuing ad hoc oral or written directives.

#### 1. Standards of Conduct

- a. Timely and regular attendance;

Employees shall refrain from abuse of County time including but not limited to unsatisfactory attendance, tardiness, unauthorized time away from work assignments, and abuse of paid sick leave.

- b. Satisfactory work performance;

Employees shall devote proper attention to the organization, the department, and their division. They shall exert their full energy and ability in the performance of their duties. They shall not perform their duties in a careless or apathetic manner, or neglect or fail to perform any portion of their duties required by rule, regulation, order, protocol, code, common practice, or the necessities of the situation involved.

- c. Appropriate attire;

Employees shall wear clothing suitable for their position, as determined by each department head in maintaining the professional appearance of the organization. Clothing must be clean, in good condition, free of holes or tears, and not offensive in nature.

- d. Courteous and professional behavior;

Employees shall respect the authority and responsibility of other personnel when issuing or receiving directives and assignments. Employees shall refrain from using language that violates any laws or County policies or contains personal attacks, profanity, insults, threats, discriminatory statements based on race, nationality, gender, disability or other protected class, obscenity, or sexually suggestive content. Employees shall be truthful at all times.

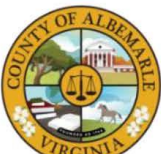
- e. Stewardship

Employees shall employ appropriate use of County property, assets, records, and resources; Employees shall avoid the use of County facilities or resources for the conduct of personal activities that are not job-related, except as authorized. They shall not loan, sell, give away, or appropriate for their own use any County or public property.

- f. Adherence to all County policies.

2. Consequences of Failure to Comply

Failure to adhere to County policies will result in corrective action up to and including termination. Supervisors are required to follow P - § 32 Employee Discipline to ensure consistency of practice across departments.

	<b><u>P - §7</u></b>	<b><u>Policy Name:</u></b> Code of Ethics	<b><u>Approved Date:</u></b> December 13, 2023
	<b><u>Prepared By:</u></b> Human Resources		<b><u>Adopted Date:</u></b> August 4, 1993
	<b><u>Amended Date:</u></b> December 13, 2023		

#### A. PURPOSE

Ensuring that our actions and decisions are fair and honest creates public confidence in local government. This policy sets standards to further that goal and applies to all employees.

#### B. ROLES AND RESPONSIBILITIES

**Employees** – Employees are responsible for complying with this policy, as well as the State and Local Government Conflict of Interests Act. Employees are required to report any known instances of fraud, waste, or abuse of County funds, time, or assets.

**Supervisors** – Responsible for overseeing the identification, documentation, escalation, and management of conflicts of interest as they arise within their areas of responsibility.

**Human Resources** – Assists departments with interpretation of law and County policy and investigates reported violations.

#### C. POLICY

##### 1. Code of Ethics

- a. *Honesty*: Be truthful, honest, and forthright with other employees and the public.
- b. *Integrity*: Show a consistent and uncompromising adherence to strong moral and ethical principles and values.
- c. *Public Service*: Ensure that all actions and decisions are in the best interest of the community at large.
- d. *Respect*: Treat all individuals with dignity; be fair and impartial; affirm the value of diversity in the workplace and in Albemarle County; create a work environment that enables all employees to perform to the best of their abilities.
- e. *Responsibility*: Take responsibility for actions; work diligently; report concerns in the workplace, including violations of laws and policies; seek clarification when in doubt.
- f. *Stewardship*: Exercise care with County resources; make accurate, clear, and timely disclosures to the public; maintain accurate and complete records.

## **2. Conflicts of Interest**

- a. *State and Local Government Conflicts of Interest Act* – A violation of that Act is considered a violation of this policy, as well.
- b. *Acceptance of Gifts* – No officer or employee of a local government or advisory agency shall accept any money, loan, gift, favor, service, or opportunity that reasonably tends to influence them in the performance of their official duties. Items given to a group shall be permitted if used or consumed on the County premises and not used in contravention of the above policy.
- c. *Nepotism* – For the purpose of this section, “relative” means
  - Parents, children, spouses, domestic partners, aunts and uncles, nieces and nephews, grandparents, grandchildren, siblings, or in-laws;
  - Relatives of a domestic partner;
  - Step-relatives; or
  - Romantic partners, regardless of the seriousness of the relationship.

Employees may not supervise or be in a position capable of making employment-related decisions about their relatives, including hiring, transfer, promotion and demotion, evaluation, and discipline. If that situation does occur, then the higher-ranking relative must immediately disclose that fact to Human Resources for resolution.

The department head and Human Resources will adopt a mitigation plan that discontinues the supervision and employment-related decision-making capacity of an employee over a relative. Mitigation plans may require the transfer of one relative to a different position. If no mitigation plan will meet the business needs of the County, then the termination of one relative’s employment is possible.

- d. *Conflicts in the Hiring Process* – Employees participating in a hiring process must disclose to the hiring manager whether any candidate is a relative, or if the employee’s ability to be fair and unbiased in the hiring process may otherwise be compromised or may be perceived as compromised. The hiring manager and Human Resources will determine whether the employee must be excused from participating. Employees may not share information with applicants that would give that applicant an advantage over other applicants.
- e. *Outside Employment by County Employees* – Employees must notify their department heads if they work for an employer other than the County, or occupy a leadership role in a business. If the outside work creates a conflict of interest or the

appearance of one, then the employee may be required to cease either the outside work or County employment.

- f. Indebtedness to the County – Employees must pay County taxes, licenses, and fees by their due dates. While the County may pursue legal means of recovering delinquent amounts, delinquency is a violation of this policy.
- g. Fraud, Waste and Abuse – Employees must report known or reasonably suspected violations of County policies to Human Resources or to the Fraud, Waste, and Abuse Auditor. Decisions on whether to make a report must themselves meet the County's standards for honesty, integrity, public service, respect, responsibility, and stewardship. See Complaints below.
- h. Post-Employment Restrictions – For one year after employees leave County employment, they may not have a financial or other beneficial interest in a County action that they participated in or influenced during their employment.
- i. Use of Position to Give Favorable Treatment – Employees must treat all community members equitably and fairly. Employees must not give or obtain special consideration, treatment, or advantage to friends, relatives, or any other person.

### **3. Complaints**

Upon receiving a complaint, Human Resources will review the allegation and, if warranted, investigate. Disciplinary steps under Policy P-§32.0, Employee Discipline, will be taken as appropriate.

### **4. Protecting Employees Who Report Complaints**


Retaliation against any employees who make a report under this policy or who cooperate with an investigation under this policy will not be tolerated. However, making a report for the purpose of harassment, intimidation, or another improper purpose is a violation of this policy. (Code of VA 2.2-3011)

### **5. Training and Education**

Human Resources conducts training for new county employees, an in-depth seminar for supervisors, and on-site meetings with employees to address department-specific concerns.

Employees with questions related to this policy may contact Human Resources.

Employees with questions about financial fraud, waste, and abuse should contact the [Fraud, Waste & Abuse Auditor](#) through the reporting system on the County's website.

	<b><u>P - §32</u></b>	<b><u>Policy Name:</u></b> Employee Discipline	<b><u>Approved Date:</u></b> December 13, 2023
	<b><u>Prepared By:</u></b> Human Resources		<b><u>Adopted Date:</u></b> August 7, 1996
	<b><u>Amended Date:</u></b> May 3, 2017; December 13, 2023		

#### A. PURPOSE

Disciplinary action may be taken to correct unsatisfactory employee behavior or performance. The purpose of this policy is to categorize the severity of policy violations and outline the County's progressive discipline process with regard to policy violations.

#### B. DEFINITIONS

**Administrative Leave** – paid or unpaid leave from work that is taken at the direction of management, for purposes of investigation or a step in the disciplinary process, and without impact to an employee's accrued leave.

**Aggravating Factors** – may support a higher category offense when the facts and circumstances associated with the employee's actions negatively impact the employee's credibility as a supervisor/manager of subordinates, reveal a serious disregard for the safety and well-being of others, or damage the credibility or reputation of the County.

**Demotion** – a reduction in status or pay, resulting from a change in position or scope of responsibilities.

**Disciplinary Action** – corrective action administered in response to unsatisfactory performance or behavior.

**Gambling** – the activity of risking money or something of value on the result of a game, lottery, contest, or event. County-sponsored employee engagement activities such as participation raffles and office challenges are exempt.

Mitigating Circumstances - mitigating factors can reduce the severity of punishment. Mitigating circumstances are conditions that recommend a reduction to promote the interests of consistency or equity, or an employee's otherwise satisfactory work performance.

## C. ROLES AND RESPONSIBILITIES

**Employees** – responsible for reviewing and adhering to County policies and directives from supervisors.

**Department Heads and Supervisors** – Accountability and disciplinary action are administered by the employee's supervisor. Any disciplinary action that is more severe than a written reprimand must be approved by the Department Head and the Human Resources Department prior to issuance.

**Human Resources** - Human Resources assists supervisors and department heads with interpretation of County policy, provides coaching and advise for behavioral and performance management, and ensures compliance with federal and state laws, as well as County ordinance and policy.

## D. IMPLEMENTATION

### **1. Progressive Discipline**

The steps for progressive discipline are outlined below. Human Resources may determine that a given step should be skipped. This depends upon the seriousness of the offense, whether the offense is repeated despite counseling or training, the employee's record, the impact on the organization, and similar factors. Mitigating and aggravating circumstances may generally be considered in determining the appropriate level of discipline. Failure to adhere to County policies will result in corrective action.

The steps are as follows:

First Step:	Counseling and verbal warning
Second Step:	Written reprimand
Third Step:	Investigation and administrative leave
Fourth Step:	Termination or demotion

The County's P-§ 06.0 Standards of Conduct and P-§\_07.0 Code of Ethics outlines standards that all employees must follow. Violations of these policies form the basis of disciplinary action.

### **2. Disciplinary Steps**



Single incidents and/or patterns of poor work performance or behavior can form the basis for disciplinary action.

***First Step: Counseling and verbal warning***

For a first offense where the infraction is minor, a verbal warning and counseling is the first step. More serious infractions may skip this step. This level of discipline is typically appropriate for Category I offenses, as described in section 3.

***Second Step: Written Reprimand***

For most violations, a written reprimand continues or begins the disciplinary process. Exceptionally serious infractions may skip this step, as well. This level of discipline is typically appropriate for Category II offenses, as described in section 3, but may be applied in all categories.

***Third Step: Investigation and administrative leave***

Exceptionally serious infractions, and those where safety is at issue, may begin with this step. The most serious infractions may skip directly to termination or demotion.

During this step, an investigation is carried out. The department head may suspend the employee, with or without pay in full-day increments, during the investigation. Nonexempt and hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of unpaid suspension. HR must be consulted for guidance, to ensure that discipline is administered in accordance with federal and state law.

While on administrative leave, employees may not perform any work on behalf of the County except to remain available for phone calls and meetings with management pertaining to the investigation. Employees may be subject to additional disciplinary action for failing to respond in a timely manner.

If the investigation determines that no further disciplinary action should be taken, then the employee's pay may be reinstated.

***Fourth Step: Demotion or Termination***

The fourth step in the progressive discipline process is reserved for an exceptionally serious policy violation that jeopardizes the safety and security of a person or physical asset to the county. Step four may also result as a culmination of multiple policy violations and management attempts to correct employee behavior or performance.

When considering a termination or demotion, the supervisor is required to invite the employee to an in-person meeting, which is attended by a representative of Human Resources. The invitation must notify the employee that the County is considering

disciplinary action, the performance or conduct forming the basis of the disciplinary action, and invite the employee to present whatever facts and circumstances the County should take into account when making the disciplinary decision.

A recommendation to terminate employment or demote an employee as a disciplinary step, must be approved by the department head and human resources prior to issuance.

Where discipline is based upon criminal proceedings or other non-County proceedings, County decisions on disciplinary action are made independently, without respect to the resolution of those other proceedings. This level of discipline is typically appropriate for Category III offenses, as described in section 3 of this policy.

### **3. Personnel Policy Violation**

That a given action is not explicitly forbidden under this policy does not imply that it is permitted, but the actions that are specifically forbidden guide County decision-making on the permissibility of other actions.

- a. Category I Offense – Offenses in this category include acts of minor misconduct that require accountability and correction. The first offense of Category I is sufficient to result in counseling that is recorded in the employee file. An accumulation of two Category I offenses is sufficient to result in a Written Reprimand. Additional repeated violations may result in more severe steps in the discipline process. Category I offenses include but are not limited to:
  - I. Unsatisfactory attendance, performance, or tardiness;
  - II. Abuse of County time, such as unauthorized time away from the work area;
  - III. Obscene or abusive language, or shouting;
  - IV. Conviction of a moving violation, for employees whose duties include driving;
  - V. Failure to notify one's supervisor of an accident, infraction, or criminal offense while driving a County vehicle; or
  - VI. Sleeping on the job.
- b. Category II Offense – Offenses in this category include acts of misconduct of a more serious and/or repeat nature that require formal disciplinary action. One Category II offense is sufficient to result in a Written Reprimand and/or may result in administrative leave if an investigation is required. An accumulation of multiple Category II offenses is sufficient to result in administrative leave without pay, demotion, or termination. Category II offenses include but are not limited to:
  - I. Failing to follow a supervisor's instruction, perform assigned work, or comply with another County policy;
  - II. Failing to report or absence from work without proper notification to supervisor;

- III. Violating safety rules or instructions, including negligently driving a County vehicle;
  - IV. Unauthorized use or misuse of County property or records. Personal use of County property, including telephones, computers, related devices, and peripherals to the extent that it interferes with an employee's performance;
  - V. Unauthorized removal of County records or property; or Virginia Code § 15.2-1512.2(c) protects – and curtails – employees' right to engage in political activity. Political activity beyond those protected by that section is prohibited. In general, employees are prohibited from engaging in political activity while on duty, or with County property.
- c. Category III Offense – Offenses in this category include acts of misconduct of such a severe nature that a first occurrence normally should warrant administrative leave and consideration of demotion or termination. This level is appropriate for offenses that, for example, endanger others in the workplace, constitute illegal or unethical conduct; neglect of duty; disruption of the workplace; or other serious violations of policies, procedures, or laws. Category III violations include but are not limited to:
- I. Physical violence, assault, or battery;
  - II. Violating P-10.0 Alcohol and Controlled Substance Free Workplace;
  - III. Having an unauthorized firearm, weapon, or explosive on County property or worksite;
  - IV. Criminal arrest for acts on- or off-duty that are related to the employee's job, or are of nature that leaving the employee in the same position would be inappropriate with respect to the County's duties to the public or other employees;
  - V. Falsifying any record;
  - VI. Making any false or misleading statement, or failing to disclose relevant information, in any record;
  - VII. Damaging or defacing County records or property;
  - VIII. Violating safety rules, where there is a threat of serious harm;
  - IX. Gambling on County property or on-duty;
  - X. Threatening or coercing employees;
  - XI. Unwelcome solicitation of a personal or sexual relationship while on-duty, or any such solicitation where the employee is the target employee's supervisor;
  - XII. Violating P-03.0 Equal Employment Opportunity, Inclusion, and Prohibition Against Discrimination, Harassment, Bullying, and Retaliation; or
  - XIII. Failing to maintain or being suspended from any certification or licensure that is required to perform one's duties, such as a driver's or professional license.

#### **4. Non-Disciplinary Termination**

Employees unable to meet the requirements of their positions for reasons not disciplinary in nature may be demoted or subject to termination of employment without following the progressive discipline process. In this circumstance, the County will provide the employee with notice of the basis of its decision, and an opportunity to present facts and circumstances the County should take into account when making its final decision.

Examples reasons for non-disciplinary demotion or termination:

- Ineligibility for a required license;
- Ineligibility for necessary or advisable insurance coverage;
- A determination that continuing to employ the employee would constitute negligence on the part of the County;
- Incarceration;
- Inability to perform the essential functions of the job; or
- Residing outside of the Commonwealth of Virginia.

#### **5. Recordkeeping**

Employees will be asked to sign disciplinary documentation and are provided copies of those records, which indicates receipt and understanding of those records.

Documentation for disciplinary actions involving Category II violations or above will be sent to Human Resources, placed in an employee's personnel file, and retained as follows:

- Category II documentation: two years.
- Category III documentation: per Library of Virginia record retention schedule.

**RESOLUTION APPOINTING REPRESENTATIVE TO THE  
BLUE RIDGE CIGARETTE TAX BOARD**

**WHEREAS**, the County of Albemarle, Virginia ("County") is a member of the Blue Ridge Cigarette Tax Board ("Tax Board"); and

**WHEREAS**, Section 2 of the Blue Ridge Cigarette Tax Agreement allows the County to appoint a representative on the Tax Board.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia that:

1. The County Executive shall serve as the County's representative on the Tax Board, at the pleasure of the Board of Supervisors, with all the authority and obligations of a representative on the Tax Board, for an indefinite tenure effective on and after December 13, 2023.