



PERSONNEL MANUAL

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HAMPTON ROADS PLANNING DISTRICT COMMISSION

PERSONNEL MANUAL

I. INTRODUCTION

The Hampton Roads Planning District Commission (HRPDC) is a regional planning agency whose Charter was authorized by the Virginia Area Development Act of 1968. The current organization was established on July 1, 1990, as a result of the merger of the former Southeastern Virginia Planning District Commission and the former Peninsula Planning District Commission, and by virtue of a Charter Agreement to organize a planning district commission by and between the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Counties of Gloucester, Isle of Wight, James City, Southampton, and York. The County of Surry was added in 1998.

Hampton Roads Planning District Commission provides this personnel manual as a guide to HRPDC's policies and practices. The policies and procedures described herein will assist the staff of HRPDC in implementing the overall objectives of the agency and in promoting regional cooperation. These materials will address HRPDC's basic expectations for performance and conduct as an employee of HRPDC.

This booklet is a guide and is not all-inclusive of the policies and practices that govern your employment or that HRPDC may implement at any time it determines necessary or appropriate. HRPDC reserves the right to modify, change, suspend or revoke at any time any policies, practices, procedures or benefits contained in this manual or otherwise implemented by HRPDC.

This manual does not create a contract in whole or part, express or implied, between HRPDC and any of its employees. Rather, employment is always at-will and may be terminated by either HRPDC or the employee at any time, with or without cause, and with or without notice. The at-will nature of employment at HRPDC cannot be altered by verbal statements or by representations made by persons without authority. No representative of HRPDC other than the Executive Director has the authority to enter into any agreement with any employee for employment for any specified period of time or to make any promises contrary to the foregoing.

II. ADMINISTRATIVE ORGANIZATION

A. Policy and Procedure Determination

The HRPDC, composed of members appointed from each of its participating local governments, establishes these policies and procedures.

The HRPDC determines the policy-making structure of the agency and retains and exercises all policy and procedural authority except that expressly delegated to others. The Executive Committee determines personnel policies and procedures, and delegates authority to select, assign and evaluate staff members to the HRPDC's Executive Director. Staff members may make suggestions and recommendations relating to this manual, using the authorized internal communications system, through the Human Resources Manager or one of the Deputy Executive Directors to the Executive Director.

B. Organization of the HRPDC Staff

The Executive Director shall select, retain, dismiss, assign, and evaluate all staff members as specified in this manual.

1. [Appendix A](#) identifies authorized staff positions and illustrates the general organization structure. Staff position descriptions are available from the Human Resources Manager.
2. "Open Door" Policy - The HRPDC encourages informal two-way communication between employees and supervisors. Where professional or personal problems affect a staff member's ability to function optimally, the employee should discuss the problems with his or her immediate supervisor. The HRPDC expects that this informal, open communication policy will minimize the need to use the formal grievance procedure established under these policies.

III. WAGE AND SALARY INFORMATION

A. Job Classifications

The agency classifies staff positions according to similarities of responsibilities and requisite qualifications. This policy provides position equity within the wage structure.

A periodic review and update of position classifications assists in maintaining an equitable system. On occasion, the Executive Director may ask employees to review and/or complete a description of their assignments. Those comments will be reviewed further by supervisors and the Deputy Executive Director(s) and may be used in any evaluation of the position and classification. Reclassification of an employee may result if, following an evaluation, the Executive Director determines that changes in job content are significant enough to merit changing the employee to another classification.

An employee who believes his or her actual duties and responsibilities are not described accurately in the current position classification should bring this opinion to the attention of the employee's immediate supervisor. If the supervisor determines, after consultation with the employee, that a reevaluation of the job classification is justified, the supervisor should notify the Deputy Executive Director(s) in writing to request such reevaluation. The Deputy Executive Director(s) may then ask the Human Resources Manager to review the classification.

If an employee believes that the requested position reevaluation has been unjustly denied by the supervisor through the "Open Door" policy, the employee may use the formal grievance procedure established under Section V.

B. Payroll Deductions

1. The HRPDC withholds funds for the following from personnel salaries each pay period and credits them to the proper benefit account for the employee:
 - Federal Withholding Tax based on employee exemptions, claims and applicable tax laws.
 - Virginia Withholding Tax in accordance with State law.
 - Social Security (FICA) based upon employee's salary and the applicable federal formula.
 - Medicare

2. HRPDC also offers various automatic deductions, depending on employee status. All employees are eligible for and may choose automatic deductions and payments for:

- Credit Union: HRPDC employees are eligible to join the Norfolk Municipal Employees Federal Credit Union.
- Supplementary insurances, such as Personal Accident, Voluntary Indemnity, Personal Cancer Protection, and Personal Short-Term Disability, are offered, at the employee's expense, through the American Family Life Assurance Company of Columbus (AFLAC).
- Supplementary Medical/Hospital Insurance coverage for the family and authorized dependents in excess of the basic employee coverage which is underwritten as a fringe benefit by the HRPDC.
- United Way contributions to the United Way of South Hampton Roads or the United Way of the Virginia Peninsula. HRPDC offers payroll deduction for any employee who wishes to contribute to their local community needs through the United Way.

Employees are also eligible for:

- Deferred Compensation account: Employees are eligible to set aside pre-tax dollars by participation in a 457 Deferred Compensation Plan offered by the HRPDC. It is non-mandatory and at the employee's expense.

Additional deductions may be authorized should additional benefits be offered by HRPDC. Questions regarding deductions and fringe benefits should be directed to the Human Resources Manager.

C. Pay Plan

1. Salary Determination

The level of salary paid to an employee is one agreed upon between the employee and the Executive Director after consultation with the employee's supervisor if appropriate. The salary level is determined by considering not only the employee's education and experience, but also any other qualifications which may affect the value of the employee to the HRPDC. The Executive Director will consider these factors but has discretion and authority to make final determinations regarding employee compensation.

2. Pay for Performance

Each employee's performance is evaluated semi-annually by his or her supervisor based on criteria including a predetermined set of written tasks and associated levels of performance as established by the employee and his or her supervisor and Deputy Executive Director and approved by the Executive Director. The year-end weighted performance factor is used to determine what salary increase may be considered for each employee. An annual performance-based salary increase may be given, at the beginning of the fiscal year, in consultation with the employee's supervisor and Deputy Executive Director and the Executive Director. The performance-based increase will be re-evaluated each year. Salary increases are constrained by funding availability and must be approved by the Executive Director. New employees who have not completed twelve (12) months of employment will generally not be eligible for a performance increase at the beginning of the fiscal year. New employee performance increases, if offered, will generally be in effect as of the employee's one-year anniversary date and will continue until the end of the fiscal year, at which time these employees will be placed on the same annual increase schedule as all other employees of the HRPDC.

3. Survey of Market Conditions

As recommended by the Executive Director, on an as needed basis, the current market value of each individual position is evaluated to determine salaries and to reestablish a minimum and maximum market salary range for each position. The data sources for the market survey include the HRPDC member jurisdictions, other regional planning and public agencies, and selected private companies. Each employee's salary is then reviewed and adjusted if market conditions so indicate. A salary increase may also be granted based on an increase in the employee's value to the HRPDC. Increases are determined by the Executive Director in coordination with the employee and his or her supervisor. Factors that would contribute to consideration for such an increase would be, but are not limited to, significant additional educational attainment in the form of advanced degrees or specialized training over and above that normally required by HRPDC or recognition through professional registration or certification.

D. Time Records and Payroll

1. Sign-in/Sign-out Sheet

A sign-in/out sheet is maintained at the reception desk. All employees must sign in every morning and out at the end of the day. If an employee has a meeting during the day or leaves early, he/she must also sign out at that

time. The employee must sign in when he/she returns from a meeting. If an employee is planning to be out on leave, the appropriate information must be marked on all applicable days. This sign-in sheet is not only for use by co-workers, but is used for auditing purposes.

2. Time Records and Payroll

Time records, payrolls and payments for staff salaries are processed on the 15th and last day of each month, based upon properly executed Time Records filed by each employee with the Accounting General Ledger Manager through their supervisors. Employees are required to accurately and honestly record their time worked on these Time Records. No salary payments will be processed without a properly filed Time Record unless specifically authorized by the Executive Director. Regular full- and part-time employees must select a financial institution and provide the necessary information to the accounting department in order to arrange direct deposit of paychecks.

Time Records must reflect the actual hours worked each day of the week. Non-exempt employees must not work more than 40 hours in a workweek without prior authorization. Time Records are records of the HRPDC, and any type of falsification by an employee of such records is grounds for corrective action up to or including termination.

E. Overtime Pay and Compensatory Time

1. Policy

The standard workweek for employees of the HRPDC is a 40-hour period, Monday through Friday, with core hours of operation from 8:00 A.M. to 4:30 P.M. A thirty minute lunch should be taken between 11:30 AM and 2:00 P.M. whenever possible. Overtime will be calculated on hours worked between 12:01 AM Saturday of one week to midnight Friday of the next week.

Most of the Hampton Roads Planning District Commission employees are exempt from the overtime and compensatory time regulations contained in the Fair Labor Standards Act (FLSA) of 1938 as amended with specific exceptions. There is no legal requirement that the HRPDC pay overtime or compensatory time to its executive, administrative or professional employees as described in the FLSA Exemption Tests. Overtime may be granted at the discretion of the Executive Director and subject to the eligibility limitations cited in E.2.

Overtime may be necessary to relieve specific peak workloads and emergencies. Overtime work is that in excess of the normal 40-hour

workweek and must be authorized by the employee's supervisor and respective Deputy Executive Director *in advance* and approved by the Executive Director or his or her designee prior to being paid.

2. Eligibility

Staff employees in the following positions are classified as Non-Exempt employees under the Fair Labor Standards Act (FLSA) and are therefore subject to all minimum wage and overtime provisions of the Act:

All part-time employees
Accounting Clerk
Administrative Assistant
Facilities Superintendent
Receptionist
Reprographics Coordinator

Only employees in these positions are eligible for authorized overtime pay. Time spent at preauthorized tasks outside normal work hours will be reimbursed on a documented overtime pay basis when authorized by the Executive Director.

3. Rate

Overtime pay, for non-exempt employees, when authorized by the Executive Director shall be at one and one-half times the employee's normal hourly rate of pay.

4. Compensatory Time

There is no formal compensatory time at the HRPDC. However, some discretion is granted to supervisors for non-recurring circumstances with the knowledge of the Executive Director.

F. Acting Executive Director

The Executive Director, or in his/her absence, the Chairman of the HRPDC, is authorized to appoint an Acting Executive Director to act in his/her absence on those matters that he/she may delegate under HRPDC policy.

G. Anniversary/Leave Date Policy

The following defines specific dates on which aspects of the staff compensation plan policies are based:

1. Employment Date: The actual date on which original employment began, (for full-time staff, this affects the VRS career credit) and never changes.
2. Annual Leave Rate Increase Date: The 1st or 16th day of the month, depending on whether the employee entered his/her original full-time employment between the 1st and the 15th of the month, or between the 16th and the last day of the month.

This is an example of the relationship between the two dates:

If the Employment Date is: Annual Leave Date is:

1st-15th

1st

16th-Month End

16th

A Change of Position Date will have no effect on the Annual Leave Date. Annual Leave dates remain relative to the original full-time employment date. Should an employee change from part-time to full-time status, the pro-rated years worked in the part-time position will be calculated to determine the annual leave increase date.

IV. STAFF BENEFITS

A. Leave

All regular full-time and permanent part-time HRPDC personnel shall be eligible to receive and use paid leave benefits as described below. Leave benefits accrue from your first day of employment.

1. Annual Leave – Full-Time Employees

Annual leave is intended to cover vacations and absences for personal business.

Annual leave credit is accrued according to length of service as follows:

- a. Eight (8) hours per month for each month employed through the first five years, or 12 days per annum;
- b. Ten (10) hours per month for each month employed after the fifth year of employment, or a total of 15 days per annum;
- c. Twelve (12) hours per month for each month employed after the tenth year of employment, or a total of 18 days per annum;
- d. Fourteen (14) hours per month for each month employed after the fifteenth year of employment, or a total of 21 days per annum;
- e. Sixteen (16) hours per month for each month employed after twenty years of employment, or a total of 24 days per annum.

An employee is not required to use the annual leave credited each year, but no more than twice the annual entitlement may be carried forward after September 30th of each year, or be compensated for upon separation from HRPDC without written authorization from the Executive Director. All annual leave must be requested from and approved by the employee's supervisor in advance using the HRPDC "Leave Request Form." The minimum amount of annual leave that can be authorized is two hours and must be taken in full-hour increments. Unused annual leave will be paid for on a one-for-one basis upon termination of employment.

Should an employee die while on active status at the HRPDC, any unused annual leave will be paid to his or her estate in accordance with the payment policy in effect at the time of death.

2. Sick Leave – Full-Time Employees

All full-time, regular employees are eligible to accumulate sick leave. Sick leave credit is accrued at the rate of one day (8 hours) per month, or 12 days per annum. An employee may be granted additional sick leave with pay at the discretion of the Executive Director based upon the evaluation of past performance and the demonstrated responsibility of the employee. There is no limit to the number of sick leave days an employee can accumulate.

Sick leave must be requested and approved utilizing the HRPDC “Leave Request Form.” A doctor’s certificate shall be required if requested by the employee’s supervisor, the Deputy Executive Director(s) or the Executive Director for any sick leave request of more than 24 hours. The minimum amount of sick leave that can be authorized is one hour. Unused accumulated sick leave at the time of retirement, resignation, or uncontested termination, will be reimbursed based on the following:

All full-time regular employees with hire dates before July 1, 2001 will be grandfathered under the previous sick leave policy for the sick leave hours’ balance as of June 30, 2001, and at the time of separation, will be reimbursed for one-third of the balance of hours at their rate of pay at separation.

In the event an employee hired before July 1, 2001 uses all of his/her current sick leave balance, any additional sick leave will be subtracted from the “grandfathered” leave until the employee achieves a current positive sick leave balance. Any “grandfathered” leave used will not be reinstated.

In addition, effective July 1, 2001, all full-time regular employees of the HRPDC will also be eligible to receive payment at their rate of pay at separation for any accumulated but unused sick leave balances over the June 30, 2001 balance based on the following schedule:

	% of Balance	Maximum \$
Over 5 years of continuous service,* But less than 10 years of continuous service	25%	\$2,500
Over 10 years of continuous service, But less than 15 years of continuous service:	25%	\$3,500
Over 15 years of continuous service, But less than 20 years of continuous service:	25%	\$5,000
Over 20 years of continuous service,		

But less than 25 years of continuous service:	25%	\$6,500
Over 25 years of continuous service:	25%	\$7,500

*Service begins at date of full-time hire for all employees.

Should an employee die while on active status at the HRPDC, any unused sick leave will be paid to his or her estate in accordance with the payment policy in effect at the time of death.

3. Leave – Part-Time Employees

Regular, part-time employees who work an average of more than 20 hours per week are eligible to accrue paid leave to be used for authorized absences such as vacation and sick leave. Leave credit is accrued at the rate of one-half day (4 hours) per month, or six days per annum. Leave must be requested and approved utilizing the HRPDC “Leave Request Form.” A doctor’s certificate shall be required if requested by the employee’s supervisor, the Deputy Executive Director(s) or the Executive Director for any sick leave request of more than 24 hours. The minimum amount of leave that can be authorized is two hours, and will only be paid in full-hour increments. Unused accumulated leave at the time of retirement, resignation, or uncontested termination, will be reimbursed on a one-for-one basis.

Should an employee die while on active status at the HRPDC, any unused leave will be paid to his/her estate in accordance with the payment policy in effect at the time of death.

Temporary employees and interns are ineligible for paid leave.

4. Unpaid Family and Medical Leave Act (FMLA) and Unpaid Leaves of Absence for Employees Who are Not Eligible For The FMLA

The function of this policy is to provide employees with a general description of the rights and obligations provided for by the FMLA as well as to describe the HRPDC family and medical leave policy for those employees who are not eligible for the FMLA. Employees of the HRPDC may or may not be eligible for the FMLA depending on the number of employees employed by the HRPDC at the time leave is requested, as well based on other factors described in [Appendix C](#). When an employee is not eligible for the FMLA, the employee is nevertheless encouraged to apply for non-statutory unpaid family and medical leave. Under appropriate circumstances at the HRPDC’s discretion, the HRPDC may provide non-statutory unpaid family and medical leave similar to that offered under the statutory FMLA. The HRPDC’s provision of such benefits to ineligible employees does not alter the at-will

nature of the employee's relationship with the HRPDC, nor does it entitle the employee to all of the legal rights provided for by the FMLA.

[Appendix C](#) of this Personnel Manual contains the full policy on the use of Unpaid Family and Medical Leave. It is important that employees familiarize themselves with and understand this policy. The employee's signature on the Acknowledgement page of this Personnel Manual indicates that he/she has received, read and agreed to abide by the terms of the policy. Any questions should be directed to the Human Resources Manager.

5. Jury Duty Leave

An employee serving jury duty will be continued on the payroll without penalty while serving. Any fees derived from jury duty may be retained by the employee. If jury duty requires four hours or less, the employee is expected to return to work for the remainder of the day. Jury duty leave must be verified and recorded on HRPDC "Leave Request Form," and recorded on the Time Record under 999000 OVHD.

6. Military Duty Leave

Two kinds of military leave may be granted. Any extended period will be considered Extended Active Duty Service Leave; training periods of one to fifteen days are considered Active Duty for Training Leave.

- a. Active Duty for Training Leave may be considered as an authorized absence by HRPDC. The Executive Director may approve a request for such leave upon presentation of the employee's written military orders. It may be authorized for employees who have been on the HRPDC staff for more than six months, but it cannot exceed fifteen days per year or training period. Use of this leave does not encroach on any other types of accrued leave. The employee will continue to receive full HRPDC pay and benefits during military training service.
- b. Extended Active Duty Service Leave is available to full-time employees of HRPDC who receive orders to report for extended active military service. The employee should request military leave from the Executive Director. The HRPDC will place the employee in the HRPDC inactive status (Military Leave) and his or her personnel records will be maintained in the HRPDC Military Leave file. All accrued benefits and a certificate for reinstatement will be credited to the employee upon his or her being granted military leave. No further benefits will accrue. Upon discharge from active military service, the employee will have ninety days in which to apply to HRPDC for reinstatement to full-time employment.

7. Funeral Leave

A maximum of three days funeral leave is authorized an employee incident to a death in the employee's immediate family (father, mother, sister, brother, husband, wife, child, grandchild, grandparent, parent-in-law, guardian, or close relative residing in the same household as the employee).

8. Leave Without Pay

The Executive Director has discretion to grant leave without pay for a period not to exceed thirty (30) days where there is insufficient accumulation of annual leave or sick leave to cover an authorized absence. Leave without pay is an approved absence from duty without pay, during which time the employee retains employee status without loss of certain employment benefits, such as health and life insurance coverage, or administrative conveniences that normally cease upon termination of employment. Any leave not authorized will be considered leave without pay. No holiday leave will be paid while on Leave Without Pay status.

9. Special Leave

The Executive Director has discretion to grant an employee an extended leave without pay for special reasons such as study, illness or maternity. No salary will accrue during a special leave, nor will benefits to the employee (retirement, Social Security, health premiums, etc.) be paid or accrue. At the expiration of a Special Leave, employees may be reinstated to their former staff position in accordance with a written agreement signed by the employee and Executive Director. Special Leave may be granted for no more than one year. It is not intended to supplement or replace general leave. No holiday leave will be paid while on Special Leave.

Because the absence of an employee for more than a month can adversely affect the operations of HRPDC, it must be understood that requests for Special Leave must be carefully reviewed.

10. Unscheduled Leave

In general, HRPDC follows the practice of its member local governments and federal government agencies with regard to excused absence of staff in order to vote, attend required religious services, etc. All leave needs to be confirmed by your immediate supervisor.

11. Hazardous Weather Policy

In the event of weather conditions which may make driving hazardous, the staff uses a telephone notification system to advise all staff members whether the office will be opened late or not at all that day. The Executive Director initiates the process. To facilitate this notification, the Executive Director maintains a staff telephone calling tree that is distributed periodically. Employees should advise the Human Resources Manager of telephone number changes.

It is important that all staff members receive notification prior to 6:30 A.M. on days when weather conditions are marginal. If notification is not received by that time, assume the office will open on time.

B. Holidays

Full-time employees of HRPDC will follow the Commonwealth of Virginia's holiday schedule and receive certain days off with pay as holidays. If a holiday falls in a period of other authorized leave, it will not be counted as leave time. Full-time employees must work both the day before and the day after a holiday or be on authorized paid leave to receive holiday pay. If a holiday falls on a Sunday, it will be observed the following Monday. If it falls on a Saturday, the preceding Friday will be the day off. The following are standard HRPDC holidays:

- New Year's Day (January first)
- Lee-Jackson (Friday before third Monday in January)
- Martin Luther King Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (Fourth of July)
- Labor Day (first Monday in September)
- Columbus Day (second Monday in October)
- Veteran's Day (Eleventh of November)
- Thanksgiving Day (fourth Thursday of November)
- Thanksgiving Friday (day after Thanksgiving)
- Christmas Day (December twenty-fifth)

In addition, should the Governor announce extra state holidays, the HRPDC may follow the Governor's announcement.

C. Employee Insurance

1. Health Insurance

- a. All regular full-time employees are eligible to join a group health insurance plan carried by the employer. The employer pays a basic coverage premium for the “employee only” based on the highest valued benefit. Employees may expand the basic coverage to include eligible dependents by paying the additional premium in pre-tax dollars (see Section IV.F.1). This coverage takes effect on the first day of the first full month of employment.
- b. Regular part-time employees who work more than an average of 20 hours per week will be offered a health care coverage plan as a portion of the HRPDC fringe benefit package. The HRPDC (employer) will pay for fifty percent of the “employee only” premium. The employee may elect to cover other qualified dependents, paying the difference in the premium cost.
- c. Under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA), effective July 1, 1986, employees and enrolled family members may continue group coverage through HRPDC, at their own expense, for up to 36 months after they cease to be eligible for regular coverage. The length of time someone may be covered depends on why he or she is no longer eligible for regular group coverage. See COBRA regulations in the office of the Human Resources Manager.

2. Social Security

All employees come under the Federal Insurance Contributions Act (FICA). Employee contributions are automatically deducted from their paycheck. HRPDC contributes to Social Security an amount equal to that contributed by the employee, or as required by federal law. Social Security provides, after a sufficient period of coverage, specific income protection for an employee and for the employee’s family, in the event of disability, death, or retirement. Questions related to Social Security should be directed to the local Social Security Administration Office.

3. VRS Long-Term Disability Insurance

All full-time employees are covered by the VRS Group Disability Insurance as part of being a member of the Virginia Retirement System. The employer pays the full premium for this coverage. Once an employee is vested in the

Retirement System, they are eligible for permanent disability benefits. Full details of this program are available from the Human Resources Manager.

4. VRS Life Insurance

All full-time employees are eligible and required to be covered by the VRS Group Term Life Insurance. This group term program provides a death benefit equal to the employee's annual salary rounded up to the next higher thousand and then doubled; in case of accidental death, the benefit is twice this amount. The employer pays 100% of the premium for this coverage.

The employee is also eligible to increase his/her own coverage and/or cover his/her dependents at the employee's expense.

5. Worker's Compensation Insurance

HRPDC employees are covered under the Virginia Worker's Compensation Act which governs benefits for occupational injury or illness in qualifying circumstances. If an employee has an accident or injury on the job, the employee must report the situation to his or her supervisor, Deputy Executive Director or Executive Director and the Human Resources Manager immediately, or as soon after the injury as practicable. Failure to report an accident or injury in a timely manner may prevent an employee from becoming eligible for reimbursement for medical expenses or other applicable benefits. Every accident or injury on the job, no matter how small it may seem, must be reported. Worker's Compensation benefits will be provided in accordance with applicable state law. Worker's Compensation benefits, when approved, will pay 2/3 of an employee's take-home pay each week an employee is out of work. An employee is eligible to take sick or annual leave to cover the difference, as long as the employee has sick or annual leave accrued.

6. Fidelity Bonds

Purchased as needed by HRPDC.

7. Unethical Practice Insurance

Purchased as needed by HRPDC.

8. Public Officials Liability Insurance

Purchased as needed by HRPDC.

D. Staff Development

1. Tuition Reimbursement

HRPDC provides opportunities for staff members to upgrade their technological or professional competence through educational programs relevant to their work at HRPDC. The Executive Director has the discretion to refuse tuition reimbursement for any course(s) he or she considers will not benefit the HRPDC. This is accomplished in part through a program of tuition reimbursement. Any regular employee, having been employed for at least six (6) months, is eligible for reasonable tuition reimbursement at a local public university's per credit hour rate, or actual cost, whichever is less, upon approval of a request to the Executive Director prior to commitment.

Reimbursement applies to any formal academic courses taken for credit towards a diploma, certificate, undergraduate, or graduate degree, or for any type of course, seminar, workshop or other program, directly related to an individual's job or to a reasonable promotional objective. The procedure for tuition reimbursement is as follows:

- a. All requests should be made in writing to the Executive Director at least thirty (30) days prior to registration; the Executive Director acts on all requests for tuition reimbursement. As stated previously, the Executive Director has the discretion to refuse tuition reimbursement for any course(s) he/she considers will not benefit the HRPDC.
- b. The employee is responsible for registering and paying for all tuition and expenses. Reimbursement by HRPDC may be made after successful completion of the course, in accordance with the Executive Director's approval prior to enrollment. For formal academic courses, only the cost of tuition is reimbursed (i.e., cost of books, meals, lodging, fees, transportation, etc., will not be reimbursed by HRPDC). In the case of special seminars, workshops, etc., other expenses may be reimbursed by HRPDC at the discretion of the Executive Director.
- c. Verification of successful completion of the course (an official transcript for formal courses; a certificate or other indicator for seminars and workshops) will be required plus a copy of the receipt for payment.
- d. Payment for courses or programs that do not have prior approval of the Executive Director will not be allowed.

- e. Payment may be made in advance under special arrangement with the Executive Director. Failure to complete a course successfully may result in the employee repaying HRPDC the amount advanced.

2. Tuition Reimbursement Service Obligation

In addition to the conditions described above, an employee who wishes to receive tuition reimbursement for accredited academic courses is required to obligate himself/herself, in writing, to additional service on the HRPDC staff in accordance with the following conditions:

- a. If an employee receives any tuition reimbursement for academic courses from an accredited university, the employee will incur an additional service obligation of one year to the HRPDC from the date of the last payment to the employee for tuition reimbursement.
- b. Voluntary termination of employment before this obligation is met will result in repayment to the HRPDC of all tuition reimbursement received on a pro-rata basis. If employment is terminated involuntarily before the service obligation is met, repayment of tuition will not be required.
- c. In any event, the HRPDC will pay 100% of tuition only (no fees, books, etc.) for those courses authorized under existing policy, based on the current rates at a local public university or actual cost of tuition, whichever is less.

3. Educational Leave

See "Special Leave under Section IV.A.8.

E. Retirement

1. Social Security

The HRPDC participates in the Federal Insurance Contributions Act (FICA) program for all employees in accordance with federal law. Participation is mandatory.

2. VRS

The Virginia Retirement System (VRS) provides a defined benefit retirement program for all regular full-time HRPDC employees. This is in addition to Social Security benefits. Participation is mandatory. Employees are fully vested after five years of service. Retirement benefits can begin under

various programs at age 50 in accordance with VRS policies (see Section IV.E.4.c). The HRPDC pays the full cost of this coverage for the benefit of its employees. Full details can be obtained from the Human Resources Manager.

3. 457 Deferred Compensation Plan

The HRPDC offers all regular employees a 457 Deferred Compensation Plan through the ICMA Retirement Corporation. This plan allows employees to set aside tax free specified portions of their salary for payment at a later date and to report a reduced current salary for tax purposes. Participation is voluntary, and financed through employee deductions. Additional information can be obtained from the Human Resources Manager.

4. Retiree Health Insurance Benefit Program

- a. General: HRPDC policy, approved on June 18, 1997, offers eligible (see item c below) HRPDC retirees specific health insurance benefits effective upon retirement. Retirees are able to choose from existing health insurance plans offered by the HRPDC to its active employees.
- b. Plan Summaries: A summary of each HRPDC plan offered under The Local Choice Health Benefits Program is available from the Human Resources Manager.
- c. Eligibility: A retiree is eligible to receive such benefits when the retiree has completed 20 full years of service with HRPDC, has attained age 50 and has retired under the Virginia Retirement System.
- d. Participation Options: The retiree may elect to receive individual coverage only or coverage for the retiree and the retiree's spouse, either through the HRPDC's existing program or through an external provider.

Option 1 - Participation under HRPDC health insurance programs:

- (1) If the retiree elects to remain with a plan offered by HRPDC through The Local Choice Health Benefits Program, HRPDC will contribute an amount equal to the current active employee and spouse premium for the plan selected. The retiree shall pay to the HRPDC any amount of the actual retiree premium(s) which exceed that paid by the HRPDC for the retiree and spouse. Under this option, the HRPDC contribution is non-taxable.
- (2) For a retiree or his/her spouse who are MEDICARE eligible, HRPDC will contribute an amount equal to the current

premium for "Advantage 65," a Local Choice Health Benefits Program Plan designed to complement MEDICARE coverage. Meanwhile, the standard HRPDC contribution, indicated in paragraph (1) above, will continue for the remaining spouse until he/she is MEDICARE eligible. At such time, the HRPDC will contribute to the remaining spouse's premium an amount equal to the current premium for "Advantage 65".

- (3) Local Choice Health Benefits Program participants may participate in the annual Open Enrollment in accordance with The Local Choice Health Benefits Program Administrative Manual. (Note: Participants in private plans have no Open Enrollment period.)
- (4) If any break occurs in the retiree's continuous coverage under The Local Choice Health Benefits Program, such as participation in a private policy for any period, the retiree and spouse may not return to coverage under any Local Choice Health Benefit Program plan.

Option 2 – Participation under Private Insurance Plan:

If at the time of retirement the retiree purchases health coverage for him/her self and/or his/her spouse, from a bona fide insurance carrier, and declines coverage for that individual or those individuals under The Local Choice Health Benefits Program, the HRPDC will reimburse the retiree, monthly, the amount paid by the employee for the purchased health coverage up to an amount determined as follows:

- (1) If either individual for whom the retiree purchases coverage (i.e., the retiree or the retiree's spouse) is MEDICARE eligible, the maximum reimbursement for coverage purchased for that individual shall be the amount of the current premium for "Advantage 65," as described in Option 1 above;
- (2) If the retiree purchases coverage for both him/her self and his/her spouse, and neither of them is MEDICARE eligible, the maximum reimbursement for coverage purchased for those individuals shall be equal to the portion of the amount of the current premium for the Key Advantage with Expanded Benefits for retiree and spouse that HRPDC would have paid if that coverage had been obtained pursuant to Option 1 above;

- (3) If pursuant to this Option 2 the retiree purchases coverage for an individual (i.e., either the retiree or his/her spouse) who is not MEDICARE eligible, and either of the other of the retiree and his/her spouse is MEDICARE eligible (whether or not the retiree obtains coverage for that individual under Option 1 above or this Option 2), or the retiree obtains coverage only for him/her self and does not obtain coverage under either Option 1 above or this Option 2 for his/her spouse, then the maximum reimbursement pursuant to this Option 2 for the coverage purchased for that individual who is not MEDICARE eligible shall be equal up to the amount of the current premium for the Key Advantage with Expanded Benefits coverage for that individual only that HRPDC would have paid if that coverage had been obtained pursuant to Option 1 above; and
- (4) If neither the retiree nor his/her spouse is MEDICARE eligible, and the retiree elects coverage for him/her self pursuant to Option 1 above while declining coverage, and purchasing coverage, for his/her spouse pursuant to this Option 2, then the maximum reimbursement under this Option 2 for coverage purchased for the spouse shall be equal to the difference between (A) the portion of the amount of the current premium for the Key Advantage with Expanded Benefits for retiree and spouse that HRPDC would have paid if that coverage had been obtained pursuant to Option 1 above and (B) the portion of the amount of the current premium for the Key Advantage with Expanded Benefits coverage for retiree alone that HRPDC would have paid if that coverage had been obtained pursuant to Option 1 above.

Under this Option 2, the retiree must submit proof of payment to a bona-fide insurance carrier and proof that health coverage of the retiree, of his/her spouse, or of both the retiree and his/her spouse is in force before any reimbursement will be made. That proof shall be in such form as HRPDC may require (such as, for example, if so required by HRPDC, a certificate in writing by the retiree that he/she and/or his/her spouse is enrolled in coverage and the amount of the premium). The payment to the insurance carrier must have been made on an after-tax basis and may not have been made through pre-tax payroll deduction. Reimbursement payments made pursuant to this Option 2 are intended not to be subject to taxes.

- e. Application for Coverage: An eligible retiree must apply for coverage, via the Human Resources Manager, ninety (90) days prior to his/her retirement date.

- f. Premium Payment: For retirees who select coverage under The Local Choice Health Benefits Program plans, the retirees shall pay contributions for their health benefits coverage, directly to the HRPDC, not later than the 20th of each month during the period of coverage. The retiree's contribution shall be the amount of the actual premium for the retiree and spouse not specifically paid by the HRPDC. Failure to make the premium payment on time may be cause for termination of coverage.
- g. Notification Requirements: Benefit recipients under this program, or their designated agent, shall advise HRPDC, within thirty days, of any change in address of the retiree and spouse, the death of a benefit recipient, or any other status change of which the employer would not normally be aware.
- h. Amendment and Termination: HRPDC has the right to amend or terminate this program at any time without the consent of any retiree or other person.
- i. Any spouse covered at the time of the retiree's death may continue coverage until such time it is no longer necessary. Cost of this coverage will continue under the same formula as if the retiree were still alive: with the HRPDC paying a portion of the premium.

F. Flexible Benefit/Cafeteria Plan

The HRPDC Cafeteria Plan (Section 125) has two general components: the Health Insurance Premium Conversion component (commonly called the Cafeteria Plan), and the Flexible Benefit Accounts component.

1. The Cafeteria Plan is available to all eligible employees* who opt to cover their dependents under the HRPDC group health insurance plan. Under current federal law, the Cafeteria Plan enables out of pocket health insurance premiums to be paid with pre-tax dollars.
2. The HRPDC Flexible Benefit Plan is also available to all eligible employees. This Plan offers an opportunity to save taxes on dollars that employees spend on specific eligible items. Those items of expense fall under one of three categories: a) medical/dental care, b) dependent care, and c) supplemental health insurance premiums.

Details of the Plans are available from the Human Resources Manager.

*Eligible employees are regular full and part-time employees of the HRPDC.

G. Employee Recognition Program

This program consists of:

1. An organizational plaque listing employees who have passed specific anniversaries with the HRPDC at five-year intervals;
2. Individual plaques or bars for each employee as they pass these anniversaries;
3. Recognition by the HRPDC Chairman at the Annual Meeting and recognition in the HRPDC Quarterly Newsletter (recognition would be to those employees who have reached the landmark anniversaries between the time of the previous year's Annual Meeting and the current year's Annual Meeting); and
4. After ten years of service, full-time employees will be eligible for one day's leave every year, to be taken within 30 days of their birthday. Part-time employees will receive four hours paid leave at that time.

V. GRIEVANCE POLICY AND PROCEDURE

A. Open Door Policy

HRPDC maintains a policy of open communications among employees and the various levels of supervision in order to foster cooperation and understanding throughout the HRPDC staff. This Open Door Policy helps to build efficient working relations among employees and furthers the professional quality of the work performed by the HRPDC. As an employee of HRPDC, you are encouraged to talk to your supervisor if you feel you have been treated unfairly or not in accordance with the HRPDC Personnel Manual. Higher levels of HRPDC management are also accessible through this Open Door Policy to discuss employee concerns. HRPDC expects that utilization of this Open Door Policy will largely alleviate the need for a formal grievance procedure. A Deputy Executive Director is available to mediate should the employee and/or the supervisor determine the necessity.

B. Grievance Procedure

In addition to the Open Door Policy described above, HRPDC offers a formal grievance procedure to facilitate resolution of employee grievances. Grievances are complaints or disputes of employees concerning their employment at HRPDC. Complaints involving conditions of employment, including employee discipline, discrimination, or harassment, may be addressed through the grievance procedure. The following issues are excluded from the formal grievance procedure: complaints or disputes concerning wages, salaries, pay increases, or employee benefits; complaints or disputes concerning conditions of employment agreed to by the employee; separation, demotion, or layoff because of lack of work, reduction in force, or job abolition; challenges to HRPDC's Personnel Manual (an employee may file a grievance concerning unfair or improper application of a policy but may not file a grievance challenging the existence or advisability of a policy contained in HRPDC's Personnel Manual); and discretionary matters discussed in the HRPDC Personnel Manual, such as requests for Special Leave, unless such matters are in violation of law or existing HRPDC policy.

If there is a question concerning whether a particular issue may be addressed through HRPDC's formal grievance procedure, the Human Resources Manager, in consultation with a Deputy Executive Director, will make a determination as to whether the issue is grievable. This formal grievance procedure is available to all employees who have completed their probationary period. Employees who have not completed their probationary period and employees who have concerns regarding issues excluded from the formal grievance procedure may utilize HRPDC's Open Door Policy to address their concerns. The determination that an employee's complaint is not grievable under the formal grievance procedure shall in no way infringe upon that employee's rights as defined by any applicable federal, state, or local law.

One objective of HRPDC's Grievance Policy and Procedure is to obtain understanding and resolution of employee problems at the most direct level possible or appropriate for the circumstances. Although HRPDC aims to resolve each problem within the department in which it arises whenever feasible, an employee may pursue a grievance through proper channels up to the highest level of management when necessary.

C. Grievance Procedure Steps

The following steps apply to employee grievances involving issues other than those excluded from the grievance procedure as described above:

1. Step 1 -- Oral Notice to Immediate Supervisor

The aggrieved employee (grievant) will present an oral grievance to the employee's immediate supervisor within ten working days of the occurrence of the situation giving rise to the grievance. Barring extenuating circumstances, the supervisor will provide an oral answer within five working days of the employee's presentation of the grievance.

2. Step 2 -- Written Notice to Immediate Supervisor

If a grievance is not satisfactorily resolved through Step 1 above, the grievant may submit the grievance in writing to the immediate supervisor within five working days of the oral response. The written grievance must be signed by the grievant. Barring extenuating circumstances, the supervisor will respond with a written decision within five working days of receipt of the written grievance.

3. Step 3 -- Appeal to Deputy Executive Director/Executive Director

If a grievance is not satisfactorily resolved through Step 2 above, the grievant may submit a written appeal to the Deputy Executive Director, (or to the Executive Director, if the grievant directly reports to the Deputy Executive Director) within five working days of the response issued in Step 2. The notification must include a signed statement as to the basis on which the grievant will contend that the response provided in Step 2 should be reversed or modified. Barring extenuating circumstances, the Deputy Executive Director (or Executive Director) will reply to the appeal with a decision in writing within five working days of receipt of the written appeal.

4. Step 4 -- Appeal to Grievance Review Panel

If a grievance is not satisfactorily resolved through Steps 1, 2, and 3 above, the grievant may appeal the decision to a Grievance Review Panel. Within five working days of the response issued in Step 3 above, the grievant must submit written notification to the Human Resources Manager of the grievant's request for a Grievance Review Panel. The notification must include a signed statement as to the basis on which the grievant will contend that the decision of the Deputy Executive Director (or of the Executive Director) should be reversed or modified. The notification shall include a list of any employees or witnesses whom the grievant feels should be called to testify on the employee's behalf at the Grievance Review Panel hearing.

The notification and request for a Grievance Review Panel must be submitted to the Human Resources Manager who will arrange for a hearing time and notify all affected parties of the date and place of the hearing. Barring extenuating circumstances, the hearing will be scheduled to occur more than five and less than fifteen working days after the date on which the parties are notified of the hearing.

a. Composition of Grievance Review Panel

The Panel will consist of three members, selected as follows: The grievant will select one representative from among the employees of HRPDC, and the supervisor will select one representative from among the employees of HRPDC. The third member of the Panel will be selected by the first two members from among the employees of HRPDC. The third member will chair the Panel.

b. Conduct of Grievance Review Panel Hearing

The Panel will determine the propriety of attendance at the hearing of persons other than the parties.

The Panel may ask for statements at the initiation of the hearing to clarify the issues involved.

The Panel will determine the relevance and materiality of any evidence offered.

The Panel may receive exhibits, including documents relating to previous steps in the grievance procedure, which will be marked, received in evidence, and made part of the record.

The Panel shall afford full and equal opportunity to all parties for presentation of relevant facts, evidence, and other relevant material. However, the Panel may choose to exclude evidence that would be unnecessarily cumulative.

Evidence must be presented in the presence of the Panel and the parties.

The Panel's determinations concerning procedural and evidentiary matters will be made by majority decision of the three members.

The Chair of the Panel, upon completion of presentation of the evidence offered by the parties, shall ask the parties whether they have any further evidence to offer or witnesses to be heard. Upon negative replies to this inquiry, the Chair shall declare the hearing closed.

The Panel shall issue findings by majority decision and shall present the findings in writing to all parties and to the Executive Director within 15 working days of the close of the hearing.

5. Step 5 -- Review and Final Determination by Executive Director

The findings of the Grievance Review Panel will be reviewed by the Executive Director of HRPDC, who will issue a final written determination within ten days of receipt of the Panel's findings. The Executive Director may review the record of evidence presented to the Panel and other pertinent information in reaching the final determination. The Panel's findings are not binding on the Executive Director.

D. Grievance Rights and Condition

1. At any Step following Step 1 of the Grievance Procedure, a party may be accompanied by a representative or attorney at the party's own expense.
2. Failure by the grievant to process the grievance within the time limits provided above shall terminate the grievance. If the designated supervisor fails to respond to a grievance within the time limits provided above, the grievant may proceed to the next Step in the Grievance Procedure.
3. In extenuating circumstances, the Executive Director may extend the time limits provided in the Grievance Procedure.

4. The term “working days” as used in this Grievance Procedure includes any day on which HRPDC is open for business, without regard to whether the grievant reports to work on any such day.
5. Employees who pursue grievances or participate in the grievance process are protected against reprisal or retaliation for such actions. This protection, however, does not give any grievant or witness a right to put forth knowingly false claims or information in connection with a grievance or to make slanderous or libelous statements. If an employee feels he or she has suffered retaliation on account of participation in the grievance process, the employee may file a grievance to address these concerns.
6. The Grievance Review Panel does not have authority to add to, delete from, amend, or disregard HRPDC policies, procedures, rules, or regulations.
7. Management of HRPDC reserves exclusive right to: manage the affairs and operations of the HRPDC; direct the methods, means, and personnel by which the work of the HRPDC is to be performed; and determine similar matters customarily reserved to the discretion of management. Responses to employee grievances shall give due regard to such prerogatives of management while seeking equitable enforcement and application of HRPDC policies.

E. Applicant Grievance

Applicants for positions at HRPDC that are governed by federal agencies such as the Department of Transportation will be advised of any additional recourse provided by such agency, where applicable, with respect to applicant grievances or complaints.

VI. EQUAL EMPLOYMENT OPPORTUNITY

A. HRPDC Equal Employment Opportunity Policy

Hampton Roads Planning District Commission is an equal opportunity employer. The HRPDC bases employment decisions on an individual's qualifications to perform the functions of the job without regard to race, color, religion, sex, age, national origin, veteran status, disability, genetic information or other protected classification. Recruiting, hiring, training, promotion, wage determinations, discipline, benefits, and other employment matters are based on these principles of nondiscrimination.

Hampton Roads Planning District Commission is dedicated to maintaining a work environment that is free of unlawful discrimination. The HRPDC does not tolerate unlawful discrimination by or toward any employee or applicant. Employees have a comprehensive complaint procedure available to them to redress any concerns relating to discrimination or unlawful harassment, as described below.

B. Prohibition Against Sexual Harassment and Other Forms of Discrimination

1. Policy Statement

A productive and cooperative work environment is in the best interests of all employees and of Hampton Roads Planning District Commission. An important supplement to the HRPDC's equal employment opportunity policy is its philosophy that employees are entitled to a work environment free from any form of harassment, including sexual harassment. To assist employees in maintaining the required professional environment, HRPDC provides the following guidance on prohibited conduct.

2. Definition of Prohibited Behavior

Hampton Roads Planning District Commission prohibits sexual harassment and other offensive sexual conduct in its workplace. Generally, sexual harassment involves unwelcome conduct including sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment or other inappropriate sexual conduct occurs:

- a. When submission to such conduct is made a condition of employment, explicitly or implicitly, or
- b. When an individual's submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual, or

- c. When such conduct has the purpose or effect of creating an unreasonable interference with an individual's work performance or otherwise creates an intimidating, hostile, or offensive work environment.

The prohibition against sexual harassment and sexually offensive behavior applies to men and women equally. Prohibited behavior can include, but is not limited to, unwelcome propositions, physical contact of a sexual nature, or sexual jokes, remarks, innuendo, pictures, or gestures. Unwelcome verbal or physical conduct that shows hostility toward an employee because of the employee's gender is also inappropriate. While not all offensive sexual behavior constitutes a violation of state or federal law, Hampton Roads Planning District Commission -- in order to maintain a professional and respectful work environment -- reserves the right to discipline any employee who engages in offensive sexual behavior toward an employee, agent, or customer of the HRPDC. Employees should promptly report offensive behavior to appropriate personnel as designated in the Complaint Procedure below.

3. Other Forms of Harassment or Discrimination

In addition to prohibiting sexual harassment and other offensive sexual behavior, HRPDC also prohibits harassment or discrimination on the basis of race, religion, national origin, age, disability, genetic information or any other classification protected by applicable state or federal law. Conduct that shows hostility toward an employee because of the employee's race, religion, national origin, age, disability, genetic information or other protected classification is impermissible. Any employee who feels that he or she has been subjected to such harassment or discrimination should promptly bring his or her complaint to the attention of the HRPDC through the Complaint Procedure described below.

4. Maintaining a Professional and Productive Work Environment

While HRPDC does not intend to regulate private conversations and personal interactions among its employees and agents, the HRPDC expects all employees and others associated with the HRPDC to conduct themselves in a professional manner, respectful of the rights and interests of others. Acts or references of a sexually or otherwise harassing nature are serious misconduct, and the HRPDC will not tolerate such behavior from any of its employees, regardless of job position. This policy applies to all persons with whom employees come into contact within the course of employment, including co-workers, superiors, vendors, customers, and independent contractors or agents. HRPDC has developed a comprehensive complaint procedure for its employees to help the HRPDC maintain a productive work

environment that is free from unlawful harassment, discrimination, or other prohibited behavior.

5. Complaints and Investigations

a. Complaint Procedure

A complaint of sexual harassment, discrimination, or other impermissible behavior should be reported to your immediate supervisor or other appropriate personnel as directed below. If possible, you should notify the person committing the conduct that it is offensive and request that he or she stop the behavior. However, if you are not comfortable confronting the offender, then you should report the situation to other appropriate personnel identified below. Similarly, if you notify the offender but are unsuccessful in stopping the offensive behavior, you should immediately report the offensive behavior to the persons listed below.

This policy is intended to encourage prompt reports of any behavior that is offensive, so that the HRPDC can maintain a work environment that is free from harassment and discrimination. If you are uncomfortable reporting the behavior to your immediate supervisor or if your prior reports have been unsuccessful in getting the behavior to stop, you should report the behavior to your Deputy Executive Director or to the Executive Director of HRPDC. Employees may also utilize HRPDC's Grievance Policy and Procedure as described in this manual. If a person or agency external to the HRPDC wishes to file a complaint involving discrimination, the complaint should be filed with the Executive Director of HRPDC.

b. Investigations

HRPDC will investigate complaints of sexual harassment, discrimination, or other prohibited behavior and will conduct the investigation with appropriate confidentiality and discretion. Employees are expected to provide truthful information in connection with any such investigation and to maintain appropriate confidentiality. Management will take corrective action, up to and including discharge, as warranted by the results of the investigation.

c. Non-retaliation

An employee who makes a complaint based on a legitimate perception that he or she has been subjected to impermissible harassment or discrimination is protected against any form of reprisal or retaliation.

Similarly, any employee providing truthful information in connection with the investigation of any such complaint is also protected against retaliation. You should report any perceived act of retaliation in violation of this policy in the same manner as the initial complaint. Anyone found to have acted in a retaliatory manner toward an individual because the individual made a complaint or participated in an investigation is subject to discipline, up to and including discharge.

Any questions about the application of this policy should be presented to the Human Resources Manager, Deputy Executive Director or Executive Director for proper clarification. Ultimately, the HRPDC expects its employees to be respectful of the rights and interests of others and to strive to maintain a professional and productive work environment at all times.

C. Affirmative Action Plan

The purpose of the HRPDC Affirmative Action Plan is: 1) to support the doctrine of equal employment opportunity; and 2) to convey to employees, applicants and employers associated with HRPDC its intent to maintain equal employment opportunity practices and to comply with any applicable affirmative action requirements.

The HRPDC Affirmative Action Plan attached as [Appendix B](#) applies to all employees of HRPDC and all subcontractors. It is intended to promote equal opportunity for selection and promotion. All subcontracts will contain an equal opportunity clause and certification that the subcontractors support the policies and practices of Equal Employment Opportunity.

HRPDC will attempt to attract applicants using a variety of recruitment tools including, but not limited to: posting through various websites, including career placement sites, or professional organization sites, or college placement offices; or advertising in local or national newspapers; or posting on our own website; or a combination of any or all of the above, depending on the type of placement required.

D. Contractors and Grantees

Contractors and grantees of the HRPDC shall comply with Title VI of the Civil Rights Act of 1964.

E. Program Practices

It is the policy of the HRPDC to provide equal access to all potential grantees, recipients, and beneficiaries of programs and potential grantees from, and contractors with, the HRPDC, regardless of race, color, religion, sex, creed, disability,

genetic information or national origin, to all aspects of all its programs, including planning, organization and administration.

The HRPDC shall prepare and submit reports to the Virginia Department Housing and Community Development as required.

F. Access to Records

Local, state, and federal funding agencies or their representatives and any persons directly involved in Equal Opportunity proceedings that relate to HRPDC shall be allowed access to the records of the HRPDC, and the HRPDC shall submit such records and information as may be required, to assure compliance with the Affirmative Action Plan.

VII. TRAVEL POLICY

The travel policy applies to travel both within the geographical area of the HRPDC jurisdictions and outside the jurisdiction area. Vouchers must be completed for reimbursement claims for all staff travel expenses. Reimbursement is limited to travel expenses of HRPDC employees on official business duties.

A. In-Area Travel

1. The use of HRPDC vehicles, when available, is required. When using HRPDC vehicles, staff must sign them out on the Sign-In sheet located at the receptionist's desk. In addition, staff must also note purpose and location of the trip. Upon returning, staff must sign back in. No personal use of HRPDC vehicles will be permitted.

Employees are limited to claims for mileage, and expenses related to driving (tolls, parking fees) when using private automobiles. Reimbursement for mileage is determined by the reimbursement policy of the Commonwealth. This rate is the same as for out-of-area travel. A private automobile must be covered with proper insurance to at least the minimum required by the State.

2. Reimbursement for meals and related expenses is not permitted except where it is necessary for an employee to attend an authorized breakfast, luncheon, or dinner meeting.

B. Out-of-Area Travel

All out-of-area travel must be approved in advance by the employee's supervisor, Deputy Executive Director and the Executive Director and substantiated by receipts to assure reimbursement. Charges and procedures will follow the administrative policies set by the Executive Director as follows:

1. Transportation

The most economical and efficient form of transportation should be used, as determined by the nature and urgency of the travel, the number of persons making the trip, the distance to be traveled, and the relative cost of transportation, including time involved.

- a. Commercial air travel should be used whenever it is most economical, especially when distance to be traveled is over 250 miles. Tourist class accommodations are to be used, except when not available. A receipt must be presented for reimbursement.

Private automobile may be used when public transportation is not feasible, or convenient, or an HRPDC vehicle is not available. If an HRPDC vehicle is available and the employee wishes to use his/her private vehicle, prior approval by the employee's Deputy Executive Director and/or the Executive Director must be obtained. Reimbursement will be at the mileage rate currently specified by the Commonwealth, plus parking fees and tolls.

- b. A rental automobile may be used when appropriate, e.g., when ground transportation costs (taxies, etc.) would exceed the cost of renting an automobile. Actual expenses supported by receipts will be reimbursed. Comprehensive insurance coverage is always to be ordered when renting vehicles.
- c. Other travel by public transportation may be authorized. A receipt must be presented for reimbursement.

2. Lodging

The cost of lodging for authorized personnel will be reimbursed based on the standard room rate and submission of all receipts.

3. Meals

- a. Actual expenses for meals supported by receipts, including tips (not to exceed 20%), will be paid for employees on official travel.
- b. Meal expense claims are subject to approval by the employee's supervisor, Deputy Executive Director and the Executive Director and shall be submitted in accordance with HRPDC administrative policies.
- c. Meal costs will only be reimbursed by the HRPDC in the case of overnight travel. Meal costs incurred during day trips out of the area will not be reimbursed, except for attendance at an authorized breakfast, luncheon, or dinner meeting. No alcoholic beverage charges will be reimbursed.

4. Incidental Expenses

Incidental expenses such as ferry, bridge, road and tunnel tolls, conference and convention registration fees, telephone and internet charges, and tips and gratuities will be reimbursed at cost unless otherwise specified in this travel policy.

C. Travel Vouchers and Authorization

Authorization for reimbursement of travel expenses is made on a properly filed HRPDC Travel Reimbursement form.

D. Travel Reservations and Payment Procedures

1. Travel Advance

Employees may obtain an advance of funds to cover the estimated cost of travel expenses by presenting the Travel Authorization to your immediate supervisor and Deputy Executive Director with an estimation of needs. The supervisor and Deputy Executive Director will review and recommend action to the Executive Director. Requests must be submitted to Accounting ten (10) business days prior to date needed.

2. Corporate Credit Card

Employees can use the corporate credit card to make their hotel reservation. Ten (10) business days before traveling, the employee would request a check, made payable to the hotel, for the expected amount of the room, fees, taxes, etc. This check would be presented to the hotel upon check in. Also ten (10) business days before traveling, the employee should request a travel advance check to cover any incidentals that may occur. All travel costs must be cleared within five (5) business days of return to work after travel. Receipts are necessary.

3. Personal Credit Card

Employees can also use their personal credit card to make the reservation, pay for the room, and all other costs, and request reimbursement immediately upon return to work. The employee will receive a reimbursement check within ten (10) business days of submittal to Accounting, so funds would be available before the credit card bill arrives. Again, receipts are necessary.

E. Settlement

All requests for reimbursement for local travel should be made at the end of each month. Out of town travel reimbursement may be requested upon completion of the trip. If a travel advance has been made, any differences between the amount of the advance and the actual expenses must be settled within five (5) business days after completion of the trip. Requests for reimbursements are made to your immediate supervisor and appropriate Deputy Executive Director.

VIII. RELATED JOB INFORMATION

A. Recruitment, Application and Background Check Procedures

It is the responsibility of each supervisor to report promptly to the appropriate Deputy Executive Director and the Executive Director any vacancies that may occur. If it is known in advance that a position will become vacant through resignation, retirement, or other cause, the Executive Director should be sent a written notice prior to the time the incumbent will leave the position.

A notice of all job openings, listing the title, salary, qualifications, and a brief description of the position will be posted on the HRPDC and/or HRMPO Website(s) so that all HRPDC employees have an opportunity to apply for transfer or advancement into the vacant position.

A person seeking employment with HRPDC may submit a resume by mail or e-mail to the HRPDC. The hiring supervisor will review all applications submitted and will maintain a file of eligible applicants. Upon receiving a notice of a vacant position, the supervisor in consultation with their Deputy Executive Director or other person designated by the Executive Director will choose for an interview the highest qualified applicants seeking the vacant position.

It is the responsibility of the supervisor to ensure notification of all qualified applicants and schedule a time and date for any employment interview.

Any number of applicants may be interviewed. If in any case an applicant cannot be contacted or fails to appear for a scheduled interview, the hiring supervisor and/or interviewer should document this fact. In the case that all applicants chosen by the supervisor and/or interviewer are found to be unacceptable for employment, he or she will choose new applicants and the process will begin again.

Supervisors with the vacancy will conduct the interviews. They will make recommendations to their Deputy Executive Director and Executive Director. The Executive Director has final responsibility in selecting and assigning staff members. The hiring supervisor must document each employment interview and record the reasons the applicants were found acceptable or unacceptable. Each applicant who has been interviewed will be informed of the action taken with regard to his or her application for employment. The person selected to fill the position will be notified in writing by the Executive Director and instructed on when and where to report for duty. The selected candidate will be requested to respond in writing as to his/her acceptance. The names of applicants not selected will be kept on file for at least six months and referred to again if another appropriate vacancy occurs within that period.

All applicants interviewed will be notified of the requirement of a background check if offered employment with the HRPDC. Continued employment with the HRPDC will be contingent upon the results of the background investigation. Upon employment, the applicant will sign an acknowledgement indicating his/her receipt and understanding of the HRPDC's policy and procedure of background investigations. A refusal by the applicant to complete the form once offered a position with the HRPDC will result in the withdrawal of the offer of employment.

B. Orientation

During a new employee's first few days of employment, he or she shall attend a formal orientation program conducted by the Human Resources Manager. The orientation program will generally provide information on what employees can expect from HRPDC, and what HRPDC expects from an employee. The benefits to which HRPDC employees are entitled will be outlined and a copy of the Personnel Manual will be furnished. The orientation will include a question and answer period.

Supervisors are the employees' main source of information. In accordance with HRPDC's "Open Door" policy, employees are encouraged to discuss their questions and concerns with their supervisor. It is the responsibility of the supervisor to help their employees, either by working with the employee toward solving the problem or by referring the employee to an appropriate resource.

C. Outside Employment

Employees may participate in other gainful, supplemental jobs, providing the service performed in their regular HRPDC position is not impaired. Employees working on a second job must notify and have approval of the Executive Director. This approval will be noted in the employee's personnel file.

No employee of HRPDC shall engage in or accept other public or private employment, or render services for other interests, when such employment or service may be incompatible with the proper discharge of his/her independence of judgment or action in the performance of official HRPDC duties.

D. Joint Efforts with Non-Public Interests

Any requests from nonpublic interests for written reports or analyses beyond those customarily provided or included in the approved work program will be brought to the attention of the HRPDC or its Executive Committee. Although any nonpublic interest may cite or include the HRPDC as a source of information and/or analysis in proposals they may wish to make, such will not be binding until acknowledged or approved by the HRPDC or its Executive Committee. The results of all such approved joint efforts will be considered public documents. Individual employees

of HRPDC will continue to be guided by Paragraph VIII.C of this document - Outside Employment.

E. Ethics

The following policy establishes the limits of ethical conduct for all HRPDC employees by setting forth those acts or actions that are considered to be incompatible with the best interests of HRPDC, and directs disclosure by employees of any private financial or other interests which may directly or indirectly adversely affect HRPDC.

No employee shall accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with HRPDC; nor shall any employee, (1) accept any gift, favor, or thing of value that may tend to influence him or her in the discharge of his or her duties, or (2) grant, in the discharge of his or her duties, any improper favor, service or thing of value, or (3) misuse any HRPDC equipment; nor shall any employee fail to report any action of a person, firm or corporation which to his/her knowledge may have an adverse effect upon HRPDC.

F. Exit Interviews

Each employee who voluntarily terminates his/her employment with HRPDC will be interviewed by a Deputy Executive Director and/or the Human Resources Manager. The purpose of the exit interview is to gain information concerning employee turnover, and to aid the Executive Director in developing effective programs to reduce turnover problems and to improve employer/employee relations.

G. Definition of Part-Time and Temporary Employees

1. A regular part-time employee works an average of less than 35 hours per week on a routine basis. Compensation for such an employee is normally proportional to comparable full-time salaries, but paid on an hourly basis. Regular part-time employees are eligible for only those non-mandated HRPDC fringe benefits as defined in this Personnel Manual.
2. A temporary employee works up to 35 hours per week at an hourly rate for a predetermined amount of time. Temporary part-time employees are ineligible for non-mandated fringe benefits.
3. A temporary full-time employee works a 40-hour week, but is hired for only a limited period of time, e.g., summer employment. An employee may not be employed on a temporary basis for more than six consecutive months. Temporary full-time employees are only eligible for mandated benefits, i.e.,

Social Security, Worker's Compensation, and holidays. Temporary full-time employees are compensated for holidays in the same manner as regular full-time employees. They are not eligible for leave, retirement or other benefits.

H. Evaluations

The HRPDC staff works under a "Pay for Performance" system. Annual tasks and levels of performance are agreed to between the supervisor, Deputy Executive Director and the employee being rated prior to each evaluation year. The performance of each staff member is evaluated by the supervisor and the employee in a semi-annual session, and finalized at year-end. The overall objective is to develop a better understanding of the employee's relationship to the work program, improve the employee's qualifications where possible, and to improve the organizational performance. The Executive Director will have the final say should there be a difference of opinion between the supervisor and the employee being rated. Evaluation forms are available from the Human Resources Manager. See Section III. C. Pay Plan.

I. Employee Records

Personnel files are under the supervision of the Human Resources Manager. An employee has the right to review his/her own file for any reason. All files will be reviewed in the office and at the convenience of the Human Resources Manager. No files will leave the office of the Human Resources Manager except to be reviewed by the Grievance Review Panel, if a formal grievance is submitted. Employee records will contain the resume, personal reference letters, letter of offer, position descriptions, updated salary increase information, and other official personnel information discussed in this manual and as authorized by the Executive Director. Annual employee evaluations are kept in a separate file but are available upon request.

Supervisors may review the files of any employee under their supervision in the Human Resources Manager's office. If they wish to review files on employees who desire transfer to their department, they may review only the resume and related material pertaining to that position.

J. Probation Period and Evaluations

All employees hired to fill regular, full-time and part-time positions serve a probationary period of six months. The probationary period is a span of time during which an employee is evaluated by his or her supervisor on the performance of the duties of the position, and on those qualities which comprise the overall makeup of an employee, including such things as attendance, tardiness, reliability, trustworthiness, etc. All new regular employees will be rated by their supervisor

after six months and recommendations concerning continuing employment will be submitted to the Deputy Executive Director and Executive Director. Employees will meet with their supervisor to discuss their evaluation at this time. The employee, at that time, may comment in writing on any evaluation item or comment made in the meeting with his or her supervisor. The supervisor will document evaluation meetings held with the employee. The supervisor, Deputy Executive Director and the employee will sign the written evaluation. A copy of the evaluation will be forwarded to the Executive Director for review and comment, and a copy will be placed in the employee's personnel file.

If an employee is discharged during the probationary period, the discharge is without recourse to the grievance procedure. The reasons for separation of any employee who is within the probationary period will be submitted to the Deputy Executive Director and the Executive Director, and will be placed in the employee's personnel file.

Employees promoted to a higher classification are not subject to the same six month probationary period. However, unsatisfactory performance may result in demotion to the employee's former position and rate without recourse to the grievance procedure. An employee may return to his or her former position and rate without prejudice.

If the evaluation, at the end of the employee's probationary period, indicates satisfactory performance, the employee will achieve the status of a regular full-time employee and will be so notified by the Executive Director. All employment at the HRPDC is at-will per statutory regulations of the Commonwealth of Virginia.

The probationary period should be viewed as a trial period not only by HRPDC in evaluating the new employee, but also by the employee in evaluating his or her employment with HRPDC. If at any time during the probationary period an employee becomes dissatisfied with his or her position and does not feel that the situation is going to improve to his or her satisfaction, the employee may resign from HRPDC without prejudice.

K. Absent Without Leave

It is understood that from time to time it will be necessary for an employee to be absent due to various reasons. The leave policies and procedures are explained in Section IV of this manual. Though a full-time employee is entitled to these leaves, an employee must notify his or her supervisor or the Executive Director, as far in advance as possible, so that work schedules can be adjusted. This should be done even when leave without pay is requested.

If an employee is physically unable to notify HRPDC, he or she should have a relative or friend notify HRPDC on the employee's behalf.

If an employee is absent without a leave authorization for a period of three working days, and has not contacted HRPDC by 4:30 P.M. of the third day of absence, the supervisor will document this fact immediately in a written memo to the Deputy Executive Director and the Executive Director. The Executive Director will then send the employee a letter at his or her last known home address, indicating that the employee may be dismissed effective as of the last actual day worked. This dismissal is subject to review by the Executive Director if the employee requests a review within ten working days from the date the letter was sent. If there is no response from the employee by the above stated deadline, the Executive Director will send a second letter to the employee's last known home address, indicating that the employee has been dismissed effective as of the last actual day worked.

L. Resignations

Each employee who voluntarily terminates employment with HRPDC must notify HRPDC as far in advance as possible of the effective resignation date. The employee shall send a written memorandum to the Executive Director, with a copy to the employee's supervisor stating the effective resignation date, and the reason for termination. The memo should be delivered by professional employees at least 30 working days prior to the effective date and by nonprofessional employees at least 15 days prior to the effective date. This allows some time for the recruitment, selection and training of the replacement and assures time for the Deputy Executive Director or Human Resources Manager to schedule the necessary exit interview (see VIII.F.).

For other aspects of the resignation policy, including benefits, retirement, etc., see the appropriate sections of this manual.

M. Alcohol and Drug Policy

Recognizing the inherent dangers and other negative effects associated with the use of unlawful drugs and alcohol by staff, the HRPDC maintains a Drug-Free Work Place Policy. Unlawfully manufacturing, distributing, dispensing, possessing or using a controlled substance at any time, and inappropriately using alcohol while on duty, is prohibited. Employees who violate this policy are subject to disciplinary action to include termination.

1. POLICY: You are hereby advised that as a matter of policy, the Hampton Roads Planning District Commission provides a drug-free workplace.
2. SPECIFICATION: The HRPDC prohibits its employees from the manufacturing, distributing, dispensing, possessing or using a controlled substance in the HRPDC workplace.

3. PENALTY: Violation of this policy will result in disciplinary action consistent with the offense, up to and including termination, at the discretion of the Executive Director.
4. EDUCATION: The HRPDC drug-free awareness program consists of informing each employee of:
 - a. the dangers of drug abuse in the workplace through educational posters, informal group and individual communications.
 - b. the HRPDC drug-free workplace policy.
 - c. any drug counseling, rehabilitation, and employee assistance programs which are available, and
 - d. the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
5. ACKNOWLEDGEMENT: By my signature on the Employee Acknowledgement of this Manual page, I acknowledge:
 - a. that I have received this notification.
 - b. that as an employee to be engaged in the performance of a grant or cooperative agreement, I have received a copy of the HRPDC Personnel Manual which contains the drug-free workplace policy.
 - c. that as a condition of my employment, I will abide by the terms of this policy, and shall notify the Executive Director if I am convicted of any criminal drug statute violation occurring in the workplace no later than five days after such a conviction.
 - d. that the HRPDC will notify the Federal sponsoring agency within ten days after receiving notice that I have been convicted of such a violation.
 - e. that the Executive Director will take one of the following actions, within 30 days of receiving notice of my criminal conviction referenced above:
 - (1) take appropriate personnel action against me, up to and including termination; or
 - (2) require me to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such

purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

N. Garnishment

It is the responsibility of each HRPDC employee to see that his or her personal financial matters are in order. HRPDC does not wish to be involved in such matters. Requests or orders for garnishment of an employee's wages will be brought to the attention of the employee and shall be noted in the employee's personnel file. Two requests for garnishment of an employee within a twelve month period may result in disciplinary action and/or dismissal of the employee. Whenever possible, HRPDC will provide an employee with, or refer an employee to, a proper agency for personal financial and management budgeting assistance, when an employee seeks assistance in this area.

O. Disciplinary Actions

Employment with the HRPDC is in the nature of at-will employment meaning that an employee has the right to terminate his/her own employment just as HRPDC reserves the right to terminate employment, at any time, for any reason allowed under the law with or without cause.

1. HRPDC desires to maintain a workplace that is conducive to good relationships and excellent performance of work. Accordingly, HRPDC may utilize various means of disciplining employees including:
 - a. Oral Reprimand
 - b. Written Reprimand
 - c. Suspension
 - d. Demotion
 - e. Discharge
2. Any action by an employee that negatively reflects on or otherwise discredits HRPDC, or is a direct hindrance to effective performance of an employee or HRPDC, may result in disciplinary action. Disciplinary action could result from the following actions. This list should be used as a guide, as it is not all-inclusive:
 - a. Offensive and/or abusive language or conduct toward customers, the public, HRPDC, or related officials and employees.

- b. Insubordination (unwilling to submit to authority).
 - c. Failure to perform the duties and responsibilities of the position.
 - d. Negligence in the care and handling of HRPDC property.
 - e. Conviction of a felony or crime of moral turpitude.
 - f. Violation of any provision of the HRPDC rules, regulations or procedures.
 - g. Violation of other policies or procedures as outlined in the Personnel Manual.
 - h. Tardiness or unauthorized absences from the job.
3. The following are disciplinary actions that may be subject to employee appeal through the approved grievance procedure:

a. Oral Reprimand

A supervisor may orally reprimand an employee for any cause. Oral reprimands may be documented, dated and transmitted to the Human Resources Manager for placement in the employee's personnel folder. Such reprimands may be removed from an employee's personnel folder after twelve months.

b. Written Reprimand

Written reprimands will be presented to the employee, and a copy transmitted to the Human Resources Manager for placement in the employee's personnel folder.

c. Suspension

An employee may be suspended without pay. Such action is taken by the Executive Director, in consultation with the employee's supervisor and/or Deputy Executive Director. A written record of the action will be placed in the employee's personnel file with a copy provided to the employee and the Human Resources Manager, who shall process the without pay provision.

An employee may be suspended with or without pay while an investigation is pending.

d. Demotion

An employee may be demoted by the Executive Director in consultation with the employee's supervisor and/or Deputy Executive Director. A written notice of demotion will be transmitted to the employee within fifteen days of the effective date of the demotion. This notice will specify the reason(s) for the demotion and a copy will be placed in the employee's personnel folder.

e. Discharge

An employee may be discharged at any time for any reason allowed under the law, with or without cause, by the Executive Director after consultation with the employee's supervisor and/or Deputy Executive Director. A written notice of dismissal will be transmitted to the employee within fifteen working days of the effective date of discharge, depending on the nature of the discharge, and a copy will be placed in the employee's personnel file.

P. Political Activity

Every HRPDC employee is encouraged to exercise his or her right to vote and to express private opinions of candidates and issues. To assure and to maintain this right and responsibility free from interference, solicitation or dictation by fellow employees, supervisors or officials, political activities during working hours or when officially representing HRPDC are prohibited. These restrictions include:

1. An employee may not serve as an officer, delegate, or organizer of a political club or party.
2. An employee may not participate in political campaigns.
3. An employee may not be a candidate for a political election.
4. An employee may not, in any manner, solicit any assessment, contribution or subscription to any political party; nor may an employee be party to such solicitation by others.
5. No employee may use the prestige of his or her employment with HRPDC on behalf of any political candidate, faction, or party.
6. No employee or official shall promise an appointment to or employment with HRPDC, any of its subcontractors, or any of the governmental units in the HRPDC area, as a reward for any political activity.

Q. Dress Code

The HRPDC is a professional organization with a public image we must convey out of respect for our customers and client jurisdictions and respect for ourselves. It is expected that employees will dress professionally in business attire. On Fridays, employees who do not have scheduled meetings may wear business casual clothing. Exceptions may be made at the supervisor's discretion, in consultation with a Deputy Executive Director and the Executive Director, for specific jobs or task assignments. In times of extreme weather conditions, common sense should prevail.

Generally, HRPDC employees should follow the rules of business or business casual attire including wearing:

- Business suits
- Sport coats, jackets
- Separates (coordinated tops, skirts of appropriate length and style, or slacks)
- Collared or banded shirts
- Chinos/Khakis/Dockers
- Sweaters
- Appropriate footwear
- Appropriate undergarments

All clothing should be neat, laundered and pressed with no holes or frayed areas.

Business attire precludes the wearing of wind, jogging, sweat or athletic suits, jeans/denim*, shorts, athletic shoes*, flip-flops, clothing that is too tight or too short, spandex, halter tops, cropped tops, tank tops, sweatshirts, beachwear of any kind and clothing that implies or contains partisan, commercial or derogatory slogans or pictures. This is by no means a complete listing of all inappropriate clothing. The employee's supervisor, a Deputy Executive Director and/or Executive Director will determine if any attire or the manner in which any attire is worn is inappropriate for conducting the business of the HRPDC. If determined inappropriate, an employee may be asked to change to the appropriate attire and will be given a verbal warning. The time an employee spends to come into compliance (i.e., travel to and from home to change) is not compensable. Repeated violations of the HRPDC dress code may result in disciplinary action.

*Exceptions for wearing these items can be made at the supervisor's direction for specific jobs or task assignments.

R. Equipment

It is the policy of the HRPDC to allow employees to check out portable equipment on an as-needed/as-available basis for use on HRPDC-sponsored activities. See the Network Support Technician for this equipment and for current check-out procedures.

S. Information Technology

The HRPDC recognizes that computer workstations and access to the Internet are valuable and useful tools for employees to use in the performance of their daily responsibilities. All employees should understand that they have no right to, or reasonable expectation of, privacy in their use of the Internet or the HRPDC's other electronic communication resources, including e-mail. The HRPDC reserves the right to monitor and review any employee's access and use of the Internet or the HRPDC's other electronic communications resources for any reason at any time, and all electronic messages and other files created on or transmitted through the HRPDC computer network are the property of the HRPDC.

[Appendix D](#) of this Personnel Manual contains the full policy on the use of Information Technology. It is important that employees familiarize themselves with and understand this policy. The employee's signature on the Acknowledgement page of this Personnel Manual indicates that he/she has received, read and agreed to abide by the terms of the policy on Information Technology. Employees who violate this policy will be subject to disciplinary action consistent with the offense, up to and including termination, at the discretion of the Executive Director.

T. Flexible Work Schedules

At the discretion of the Executive Director, the HRPDC offers some of its full-time employees flexible work schedules. Employees, with their supervisor's approval, have the option of establishing work schedules that deviate from the traditional 8:00 AM – 4:30 PM workday. Flexible hours will be allowed starting as early as 7:00 AM and ending as late as 6:00 PM. Employees are allowed to accumulate up to four flexible hours per week (Monday – Friday) and leave up to four hours early one day each week, or any other derivation up to four hours. Full day absences due to flexible scheduling will not be allowed. Regular annual or sick leave must be taken for any absence greater than four hours.

HRPDC holidays are calculated as eight-hour days. Should a holiday fall on a "long" flex day, those additional hours must be taken as leave or extended to other days that same workweek. On the other hand, should a holiday fall on a regular "short" day, an employee may shorten his "long" days that week to compensate.

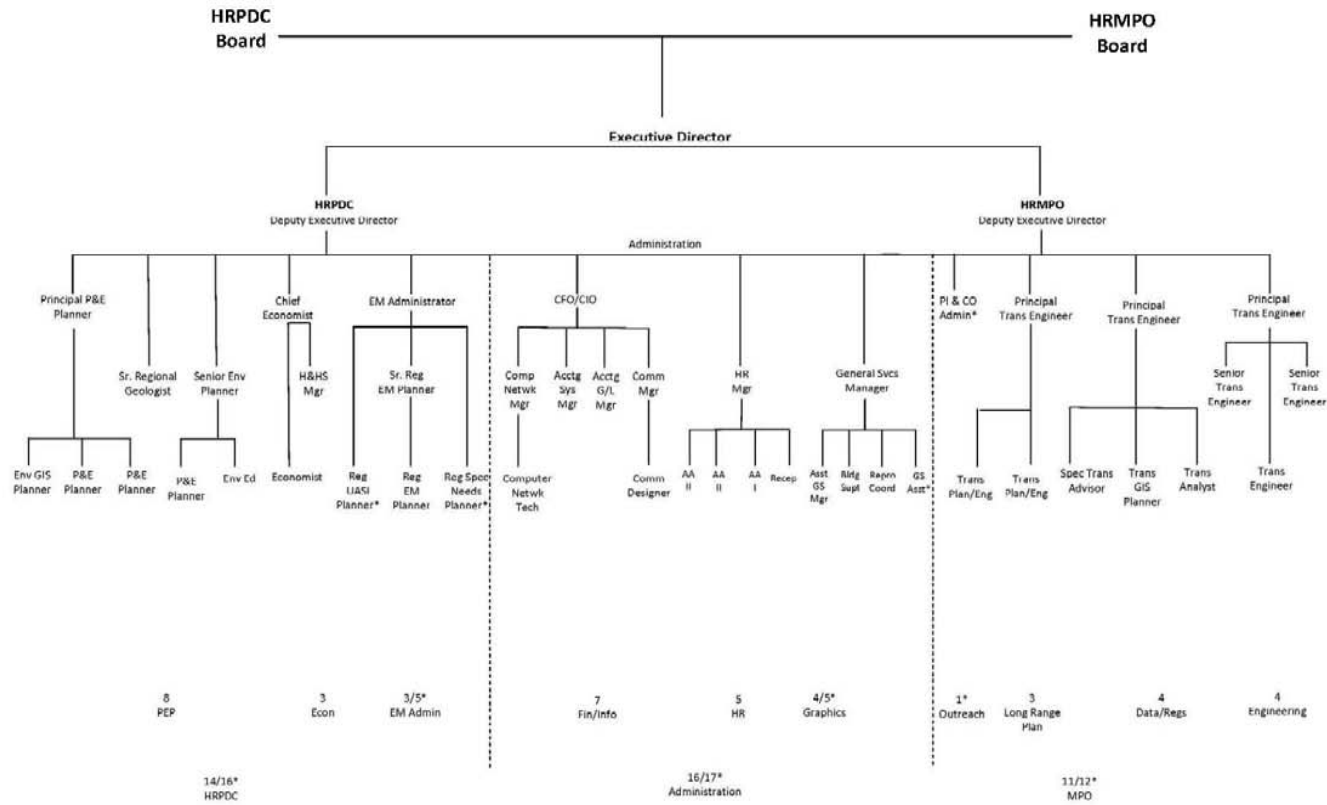
Full-time employees may participate, provided that the affected HRPDC offices and departments have coverage. *It is understood that all HRPDC deadlines are staff priorities and take precedence regardless of flexible work schedules.*

Employees with flexible schedules will record their arrival time on the sign-in sheet maintained at the receptionist's desk and sign out before their departure. This will serve as written adherence to the agreed upon schedule.

Once the supervisor and the employee establish a flextime schedule, a change in that schedule cannot occur until the next business quarter, except to return to the traditional workday schedule. Changes, other than a return to the traditional workday schedule, must meet the established parameters for flexible schedules.

Continued participation in flexible scheduling is contingent upon an employee's ability to meet the HRPDC's needs and productivity requirements. Failure to meet the HRPDC's needs and requirements will result in a return to a traditional work schedule and could subject an employee to other disciplinary action.

APPENDIX A STAFF STRUCTURE



APPENDIX B AFFIRMATIVE ACTION PLAN

GOALS

In compliance with Title VI of the Civil Rights Act of 1964, it is the policy of the Hampton Roads Planning District Commission (hereinafter referred to as the HRPDC):

- To provide equality of opportunity in employment with the HRPDC for all persons;
- To carry out all planning, programs, and activities in compliance with Title VI of the Civil Rights Act of 1964;
- To the fullest extent practicable, provide that the composition of the technical advisory committees shall reflect the composition and interest of the population in the area.

To effectuate its non-discrimination policy, the HRPDC adopts this Affirmative Action Plan.

EMPLOYMENT AND PERSONNEL PRACTICES

Hampton Roads Planning District Commission is an equal opportunity employer. The HRPDC bases employment decisions on an individual's qualifications to perform the functions of the job without regard to race, color, religion, sex, age, national origin, veteran status, disability, genetic information or other protected classification. Recruiting, hiring, training, promotion, wage determinations, discipline, benefits, and other employment matters are based on these principles of nondiscrimination.

Hampton Roads Planning District Commission is dedicated to maintaining a work environment that is free of unlawful discrimination. The HRPDC does not tolerate unlawful discrimination by or toward any employee or applicant. Employees have a comprehensive complaint procedure available to them to redress any concerns relating to discrimination or unlawful harassment.

AFFIRMATIVE ACTION PROGRAM

The Executive Director of the HRPDC shall direct the implementation of this affirmative action program to promote equal opportunity in every aspect of employment policy and practice, including but not limited to: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; lay-off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

The HRPDC is fully committed to providing equal opportunity for all employees and applicants for employment on the basis of their demonstrated ability and competence, without discrimination on the basis of race, color, religion, sex, national origin, age, disability, veteran status, or other protected classification. HRPDC will strive to recruit and retain a diverse and talented workforce by encouraging applications through a variety of sources.

This implementation should include, but not be limited to, the following actions:

- A notice of the HRPDC's Policy on non-discrimination in employment shall be included in the employee's handbook and posted in a conspicuous place.
- Advertisements for all positions, depending on type of placement required (professional, support, clerical) would be made using a variety of recruitment tools including, but not limited to: posting through various websites including career placement sites, **or** professional organization sites, **or** college placement offices; **or** advertising in local or national newspapers; **or** posting on our own website; or a combination of any or all of the above.
- All advertisement and notices of employment opportunities shall state that the HRPDC is an equal opportunity employer.
- Any staff member, whether professional or support, who enrolls in course-work relevant to his/her work at the HRPDC, sponsored by a local educational institution, and concurrent with his/her employment at the HRPDC, shall be reimbursed for the course-work upon his/her successful completion of same, if funding is available in the approved HRPDC budget. All employees and applicants shall be advised of the availability of this program.
- The HRPDC will continue to be an active participant in the Department of Housing and Urban Development (DHUD) Work/Study program as long as it remains funded by DHUD.
- When required, the HRPDC will conduct an assessment to be sure the HRPDC and staff are well represented and include this assessment in the HRPDC's Overall Program Design (OPD). This assessment may be part of the Equal Opportunity Strategy and may be comprised of the following:
 - An evaluation of the HRPDC's past planning efforts.
 - A statistical analysis of the Planning District's minority population.
 - A demographic analysis of the HRPDC and staff.
 - A description of specific actions undertaken by the HRPDC to maintain or improve the HRPDC's present situation as regards minorities.
- Meetings with supervisory and personnel employees shall be conducted within 30 days following the start of work, at which time all major aspects of HRPDC's equal employment

opportunity obligations will be discussed. Follow-up meetings will be conducted to review these issues.

- HRPDC shall conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applications, including, but not limited to, the Virginia Employment Commission, schools, colleges, and minority group organizations.
- All employees engaged in the direct recruitment of employees shall be instructed regarding HRPDC's Equal Employment Opportunity Policy and the methods followed by HRPDC in locating and hiring minority group employees.
- HRPDC shall encourage present employees to refer minority group applicants for employment by posting appropriate notices or bulletins in areas accessible to all employees. In addition, information and procedures with regard to referring minority group applicants shall be provided to employees.
- Periodic inspections shall be conducted to insure that working conditions and employee facilities do not indicate discriminatory treatment of personnel.
- The spread of wages paid within each classification shall be periodically evaluated to determine any evidence of discriminatory wage practices.

Selected personnel actions shall be periodically reviewed in depth to determine whether there is evidence of discrimination. Where such evidence is found, HRPDC shall promptly take corrective action.

APPENDIX C
Family and Medical Leave Act (“FMLA”) and
Unpaid Leaves of Absence for Employees Who are Not Eligible For The FMLA

I. INTRODUCTION

The function of this policy is to provide employees with a general description of the rights and obligations provided for by the FMLA as well as to describe the HRPDC family and medical leave policy for those employees who are not eligible for the FMLA. Employees of the HRPDC may or may not be eligible for the FMLA depending on the number of employees employed by the HRPDC at the time leave is requested, as well based on other factors described below. When an employee is not eligible for the FMLA, the employee is nevertheless encouraged to apply for non-statutory unpaid family and medical leave. Under appropriate circumstances at the HRPDC’s discretion, the HRPDC may provide non-statutory unpaid family and medical leave similar to that offered under the statutory FMLA. The HRPDC’s provision of such benefits to ineligible employees does not alter the at-will nature of the employee’s relationship with the HRPDC, nor does it entitle the employee to all of the legal rights provided for by the FMLA.

II. FMLA ELIGIBLE EMPLOYEES

The HRPDC generally provides FMLA leave to eligible employees for qualified absences. To be eligible for FMLA an employee must meet *all* of the following conditions:

- A. The employee must have worked for the HRPDC for 12 months or 52 weeks. The 12 months or 52 weeks generally need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week;
- B. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. Generally hours of paid or unpaid leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA; and
- C. The employee must work in a worksite where 50 or more employees are employed by the HRPDC within 75 miles of that office or worksite.

If an employee does not meet the eligibility requirements for the FMLA, the HRPDC may still grant a request for a non-statutory family and medical leave of absence.

III. REASONS FOR FMLA LEAVE

The HRPDC will generally provide eligible employees FMLA leave for the following reasons:

- A. Because of the birth of a child of the employee and in order to care for such child;
- B. Because of the placement of a son or daughter with the employee for adoption or foster care and to care for the newly placed child;
- C. In order to care for the spouse, or a son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition;
- D. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee;
- E. For a “qualifying exigency” arising out of the fact that an employee’s spouse, son, daughter, or parent is on active military duty or has been notified of an impending call or order to active duty in support of a contingency operation involving the United States Armed Forces; or
- F. 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 HRPDC may also grant requests for a non-statutory family and medical leave of absence to employees who are not eligible for the FMLA. Employees making such requests, should generally follow the procedures set forth in this policy.

IV. Amount of Leave Available to Eligible Employees under the FMLA

An eligible employee can take up to 12 weeks for the FMLA circumstances III.A through III.F above under this policy during any 12-month period. The HRPDC will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the HRPDC will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the eligible employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance III.F above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the HRPDC will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

Where the HRPDC provides family and medical leave to ineligible employees, it will generally (at its discretion) provide a similar amount of leave as would be available for eligible employees.

V. NOTICE BY EMPLOYEES

All employees requesting FMLA leave or non-statutory family and medical leave must provide notice of the need for the leave to the employee's direct supervisor. Generally, the HRPDC will provide the employee with a Notice of Eligibility and Rights within five business days after the employee provides sufficient notice. If the HRPDC employs less than 50 employees at the time leave is requested, the employee will not be eligible for FMLA leave, although the HRPDC may still grant non-statutory family and medical leave.

When leave for planned medical treatment is necessary, employees are required to schedule treatment in order not to unduly disrupt operations, if possible.

An employee using either type of leave is required to report to his/her supervisor any changes in the employee's contact information, including any temporary change in address and telephone number, occurring during use of either type of leave. Employees may also be required to report periodically on the employee's status and intent to return to work.

When the need for the leave is foreseeable, the employee must provide the HRPDC with at least 30 days' notice. When an employee becomes aware of a need for either type of leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA or non-statutory family and medical leave is not foreseeable, the employee must comply with the HRPDC's usual and customary notice and procedural requirements for requesting leave.

The employee's notice should state the anticipated timing and duration of the leave. Any changes in the timing and duration should be promptly reported to the employee's supervisor or the Human Resources Manager.

VI. MEDICAL CERTIFICATION

A. Certification of a Serious Health Condition

The HRPDC requires medical certification for any leave based on a serious health condition. The employee must provide this medical certification as soon as possible and no later than within 15 days of the request, absent special circumstances. Failure to provide certification may result in a denial of continuation of leave.

If an employee is seeking FMLA leave, the HRPDC has a right to and may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The HRPDC will not use the employee's direct supervisor for this contact. Before the HRPDC makes this direct contact with the health care

provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the HRPDC will obtain the employee's permission for clarification of individually identifiable health information.

B. Certification of Qualifying Exigency for Military Family Leave

The HRPDC will require certification of the qualifying exigency for military family leave under the FMLA. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

C. Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

The HRPDC will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

D. Recertification

If an eligible employee has been granted FMLA leave based on a serious health condition or has been granted a non-statutory family and medical leave, the HRPDC may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the HRPDC may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA or family and medical absence. The HRPDC may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

VII. THE HRPDC'S DESIGNATION OF FMLA OR NON-STATUTORY FAMILY AND MEDICAL LEAVE

Generally, within five business days after the employee has submitted an appropriate and sufficient certification form, the HRPDC will complete and provide the employee with a written response to the employee's request for FMLA leave, or for non-statutory family and medical leave.

VIII. APPLICATION OF VACATION AND SICK LEAVE

The HRPDC may require employees to apply vacation time and sick leave, concurrently to either type of leave taken under this policy. In addition, employees should understand that family and medical leave, if applicable, runs concurrently during absences associated with claims for workers compensation or disability. In any case, for eligible employees the combination of paid leave and unpaid FMLA leave may not exceed twelve (12) weeks in any twelve-month period. This twelve-month period is a rolling period to be measured backward from the date an employee uses any family and medical leave. Generally, FMLA leave is consumed in eight hour increments, although an employee may have a right to take such leave in smaller increments or intermittently.

Generally, an employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the HRPDC's sick leave policy) prior to being eligible for unpaid leave. These rules may also apply to similar leave granted under the HRPDC's non-statutory family and medical policy.

IX. BENEFITS WHILE ON LEAVE

Eligible employees on FMLA leave retain previously accumulated benefits while on leave but will not accrue additional employment benefits during the period of absence, including vacation or sick leave. Coverage under any group health insurance plan continues during leave. If the employee normally pays all or part of the premiums for such benefits (including payment via payroll deduction), the employee must make arrangements for continued payment of such premiums during the period of unpaid family medical leave.

Generally, if an employee chooses not to return to work for reasons other than a continued serious health condition, the HRPDC will require the employee to reimburse the HRPDC for the amount it paid for the employee's health insurance premium during the leave period.

X. RETURN TO WORK

The HRPDC complies with the FMLA and endeavors to place eligible employees returning from FMLA in their former position or in a position comparable in status and pay, subject to budgetary restrictions, the HRPDC's need to fill vacancies, the ability of the HRPDC to find qualified temporary replacements, and other considerations of the HRPDC. Before being permitted to return from family and medical leave, you may be required to present the HRPDC with a certification from your treating physician indicating that you are capable of returning to work and performing the essential functions of your position, with or without reasonable accommodation.

Ineligible employees who are on any form of family and medical leave, whether paid or unpaid, remain at-will employees.

APPENDIX D INFORMATION TECHNOLOGY

I. Introduction

Computer technology and use has expanded to the point that it is an essential part of almost every aspect of the administration of government. The efficiency, reliability, and availability of computers and network resources depend largely upon employee cooperation and compliance with Information Technology (IT) policies.

People are increasingly dependent on IT, so it is important to protect technology and encourage its appropriate use. This Policy on Computer Resources, Internet, and Electronic Communications (Policy) is designed to help you understand our expectations regarding the use of the communications resources and electronic equipment of the Hampton Roads Planning District Commission (HRPDC). For purposes of this Policy, references to the Internet should be understood to apply to use of both the Internet and e-mail. References to electronic communications include messages that are transmitted or stored via computer, e-mail, personal digital assistants (PDAs) or similar devices or resources provided by the HRPDC.

This Policy applies to all employees, both permanent and temporary and both full time and part time, and to all contractors, consultants, vendors, interns, volunteers and others who use the resources that are either owned or leased by the HRPDC. All employees are required to comply with HRPDC policies and with local, state, and Federal laws and use these resources only in an appropriate, ethical, and lawful manner.

II. Purpose

There are four major reasons for implementing these policies; they

- A. Set the stage for appropriate behavior and awareness of applicable law and acceptable IT business practices;
- B. Help IT staff operate information-handling systems in a secure manner;
- C. Assist management and administrators in the implementation and configuration of secure information-handling systems; and,
- D. Provide managers a means for determining whether new requirements are adhered to, or necessitate a change in, current policy.

III. Usage

The HRPDC recognizes that the workstations and access to the Internet are valuable and useful tools for employees to use in the performance of their daily responsibilities. All employees should understand that they have no right to, or reasonable expectation of, privacy in their use of the Internet or the HRPDC's other electronic communication resources, including e-mail. The HRPDC reserves the right to monitor and review any employee's access and use of the Internet or the HRPDC's other electronic communications resources for any reason at any time. All electronic messages and other files created on or transmitted through the HRPDC computer network are the property of the HRPDC. Obscene, pornographic or sexually explicit material may not be accessed, displayed, viewed, listened to, archived, stored, distributed, edited, or recorded using the HRPDC's resources. Employees may not use the Internet to download entertainment software or games or play games against opponents over the Internet. Any improper or unauthorized use of the Internet or the HRPDC's other computer resources to threaten others; intercept e-mail; infiltrate a computer or computing system (e.g., hacking); interfere, clog, or damage the performance, files, data, or software components of a computer or computer system (e.g., by spamming or introducing a computer virus); or to attempt any of the foregoing is prohibited.

Employees may not install any personally purchased software, hardware, or non-business software on their workstation or any other HRPDC computer, PDA, or IT hardware. Employees and users are prohibited from online gambling, including but not limited to online poker, online bingo, online sports betting, and online casinos. Employees may not use the Internet to disrupt any discussion group, mailing list, or newsgroup with frivolous, vulgar, or repetitious postings; by posting a binary or excessively large, unrelated text file; or by posting articles that are off-topic according to the charter or other public statement of the forum.

Employees using such services as Facebook, LinkedIn, MySpace, Twitter, or other social networking sites will be responsible for any information posted that may result in disclosure of confidential, proprietary, or private data or that may prove to be a detriment or legal risk to the HRPDC.

When blogging or posting on a website, wiki, or blog, employees must adhere to the following guidelines:

- Refrain from blogging on company time.
- Respect the HRPDC's confidentiality and proprietary information.
- Ask your manager about what is appropriate to include in your postings.

- Be respectful to the HRPDC, employees, local governments, clients, customers, vendors, and partners.
- Ensure that your blogging activity does not interfere with your work commitments.

Employees disclosing confidential information via newsgroup, blog, discussion list, or chat forum, even if inadvertent, will be subject to all penalties under the HRPDC's other policies and procedures.

All HRPDC employees who are entrusted with any HRPDC facilities or equipment, including but not limited to computers, e-mail, network, Internet, telephone, and voicemail systems, are prohibited from using any such assets for an improper purpose. "Improper purpose" includes but is not limited to sexual, racial, or any other form of harassment against any employee, visitor, or any other person; hate mail; defamatory comments, or discriminatory remarks; violating a person's rights of privacy or publicity; engaging in or supporting any political purpose or activity; engaging in any similar behaviors; pornography; personal use of any equipment that interferes with an employee's productivity and job performance; unauthorized disclosure of the HRPDC's confidential information; solicitation of any kind; or any other use of the HRPDC's computers or other equipment that is not related to HRPDC business or that is deemed, in the sole discretion of the HRPDC, to be inappropriate and inconsistent with HRPDC policies.

IV. Anti-virus

Due to today's Internet-based environment, workstations, servers, and networks are exposed to malicious code at an increasing rate. Viruses, worms, and trojans all pose a threat to the HRPDC's information systems. Virus-scanning programs are an integral part of today's network security. Virus scanning programs monitor both workstations and servers to look for any form of malicious code. A workstation without anti-virus protection could harbor malicious code that could eventually spread to impair or damage the entire network.

The HRPDC currently maintains hardware appliances and software to scan e-mail and block Internet traffic from virus-producing sites. The HRPDC maintains a three-tier virus protection program: one at our perimeter, one at the server level, and another at the workstation level. All workstations, laptops, and servers will maintain virus scanning software installed and maintained by the IT department. All virus software will be updated daily as new virus signature files are released. No user may knowingly store, copy, save, or transmit virus-infected files on the HRPDC network. Because viruses may hide in executable programs, software should not be downloaded without proper authorization. If a software product is available only via the Internet, please contact the IT Department for assistance in acquiring the software. Peer-to-Peer (P2P) applications that share files or allow access to HRPDC owned computers are not allowed.

Virus-scanning programs will not be disabled unless maintenance is being performed on the system or software is being installed or upgraded. Employees should report immediately to the IT Department any indication that a machine may have been exposed to a virus.

Any user who disables the virus-scanning program will be in violation of policy and will be subject to disciplinary actions.

V. E-mail

Electronic Mail is to be used for HRPDC business purposes. All e-mail messages are the property of the HRPDC and subject to review by authorized HRPDC personnel. Staff members do not have a right to privacy when using the HRPDC's e-mail system. The HRPDC reserves the right to access any user's system and the information stored therein, and users should not consider any of the materials transmitted via network resources or stored in network resources to be private. All employees must recognize that incoming and outgoing messages are not private. Employees should take particular caution to screen carefully any personal e-mail received from other sources before deciding to forward such messages within or outside the HRPDC. Instant Messaging programs (AIM, ICQ, IRC, MSN, Yahoo, etc.) are not permitted. Sending, knowingly receiving, viewing, downloading, or displaying material that might reasonably be determined unlawful or inappropriate, including obscene or pornographic material, is not permitted. The Internet and the HRPDC's other electronic communications may not be used to send unsolicited bulk e-mail or otherwise unsolicited messages where the recipient objects to the content of the message or to the receipt of the message in general. No e-mail or other electronic communications may be sent that hide the identity of the sender or that represents the sender as anyone other than the actual sender. Individual encryption systems that bypass the e-mail server's virus-checking capability are not authorized on HRPDC workstations. Each employee assumes responsibility for the content of any message he or she chooses to send, regardless of who originally created that content. Jokes and other messages that contain content that might reasonably be viewed by another person as offensive or discriminatory may not be circulated using the HRPDC's resources. Employees should promptly disclose to an appropriate supervisor any message they believe contains inappropriate content. E-mail attachments are currently limited to 5MB. The HRPDC's File Transfer Protocol (FTP) site can be used to transfer file sizes larger than 5MB.

E-mail services shall not be used for purposes that could reasonably be expected to cause, directly or indirectly, excessive strain on the e-mail system or unwarranted or unsolicited interference with others' use of e-mail or the mail system. E-mail is subject to the policies concerning other forms of communication as well as other applicable policies including, but not limited to, confidentiality, conflict of interest, general conduct, and sexual harassment. The Department Heads and Executive Director are ultimately responsible for evaluating the appropriate use of network resources in their department/agency.

A. E-mail Records Retention

Due to the legal consequences of non-compliance in records retention of all types, the HRPDC has created a Records Retention Policy specifically pertaining to e-mail exchanges. It is our intention to retain all records that require temporary and/or permanent retention in hard copy format in the HRPDC files according to the subject matter involved. Please see the following definitions to ensure that all such records are being kept appropriately. Should you be in doubt, always retain. Messages you send, as well as those you receive, require temporary and/or permanent retention, so you may want to blind-carbon-copy (bcc) yourself on information you send that needs to be kept in a semi or permanent file.

B. E-mail and Public Records

Public records are defined as *all writings made, maintained, or kept by the state or any agency, institution, or political subdivision thereof for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.* Electronic files are treated the same as paper files and, like paper files, are considered to be public records and may be subject to inspections under the Freedom of Information Act unless they are covered by a specific exemption.

E-mail messages being sent and received fall into three broad categories:

1. ***Transitory messages*** are those messages that are created primarily for the informal communication of information. They are casual and routine communications similar to telephone conversations or communication that takes place in an office hallway. Transitory messages do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. Transitory messages include but are not limited to e-mail messages with short-lived or no administrative value, voice mail, self-sticking notes, and telephone messages.
2. ***Messages with temporary retention*** are those messages that have a "limited" useful life. These messages include general correspondence, interdepartmental memos, project data, etc. These messages should be printed, coded and filed. They may also be kept using regular archival procedures through the user's e-mail account. The life expectancy of this type of message is up to the user and/or parties involved with the subject matter.
3. ***Messages with permanent retention*** are those messages that affect official policies, actions, decisions or transactions. These types of messages include but are not limited to policy and procedural directives; correspondence or

memoranda related to official public business, agendas and minutes of meetings; documents related to legal or audit issues; documents that initiate, authorize or complete a business transaction, final reports or recommendations; etc. These messages are to be printed out onto hard copy and kept with the HRPDC's records in the Administrative Support Department. In order for these records to be filed in the correct folders, please hand-write the subject matter in the lower left section of the top page of any correspondence you wish to be filed.

Prior to sending e-mails, consider the following points:

- Send only e-mails the contents of which could be displayed on a public notice board. If they cannot be displayed publicly in their current state, consider rephrasing the e-mail, or use another means of communication.
- Never send any confidential information via e-mail. If you are in doubt, DO NOT SEND IT VIA E-MAIL.
- Although the content of an e-mail message is intended to be shared only with the sender and its recipients (and to any other people the sender or recipients disclose the contents of the message), the fact that the message *occurred* in and of itself makes it impossible to guarantee that the message will not be shared "outside" of its intended audience. Bottom line, confidentiality of e-mail messages cannot be guaranteed, because e-mail messages can be saved indefinitely on receiving computers, or copies made and forwarded to others (electronically or on paper).

C. HRPDC Policy Regarding E-mail as a Public Record

Any message of a ***transitory*** nature may be deleted or electronically archived - user's choice.

Any message of a ***temporary retention*** nature may be archived - user's choice, but the message should also be printed, subject referenced, and filed in Administrative Support. (The user may want to establish a unique computer file for these to be deleted at a certain future date - i.e., end of the project, etc.)

Any message of a ***permanent retention*** nature must be printed, subject coded, and filed in the appropriate HRPDC file folder. Such messages may also be archived, to be retained permanently or deleted at a certain future date on office computers.

VI. Electronic Media Destruction Policy

This Policy establishes requirements regarding the disposal of electronic media in order to meet confidentiality and privacy requirements. The overall goal is to protect the HRPDC and the public from unauthorized release of data.

It is required that all electronic storage media (i.e., floppy disks, optical (CD-ROM/RW/DVD, etc.), thumb drives, tape, hard drives, Zip disks, and embedded memory systems (routers, PDA, key fobs, smart cards, etc.) be erased or destroyed before any transfer or disposal occurs. Media that contains sensitive data (private, financial, or personal health information) must be destroyed before disposal. Destruction of hard drives, tapes, floppy disks, and other electronic storage media will prevent sensitive information from being obtained from equipment that is being removed from service.

All media will be destroyed by one of the following means:

- Degaussing.
- Shredding (physical or electronic).
- Physical destruction/ impairment beyond reasonable use.

In addition to disciplinary actions in the HRPDC Personnel Manual, civil penalties for wrongfully accessing or disclosing sensitive information may include the following items. Violations of Federal, State, or City laws may be punishable by criminal or civil penalties. The following are some civil penalties for wrongfully accessing or disclosing sensitive information:

- Violations of the Virginia Computer Crimes Act (VCCA) are punishable as or misdemeanors and may also create liability for civil damages.
- Violations of Virginia's Freedom of information Act (FOIA) are punishable by a civil penalty of not less \$250 nor more than \$1,000.
- Disclosures of information covered by Virginia's Government Data Collection and Dissemination Practices Act are punishable in civil court. This act covers privacy and personal information.
- Disclosure of Health Insurance Portability and Accountability Act (HIPAA) information may be punishable by a fine of not more than \$50,000, imprisonment of not more than one year, or both. If the offense is committed under false pretenses, the fine may be not more than \$100,000, imprisonment of not more than five years, or both. If the offense is committed with intent to sell, transfer, or use individually identifiable health information for commercial advantage, personal gain, or malicious harm, a fine of not more than \$250,000, imprisonment of not more than 10 years, or both may be assessed.

VII. Internet Usage

The HRPDC recognizes that access to the Internet is a valuable and useful tool for employees to use in the performance of their assigned duties. Internet access is intended for HRPDC business purposes. Employees are responsible for using the Internet in a responsible, ethical, and legal manner. HRPDC employees are allowed to access such sites as Facebook, YouTube, and Twitter as well as other social networking sites as long as such access is used for business, educational, or project research and is otherwise in accordance with this Policy. Inappropriate use could result in revocation of the privilege and may include disciplinary action. Employees should have no expectations of privacy regarding their use of the HRPDC's Internet access system. Internet-related activity, including the identity of each user and the sites visited by each user, can and may be recorded. Employees are not allowed to create proxies in an attempt to circumvent any web filtering appliances. Log files are subject to inspection and audit at any time. Each employee will be monitored for at least one 60-day period during the course of the year. Workstations will also be audited for any illegal or improper software or content during this same time period.

VIII. Remote Access

Remote Access implementations that are covered by this Policy include but are not limited to dial-in modems, ISDN, DSL, Virtual Private Network (VPN) and cable modems. This Policy covers single connections from an individual workstation to the HRPDC's network. Remote access will be granted only to authorized HRPDC employees. The user is responsible for providing the connection between the computer and the HRPDC's VPN device (ex: the external user is responsible for providing the connection to the Internet). All remote access to the HRPDC network will be accomplished via a secure remote-access method (i.e., strong authentication), VPN or a secure web site interface (HTTPS).

It is the responsibility of all employees with VPN or WebAccess privileges to ensure that unauthorized users are not allowed access to the HRPDC owned computers or resources. VPNs will be available for use via HRPDC- owned and -certified equipment only. Non-HRPDC equipment connections to the HRPDC's trusted network are not allowed. All computers connected to the HRPDC's internal network via the VPN must use the HRPDC's standard anti-virus application and have the latest security patches. VPN access will be controlled using the employee's NDS or Active Directory account and password. Access from a remote site to an HRPDC network that contains sensitive or restricted information will require additional authentication procedures.

IX. Intellectual Property

The majority of software used on HRPDC workstations is protected by federal copyright laws. The HRPDC is not exempt from laws governing copyrights. Software is normally protected by a license agreement between the purchaser and the software owner. The software provided by the HRPDC for use by employees may be used only on computing

equipment as specified in the software licenses. It is against HRPDC policy for employees, clients or contractors to copy or reproduce any licensed software on HRPDC computing equipment except as expressly permitted by the software license. Unauthorized copies of software may not be installed on HRPDC-owned equipment. Employees may not send or otherwise provide to any other person any software licensed to the HRPDC or any data owned or licensed by the HRPDC without explicit authorization from the Computer Network Manager.

No software may be installed, copied, or used on an HRPDC computer system except as permitted by the owner of the software and by the law. Unauthorized use of copyright protected material (including but not limited to graphic images, movies, music, and software) is a serious matter and is a violation of federal law. Any individual who reproduces and/or distributes copyrighted materials without written permission and beyond the scope of the "fair use" permitted by federal copyright law may be at risk for the penalties associated with copyright infringement. Employees are not to download or store on HRPDC-owned workstations or servers any software for which the HRPDC does not have a valid license. The HRPDC prohibits the illegal use of software and/or violations of software license agreements.

X. Passwords

All employees will maintain individual, confidential passwords on their workstations. The creation and use of acceptable passwords consists of the following steps:

- Each password shall have a minimum of 8 characters.
- The 8 characters shall include at least one capital letter, one number, and one special character.
- The password cannot be reused for a minimum of 18 months.
- The password must be changed at least every 180 days.

If the password is reset by the IT staff either for maintenance or repair or at the request of a supervisor or senior staff, the default password will be the user login with a 01 appended to the end. At that point the user will be required to change the password with the aforementioned policies required.

The HRPDC prohibits the sharing of passwords with other non-management employees. Users are strongly discouraged from writing their passwords down. If the password is discovered by IT staff as being easily found or shared with other non-management employees, the password will be reset and the user will be forced to create a new password.

XI. Security

Employees must respect the integrity of the HRPDC's computer systems and electronic information. It is a violation of HRPDC policies wrongfully to access or modify files, documents, passwords, or data that belongs to other users or to misrepresent oneself as someone else by accessing or using another's system or individual account. The HRPDC maintains a variety of resources (firewall, filtering, monitoring, virus protection, etc.) to protect the HRPDC's servers, workstations, network, users, and data. An employee shall not attempt to disable, defeat, or circumvent any HRPDC security appliance or facility. Employees may not use any encryption device or other security protection device on HRPDC resources without written authorization from the HRPDC's Computer Network Manager.

Entering in a computer or database information that is known to be false and/or unauthorized or altering an existing database, document, or computer disk with false and/or unauthorized information is prohibited.

Making any modification to HRPDC computer equipment, systems files, or software without specific authorization is prohibited. Modification includes the installation of any software on any HRPDC equipment.

Department Heads have the authorization to request an employee's password and access to an employee's account. The Department Heads are responsible for notifying the Information Technology Department when an employee relocates or terminates from the HRPDC or requires termination of access.

XII. Data Backup

Backing up data is an important task that should be performed on a frequent basis, not only for data on a network but also data residing on local hard drives. Because routine backups do not run on your local system, it is the responsibility of the computer user to ensure that the data is backed up to a location other than their hard drive in case problems arise.

Before backing up your data, there needs to be an understanding of what should and should not be backed up. In general, backup any data that has to do with HRPDC- related business and GroupWise archives and any other files that are of importance to the user. Do not backup your entire C: drive; it is a waste of time and space. A lot of information on your hard drive consists of system and program files and can usually be easily reinstalled; user-created documents are what cannot be replaced if a failure occurs.

The HRPDC IT staff recommends two different methods for backing up data:

1. Backup files to the G: drive in a directory that is under your department and labeled with your name (ex.: G:\Groups\Trans\Lastname)

2. Backup files using your CD writer. Most if not all computers at the HRPDC have a CD writer for this exact purpose. The backup process should not take very long if the backup is done routinely. This means that backups should be done weekly on data that resides on local drives. This is not to say that backups cannot be performed more often, but at a minimum they should be performed weekly.

A. Network Backups:

Backups are performed on the network nightly Monday through Friday. Monday through Friday backups are differential, meaning that each night the files backed up are those that changed from the night before. Saturday nights are weekly backups that backup everything regardless of its last modification.

B. PC hard drive backups:

As mentioned, the data on a local hard drive is not backed up by the network staff and is the sole responsibility of the user. Recommendations for file backups:

- Every day before shutting down, make sure that whatever files have been worked on that day are saved in more than one place (ex.: a copy is saved on your hard drive, and a copy is saved on the G: drive)
- Backing up to the network drive will also require that the data be re-evaluated from time to time so that multiple copies do not exist, old data that is no longer needed is not taking up space, etc. This practice will help reduce the use of network space and keep your files on the G: drive up to date.
- Every week make sure that a copy of your data files resides on a CD. This is a fairly quick process if the correct data is being copied. In most instances, only a few files are modified each week, and it will require hardly any time to perform a backup.

DO NOT copy:

- Your entire hard drive.
- Music files, videos, etc. that are not work related.
- Your program files (unless it is a downloaded program that exists in no other place but on your hard drive).

DO copy:

- Documents created in Word, Excel, PowerPoint, etc. that pertain to HRPDC business.
- GroupWise archives.
- Personal files.
- Other work related documents.

This practice has the best interests of everyone at the HRPDC in mind and if followed will prove to be an invaluable tool against data loss. If there are any questions about what is important to backup, how to backup, or anything else related to this topic, please feel free to ask the IT Department for assistance.

1. Procedure for backing up data on a local hard drive

When: Daily, weekly, or as often as needed.

Why: Data loss can occur for a number of reasons, and to help alleviate the possibility of such an event, backups of data are needed on a frequent basis. Important data should never reside in only one place; this creates a certain probability of loss of data. Backups should be made so that in the event of hard drive corruption, failure, or even document corruption or loss, another copy is available elsewhere for quick recovery.

2. Backing up files to the G: drive

Data copied to the G: drive will be backed up on a regular basis. Again, another copy of this data should reside elsewhere (ex.: on a local pc drive, CD, etc.) To backup data from a local drive to the G: drive, select the files (or folder) to backup, select copy from the Edit menu and paste into the appropriate directory on the G: drive.

Steps to copying data to the G:\ drive:

On local drive (in Windows Explorer):

- a. Select the file(s) or folder that is to be copied by clicking on it. To select more than one, hold down the CTRL key and click the files wanted with the mouse until all necessary files are highlighted.
- b. Select Edit from the menu, and Copy.

- c. Select G:\Groups, and the department directory that is appropriate.
- d. Either select the directory with your last name, or create one by selecting File, New, Folder from the menu.
- e. Type in your last name.
- f. Double-click the folder with your last name and in the blank area to the right, right-click the mouse button and select paste. Your data will now be pasted into the directory. Keep in mind that space is a concern, so make sure only important, work-related data is put onto the network. Also, purge old and duplicated items from time to time to keep data up-to-date and to save on network space usage.

3. Backing up files to CD-ROM drive

Backing up files to a CD-ROM is a very easy and convenient way to have additional copies of your data. It also provides a mobility feature that other methods may not have. Be aware that some programs for writing files to CD vary in their procedures.

What will be covered here is generic for the most part and may not be exactly the same steps that would need to be followed on each user's computer. If assistance is needed, the IT staff is available for walking users through the use of the CD writing software on their system. To backup data files (and folders) to CD-ROM, do the following:

- a. Select the program for writing to a CD (ex.: Roxio Easy CD Creator).
- b. Format the CD in your writable CD drive. At this point, there should be some options to select from. Select that you want this CD to be able to be read in most CD players.
- c. Once formatting is complete, a message should be displayed that the drive (CD) is ready to be written to.
- d. Drag and drop files to the CD.
- e. When finished, right click on the CD drive letter and select eject. You will be prompted to make a decision about closing the CD, make the selection that the CD can be closed or written to again.
- f. Once the drive has finished performing its "closing" activities, the CD will be ejected from the drive.

g. Label your CD with your name and date of backup (at minimum).

4. Backing up your GroupWise mail archive

The GroupWise mail archive is where all of your “old” email is saved when it reaches a certain age. This directory resides only on the user’s hard drive due to space constraints. The archive will continue to grow if it is not periodically purged of old email and files, which may eventually lead to corruption and the loss of the entire archive. Although the archive is thought of as a place that will keep old email, it too must be maintained.

The mail archive should always be backed up to a CD-ROM, DVD, thumb drive, or secondary internal hard drive. Also, it is best to try and keep the mail archive to a maximum size of 600 – 700 MB. The smaller the archive’s size, the better. Due to the fact that the archive can grow to be so large, we cannot at this time store it on the network. To backup the mail archive, do the following:

- a. Locate the mail archive on the local drive. It will be either C:\Mailarchive, or C:\Mail Archive.
- b. Prepare a CD for writing to as in Procedure 2.
- c. Copy the mail archive directory from step 1 to the CD-ROM
- d. Once copying is complete, close the CD as discussed previously.
- e. Label CD with name, mail archive, and date.

XIII. Conservation of Resources

The HRPDC suggests that PCs, monitors, and peripheral devices (such as devices that use wall chargers) be turned off when not in use or if the user will remain away from his or her workstation for a length of time. Power settings should be set to create a usable balance between conservation and productivity. All workstations are to be turned off when leaving for the day. Due to security issues, all workstations must be powered off overnight.

While there are no objectives to the staff making use of the various printers throughout the building, we ask that employees understand the associated costs of supplies to the HRPDC as well as the environmental impact. When possible please print to the PDF format or e-mail as needed.

XIV. Visitors

HRPDC employees are responsible for visitors to whom they grant access to system resources.

XV. Consummation

Employees should understand that violations of this Policy may not only subject them to disciplinary action within the HRPDC but may also expose them to civil and/or criminal action. The HRPDC will cooperate with the inquiries of any legitimate law enforcement authority relating to employee use of the Internet or the HRPDC's other computer resources.

APPENDIX E

EMPLOYEE ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL MANUAL

I have been presented with and am in receipt of the Personnel Manual of the Hampton Roads Planning District Commission (HRPDC) which outlines my privileges, benefits, and conditions of employment as an employee of the HRPDC. I have familiarized myself with the information contained in this employee manual and understand that it governs my employment with the HRPDC. I understand that I may refer any questions that I have on these subjects to my supervisor or the Human Resources Manager.

The information in this manual is subject to periodic review by the Personnel and Budget Committee of the HRPDC and may be changed by action of the Commissioners. I understand that any changes in the policies as listed herein may be made by the Commissioners and that the Executive Director may accordingly modify, supersede, or eliminate the policies outlined in the manual. I understand that any changes that are made will be announced and distributed in writing to all employees of the HRPDC for inclusion in the manual and that it is my obligation to keep my manual current.

Employment with HRPDC is at-will. Accordingly, I understand I voluntarily entered into employment and I am free to resign at any time. Similarly, HRPDC is free to terminate the employment relationship at any time, with or without cause, so long as it is not prohibited by law. I understand that the terms and conditions of the enclosed manual are incorporated in this Acknowledgment, and I hereby consent to its terms and conditions.

Employee Signature

Print Name

Date