

**BERRYVILLE TOWN COUNCIL PERSONNEL, APPOINTMENTS, AND POLICY COMMITTEE
MEETING AGENDA
Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor
Meeting Room A/B
Regular Meeting
January 22, 2019
9:00 a.m.**

<u>Item</u>		<u>Attachment</u>
1. Call To Order	Harry Lee Arnold Jr., Chair	
2. Approval of Agenda		
3. Discussion -	Approach to Social Media / Archiving / Social Media Policy	1
4. Discussion -	Amendments to the Berryville Employee Handbook	2
5. Discussion -	Town Council Policies	3
6. Discussion -	Job Descriptions	
7. Discussion -	Tree Board Vacancies	
8. Other		
9. Closed Session	– no closed session scheduled	
10. Adjourn		

↑ Denotes an item on where a motion for action is included in the packet

Attachment 1

Attachments

- Draft Social Media Policy

Recommended Approach

Staff recommends that the Committee and Council address its social media needs in the following manner:

- Adopt a Social Media Policy (draft attached)
- Contract to have official social media account content archived
- Work cooperatively with the County of Clarke to provide a social media presence

Social Media Policy

The Committee last reviewed this matter on October 23, 2018.

Staff recommends that the Committee forward the attached draft Social Media Policy to the Council for review/approval.

Content Archiving

With the Social Media Policy in place, staff will contract with a firm to archive content of official sites. There are several Town Council members who desire having such a site.

Staff recommends that this service be secured as soon as possible with the expenses paid from GF Contingency Funds. The cost for next years' service would be included in the proposed FY20 budget (it is expected that the line item for this expenditure will be less than \$3,000).

Work Cooperatively with Clarke County

Staff would like to discuss the concept of working with Clarke County to address our social media communication needs. In short, we would seek agreement with the County to have Town content posted on County sites (staff would also like to examine a County/Town E-Newsletter as well). To do this, County Administrator and the Town Manager would have to establish the rules for providing the information, expectations for posting, and contribution to the County for providing the service.

Staff is of the opinion that working with the County will be more cost effective than training and assigning a Town staff member to maintain social media sites. Further, staff is also of the opinion that neither the Town nor County generates enough content to keep followers engaged; therefore, combining content would be beneficial to both organizations.

Recommended Action

Staff requests that the Committee forward a draft social media policy to the Council, request that the Town Council direct the Town Manager to secure archiving services, and request that the Council authorize the Town Manager to pursue agreement with the County regarding posting Town content on County social media sites.

Town of Berryville Social Media Policy

Drafts
May 30, 2018
Version 1.1

June 6, 2018
Version 1.2

August 21, 2018
Version 1.3

October 18, 2018
Version 2.0

January 11, 2019
Version 3

I. INTERNAL POLICY

A. Purpose

This document defines the social media and social networking policy for Town of Berryville (Town) to address the fast-changing landscape of the Internet and the way the Town and its Elected Officials reach a broader audience.

This policy is intended to ensure that official social media and social networking use complies with applicable law.

B. Applicability

This policy shall apply to:

- Use of personal social media sites (including social networking and Web 2.0) by Town officials and employees; hereinafter referred to as Personal Social Media Site (see Section C below)
- Use of social media sites (including social networking and Web 2.0) by Elected Officials on which they utilize their Town Titles and discuss Town related business; hereinafter referred to as Elected Official's Social Media Site (see Section D below).
- Use of approved official Town social media sites (including social networking and Web 2.0) by Town employees; hereinafter referred to Town Social Media Site (See Section E below).

C. Use of Personal Social Media Sites by Town Officials and Employees

All Town officials (elected or appointed) and employees may have Personal Social Media sites on which they do not use their titles and do not discuss Town related business. These sites should remain personal in nature and be used to share personal opinions or non-work related information.

Town officials and employees shall not use their title or Town e-mail account or password in conjunction with a Personal Social Media Site.

If a Town official or employee decides to comment or post about Town business on their Personal Social Media Site, then it is recommended that the official or employee use a disclaimer such as: "The postings on this site are my own and don't reflect or represent the opinions or positions of the Town of Berryville."

D. Use of Elected Official's Social Media Sites

Town Elected Officials may maintain Elected Official's Social Media Sites on which they utilize their Town titles and discuss Town business.

All Town-related communication through Elected Official's Social Media Sites shall be maintained and archived in accordance with the provisions of this policy and applicable law and should remain professional in nature.

Elected Official's Social Media Sites should not be used for political purposes, to conduct private commercial transactions, or engage in private business activities.

Officials should be mindful that their usage of Elected Official's Social Media Sites is subject to the Virginia Freedom of Information Act (FOIA). The Elected Official is responsible for maintaining his/her site in a manner consistent with law.

Officials are encouraged to use a disclaimer such as: "The postings on this site are my own and do not represent the opinions or positions of the Berryville Town Council or Town of Berryville." on their Elected Official's Social Media Site.

E. Publishing Content on Town Social Media Sites

Only individuals authorized by the Town Manager may publish content to a Town Social Media Site.

All posts or comments made on behalf of the Town shall conform to this policy and guidelines provided by the Town Manager.

Town Social Media Sites shall not be used for political purposes, to conduct private commercial transactions, or to engage in private business activities.

Town employees should be mindful that inappropriate usage of Town Social Media Sites can be grounds for disciplinary action. If social media, Web 2.0, and other social computing technologies are used for official Town business, then the entire site, regardless of any personal views, is subject to best practices guidelines, and standards; including but not limited to the FOIA.

F. Social Media Sites prohibited

Neither Appointed Town Officials nor Town Employees may maintain social media, Web 2.0, and social computing technologies on which they utilize their Town titles and discuss Town business.

G. Social Media Site Approval and Content Archiving

All Town Social Media Sites shall be (1) approved by the Town Manager; (2) published using approved social networking platform and tools; (3) administered by the Town Clerk or other official designated as administrator by the Town Manager; and (4) archived in a manner that conforms to the requirements of FOIA and other applicable legal requirements.

The content of all Town Social Media Sites shall be archived in accordance with applicable law and the requirements of this policy.

All Elected Officials who maintain Elected Official's Social Media Sites shall report them to the Town Manager and the Town Clerk immediately upon activation of the site. The Elected Official responsible for the site shall provide the Town Manager and Town Clerk with any and all information required for the archiving regimen approved by the Town Council. The content of such sites shall be archived in accordance with applicable law.

H. Oversight and Enforcement

Employees representing the Town on Town Social Media Sites must maintain a high level of ethical conduct and professional decorum.

Failure to do so is grounds for revoking the privilege post to Town sites and disciplinary action.

Information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy, and avoid jargon, obscure terminology, or acronyms.

Town employees shall recognize that the content and messages they post on Town Social Media Sites are public and may be cited as official Town statements. Social media, Web 2.0, or other social computing technologies shall not be used to circumvent other Town policies or requirements.

Town employees representing the Town through Town Social Media Sites may not publish information that includes:

- Violations of local, state or federal Law
- Sexually explicit content
- Confidential information
- Copyright violations
- Profanity or derogatory content or comments
- Partisan political views
- Commercial endorsements or SPAM
- Other content designated as prohibited by the Town

I. Records Retention

Town Social Media Sites and Elected Official's Social Media Sites contain communications sent to or received by the Town and such communications are therefore public records subject to Virginia Freedom of Information Act. These retention requirements apply regardless of the form of the record (for example, digital text, photos, audio, and video).

The department or official maintaining a site shall preserve records pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Furthermore, retention of social media records shall fulfill the following requirements:

- Social media records are captured with a frequency and in a fashion that will minimize potential loss of data due to deletion and/or changes on the social networking site.
- Social media records are archived in a manner that preserves the context of communications, including conversation threads, to ensure completeness and availability of relevant information when records are accessed.
- Social media records are indexed based on specific criteria such as date, content type, and keywords to ensure that records can be quickly located and produced in an appropriate format for distribution (e.g. PDF).
- FOIA Officers shall have access to all social media public records.

J. Cooperation with other organizations

Nothing in this policy shall be construed to prevent the Town from working with another party, such as the County of Clarke, to provide a social media presence; provided that legal requirements, including archiving, are met.

II. EXTERNAL POLICY

The following guidelines shall be displayed to users on all Town Social Media Sites or made available by hyperlink. Further, it is recommended that the following guidelines be displayed to users on all Elected Official's Social Media Sites or made available by hyperlink.

Moderation of Third Party Content

This site serves as a *limited public forum* and all content published is subject to monitoring. User-generated posts will be rejected or removed when the content:

- is off-subject or out of context
- contains obscenity or material that appeals to the prurient interest
- contains personal identifying information or sensitive personal information
- contains offensive terms that target protected classes
- is threatening, harassing or discriminatory
- incites or promotes violence or illegal activities
- contains information that reasonably could compromise individual or public safety
- advertises or promotes a commercial product or service, or any entity or individual
- promotes or endorses political campaigns or candidates

Public Records Law

Town Social Media Sites and Elected Official's Social Media Sites are subject to applicable the Virginia Freedom of Information Act. Any content maintained in a social media format related to Town business, including communication posted by the Town and communication received from citizens, is a public record. The department or official maintaining the site is responsible for responding completely and accurately to any public records request for social media content.

Attachment 2

FINANCE AND ADMINISTRATION STAFF REPORT

TO: TOWN COUNCIL
FROM: DESIREE MORELAND, TREASURER
SUBJECT: EMPLOYEE HANDBOOK UPDATES FOR REVIEW
DATE: 1/17/2019
CC: KEITH DALTON, TOWN MANAGER

UPDATES TO THE FOLLOWING SECTIONS ARE OFFERED FOR REVIEW:

- Section 103 Equal Employment Opportunity
- Section 188 Drivers Policy
- Section 205 Introductory Period
- Section 210 Job Descriptions
- Section 303 Annual Leave – replace with Section 315
- Section 305 Holidays
- Section 306 Workers' Compensation Insurance
- Section 309 Bereavement Leave
- Section 603 Personal Leave
- Section 605 Military Leave



Town of Berryville

Employee Handbook

103 Equal Employment Opportunity

Effective Date: 10/23/2018

Revision Date: 10/23/2018

Before new position vacancies are filled a personnel requisition will be prepared and approved by the Town Manager.

The selection process for open positions may include oral interviews; reference, **post-offer** criminal background and driving record checks; evaluation of training and experience; psychological testing; and physical examination (including drug testing).

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Town of Berryville will be based on merit, qualifications, and abilities. The Town of Berryville does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

The Town of Berryville will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Town Manager. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.



Town of Berryville

Employee Handbook

188 Drivers Policy

Effective Date: 1/1/2014

Revision Date: 10/23/2018

The Town of Berryville expects its drivers to operate in a safe, legal and professional manner at all times. Drivers convicted of moving violations jeopardize their livelihood and the town's safety standards. All drivers for the town are expected to maintain an acceptable driving record. Moving violations include speeding, improper lane changes, driving too fast for conditions, following too close, failure to yield, etc.

Motor Vehicle Records (MVRs) will be obtained annually, **by the Town**, after authorization is received from the employee. **Employees that are licensed in states other than Virginia and West Virginia are required to provide their driving record annually and submit a request for reimbursement for the driving record.** The Town Manager will review the MVR to assure that town safety standards regarding driving are upheld.

The Town of Berryville believes that our employees are our most valuable assets and the success of the town is determined by the quality of our employees and their actions. The Town of Berryville is committed to retaining the most qualified employees and that extends to driving privileges.



Town of Berryville

Employee Handbook

205 Introductory Period

Effective Date: 10/23/2018

Revision Date: 10/23/2018

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Town of Berryville uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the Town of Berryville may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice. There is no appeal provided an employee who is released during the introductory period except where discrimination based on race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

The following applies to all departments except the Police Department (see Police Department Policies below):

All new and rehired employees work on an introductory basis for the first 180 calendar days after their date of hire. Any significant absence will automatically extend an introductory period by the length of the absence. If the Town of Berryville determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a period not to exceed 42 calendar days.

Upon satisfactory completion of the introductory period, employees enter the "regular" employment classification.

Introductory employees are not eligible for ~~leave-PTO~~ or merit pay increases during the introductory period. Under certain circumstances, the Town Manager may grant ~~leave-PTO~~ during this period. Any such ~~leave-PTO~~ will be applied against ~~leave-PTO~~ earned or will be deemed ~~leave-PTO~~ without pay.

Upon successful completion of the introductory period, credit is allowed for leave earned during the first 180 days of employment.

During the introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They may also be eligible for other Town of Berryville provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

Police Department Policies

All new and rehired employees work on an introductory basis for the first 360 calendar days after their



Town of Berryville

Employee Handbook

date of hire. Any significant absence will automatically extend an introductory period by the length of the absence.

Upon satisfactory completion of the introductory period as evidenced by a satisfactory performance appraisal, employees enter the "regular" employment classification.

Introductory employees are not eligible for ~~leave-PTO~~ or merit pay increases during the first 180 days of the introductory period. Under certain circumstances, the Town Manager may grant ~~leave-PTO~~ during this period. Any such ~~leave-PTO~~ will be applied against ~~leave-PTO~~ earned or will be deemed ~~leave-PTO~~ without pay.

Upon successful completion of 180 days of the introductory period, credit is allowed for leave earned during the first 180 days of employment.

During the introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They may also be eligible for other Town of Berryville provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.



Town of Berryville

Employee Handbook

210 Job Descriptions

Effective Date: 1/1/2014

Revision Date: 10/23/2018

The Town of Berryville makes every effort to create and maintain accurate job descriptions for all positions within the town. A job description for each position shall be maintained in the Office of Administration. The Town Manager shall make all assignments of positions based on the duties and responsibilities as described in that position's job description. Each potential employee shall be given a copy of the job description that corresponds to their desired position prior to acceptance of that position and employment with the Town of Berryville.

For the purpose of this section, a potential employee is an applicant that is seriously considered for a position with the Town. Positions and their related job descriptions may be added, deleted, and/or changed as determined necessary by the Town Manager.

The Town of Berryville maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

Department Heads shall be responsible for bringing to the attention of the Town Manager any material change in the nature of duties, responsibilities, working conditions or other factors affecting any position and/or related job description. Following receipt of such information the Town Manager shall determine if the job description should be changed; **any updates shall be signed and placed in the employee file.**

The Town Manager prepares job descriptions when new positions are created. Existing job descriptions are also reviewed and revised in order to ensure that they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. All employees will be expected to help ensure that their job descriptions are accurate and current, reflecting the work being done; **any updates shall be signed and placed in the employee file.**

Employees should remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Contact the Assistant Town Manager for Finance and Administration if you have any questions or concerns about your job description.



Town of Berryville

Employee Handbook

305 Holidays

Effective Date: 10/23/2018

Revision Date: 10/23/2018

The Town of Berryville will grant holiday time off to all employees on the holidays listed below:

- New Year's Day* (January 1)
- Lee-Jackson Day (second Friday in January)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Columbus Day (second Monday in October)
- Veterans' Day (November 11)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas* (December 25)

* Denotes a holiday in which the Police and Utilities Department employees, shall be paid 2 times their rate of pay when worked. Additionally, the same will apply to Public Works Department employees, in the event of an emergency.

In addition, any other day so declared by the President, Governor of Virginia, or the Town Council provided that, any declaration made by the President or Governor within 15 days of the holiday to be observed must be approved by either the Town Council or the Town Manager.

The Town of Berryville will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classification(s):

- Introductory employees
- Regular full-time employees

To be eligible for holiday pay, employees must work the last scheduled day immediately preceding and the first scheduled day immediately following the holiday.

If the nature of services of a department requires that department operate on a holiday, alternative plans for providing an equal number of holidays (i.e. holiday time) to employees of the department may be authorized by the Town Manager.



Town of Berryville

Employee Handbook

Eligible non-exempt employees who, due to a work schedule of a continuous operation, are unable to observe any of the above scheduled holidays and holiday time is not granted, are eligible for pay for overtime work at a rate of twice their regular hourly or equivalent hourly rate. This provision for holiday overtime pay shall apply to employees who, due to the nature of services of the employee's department, are requested to work on a schedule holiday by the department head and holiday time is not granted; with approval of the Town Manager.

Exempt employees may accrue compensatory time for holidays worked at the direction of the Town Manager.

A recognized holiday that falls on a Saturday will be observed the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

If a recognized holiday falls during an eligible employee's paid absence, holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

Paid time off for holidays will be counted as hours worked for the purposes of determining whether overtime pay is owed.

Holiday time must be used within the twelve-month period in which holiday time was earned, not to exceed the holiday leave cap of 96 hours.

Emp Name	Hol Current
Timothy J. Bristol	257
Matthew Ryan Andrews	212
Brandon Michael Piper	159
Donald V. Mason	148
Preston S. Funk	135.5
Joseph E. Shoremount	111
Daniel A. Dorsey	108
Stephen D. Lilly	108
Harry Warren McCormick Jr.	103
Kevin J. Bayliss	76
W. Neal White	55
Gregory L. Voorhees	43
Sean Garner	40
Ernest D. Bussert	32



Town of Berryville

Employee Handbook

306 Workers' Compensation Insurance

Effective Date: 10/23/2018

Revision Date: 10/23/2018

The Town of Berryville provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

An employee incapacitated by injury or illness as defined by the Workers' Compensation Act shall be entitled to the leave and benefits provided by that Act.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

An employee has the right to elect continued health insurance coverage, for himself or herself and his or her dependents, during periods of leave due to any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. For periods of up to 30 days, the employer can require the person to pay only the normal employee share, if any, of the cost of such coverage. For longer leave, the employer is permitted to charge the person up to 100 percent of the entire premium for the employee.

Neither the Town of Berryville nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Town of Berryville.



Town of Berryville

Employee Handbook

309 Bereavement Leave

Effective Date: 10/23/2018

Revision Date: 10/23/2018

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately.

Bereavement leave will be provided to eligible employees in the following classification(s):

- Regular full-time employees

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with their supervisors' approval, use any available paid leave for additional time off as necessary.

Bereavement leave will be granted as follows:

Spouse, Children, Parents: 32 hours

Brothers or Sisters: 16 hours

Mother-in-law or Father-in-law: 16 hours

Grandparents, grandchildren, uncles, aunts, nephews, nieces (only when blood relative): 8 hours

Fiance or Fiancee: 8 hours

Special consideration may also be given to any other person whose association with the employee was similar to any of the above relationships.



Town of Berryville

Employee Handbook

315 Paid Time Off (PTO)

Effective Date: 10/23/2018

Revision Date: 10/23/2018

Paid Time Off (PTO) is an all purpose time-off policy for eligible employees to use for vacation, illness or injury, and personal business. It combines traditional vacation and sick leave plans into one flexible, paid time-off policy. Employees in the following employment classification(s) are eligible to earn and use PTO as described in this policy:

- * Regular full-time employees
- * Introductory employees

Once employees enter an eligible employment classification, they begin to earn PTO according to the schedule below. However, before PTO can be used, a waiting period of 180 calendar days must be completed. After that time, employees can request use of earned PTO including that accrued during the waiting period.

The amount of PTO employees receive each year increases with the length of their employment as shown in the following schedule:

- *Upon initial eligibility the employee is entitled to 18.75 PTO days each year, accrued monthly at the rate of 12.5 hours.
- *After 5 years of eligible service the employee is entitled to 21.75 PTO days each year, accrued monthly at the rate of 14.5 hours.
- *After 10 years of eligible service the employee is entitled to 24.75 PTO days each year, accrued monthly at the rate of 16.5 hours.
- *After 15 years of eligible service the employee is entitled to 30.75 PTO days each year, accrued monthly at the rate of 20.5 hours.

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn PTO. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)



Town of Berryville

Employee Handbook

PTO can be used in minimum increments of one-half hour.

For scheduled use of PTO (including vacation, planned days off, and scheduled medical appointments) employees must request and receive advanced approval from their supervisor and the Town Manager. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

For unscheduled use of PTO (including emergencies, illnesses, or injuries) , employees must make every effort to notify their direct supervisor at least 2 hours before the scheduled start of the employee's workday. In no case may such notification of employee's direct supervisor occur less than 30 minutes before the scheduled start of employee's workday. The direct supervisor must also be contacted on each additional day of absence. Employees must consult with their direct supervisor to determine how to contact them when unscheduled leave needs to be taken.

PTO is paid at the employee's base pay rate at the time of absence. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

In the event that available PTO is not used by the end of the calendar year, employees may carry unused time forward to the next calendar year, not to exceed the "cap" of 320 hours. Employees will forfeit the unused PTO exceeding the "cap". The employee is responsible for monitoring their accrued PTO. The deadline for scheduling use or lose leave is November 30th.

PTO may be used, at the option of the employee, to provide paid absences for vacation and other purposes (including sickness), or for absences in excess of the credit available for other kinds of leave.

PTO, as nearly as possible within the requirements of public service, business needs and staffing constraints, is allowed at the convenience of the employee. However, before taking PTO the employee must have approval of his/her immediate supervisor and the Town Manager. For scheduled use of annual leave, a Request for Leave form must be submitted at least one work day in advance for each day of leave requested. For unscheduled use of PTO, employee must contact their immediate supervisor as herein directed. Upon return to work from unscheduled use of PTO, employee must document used leave on appropriate pay-period leave report.

Upon termination of employment, employees will be paid for unused PTO that has been earned through the last day of work.



Town of Berryville

Employee Handbook

322 Compensatory Leave

Effective Date: 10/23/2018

Revision Date: 10/23/2018

As of January 1, 1986, compensatory leave may be granted to exempt employees on the basis of one and one-half hour for each hour worked in addition to the regular work period. Such time will be credited only if the work is requested and authorized by the Town Manager.

Compensatory leave records will be maintained by the Assistant Town Manager for Finance and Administration. In no case shall an employee keep his/her compensatory time record. Such record shall be maintained on the basis of first earned - first used.

Compensatory leave credits may at no time exceed 30 days (240 hours) and must be used within 12 months following the date on which the leave was earned. Employees will be compensated for compensatory time over 240 hours at their regular pay rate. Upon termination of employment compensatory time is paid at the regular pay rate.

Compensatory leave will be paid out annually on December 1st in excess of 240 hours.



Town of Berryville

Employee Handbook

603 Personal Leave

Effective Date: 1/1/2014

Revision Date: 10/23/2018

The Town of Berryville provides leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations. Employees in the following employment classification(s) are eligible to request personal leave as described in this policy:

- Regular full-time employees

As soon as eligible employees become aware of the need for a personal leave of absence, they should request a leave from their supervisor. Final approval of any Personal Leave is at the sole discretion of the Town Manager.

Personal leave may be granted for a period of up to 30 calendar days every 5 years. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 14 calendar days. Employee will be required to first use any accrued paid leave time before taking unpaid personal leave.

Requests for personal leave will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will be provided by the Town of Berryville for the first 30 calendar days after the approved personal leave begins. At that time, employees will become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from personal leave, benefits will again be provided by the Town of Berryville according to the applicable plans an employee has the right to elect continued health insurance coverage, for himself and his or her dependents. For periods of up to 30 days, the employer can require the person to pay only the normal employee share, if any, of the cost of such coverage. For leave more than 30 days, the employer is permitted to charge the person up to 100 percent of the entire premium.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the Town of Berryville cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the expiration of the approved leave period, the Town



Town of Berryville
Employee Handbook

of Berryville will assume the employee has resigned.



Town of Berryville

Employee Handbook

605 Military Leave

Effective Date: 1/1/2014

Revision Date: 10/23/2018

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

The leave will be unpaid. However, employees may use any available paid time off for the absence.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible. An employee has the right to elect continued health insurance, for himself or herself and his or her dependents. For periods of up to 30 days, the employer can require the person to pay only the normal employee share, if any, of the cost of such coverage. For longer leave, the employer is permitted to charge the person up to 100 percent of the entire premium.

Annual leave and holiday benefits will continue to accrue during a military leave of absence.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Contact the Assistant Town Manager for Finance and Administration for more information or questions about military leave.

For policies related to National Guard Service, please refer to Section 311 Civil Leave.

Attachment 3

In accordance with the wishes of the Committee, Recorder Arnold developed a format for Berryville Town Council Polies. Along with newly formatted polices (already adopted), Recorder Arnold has also included a draft policy addressing voting.

Once a format is approved by the Council the policies will be provided to the Council under one cover.

Berryville Town Council
Policies

Electronic Participation In Meetings from Remote Locations #2016-7-1

Page 1 of 3

Except as provided hereafter, Town Public Bodies do not conduct meetings wherein the public business is discussed or transacted through telephonic, video, electronic or other communication means where the members are not physically assembled.

I. Quorum Physically Assembled

A member of a Town public body may participate in a meeting through electronic communication means from a remote location that is not open to the public:

1. if, on or before the day of a meeting, the member notifies the Mayor or Chairman that he or she is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the public body
 - a. approves the member's participation by a majority vote of the members present at a meeting and
 - b. records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated.

In deciding whether or not to approve a member's request to participate from a remote location, the public body shall not consider the identity of the member making the request or the matters that will be considered or voted on at the meeting.

If a member's participation from a remote location is disapproved, such disapproval will be recorded in the minutes with specificity.

Such participation by a member shall be limited each calendar year to two meetings or 25 percent of the meetings of the public body, whichever is fewer; or

2. if a member notifies the Mayor or Chairman that he or she is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the public body records this fact and the remote location from which the member participated in its minutes.

A member may participate in a meeting by electronic means pursuant to this section only when:

- a quorum of the public body is physically assembled at the primary or central meeting location; and
- the public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

Berryville Town Council
Policies

Electronic Participation In Meetings from Remote Locations #2016-7-1

Page 2 of 3

II. Quorum Not Physically Assembled

The public body may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Va. Code § 44-146.17, provided

- the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and
- the purpose of the meeting is to address the emergency.

If it holds a meeting pursuant to this section, the public body shall

- give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the public body;
- make arrangements for public access to the meeting;
- make available to the public, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the public body and that have been made available to the public body's staff in sufficient time for duplication and forwarding to all locations at which public access will be provided;
- record minutes of the meeting; and
- record in the minutes votes taken by name in roll-call fashion.

For any meeting conducted pursuant to this section, the nature of the emergency, the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the meeting. In addition, at such meetings the public body will make available to the public a public comment form prepared by the Virginia Freedom of Information Advisory Council.

III. Reporting

If the public body meets by electronic means, it shall make a written report of the following to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 15 of each year:

Berryville Town Council
Policies

Electronic Participation In Meetings from Remote Locations #2016-7-1

Page 3 of 3

- the total number of electronic communication meetings held that year
- the dates and purposes of the meetings
- a copy of the agenda for each meeting
- the number of sites for each meeting
- the types of electronic communication means by which the meetings were held
- the number of participants, including members of the public, at each meeting location
- the identity of the members of the public body recorded as absent and those recorded as present at each meeting location
- a summary of any public comment received about the electronic communication meetings
- a summary of the public body's experience using electronic communication meetings, including its logistical and technical experience

Adopted:

Revised:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3708, 2.2-3708.1, 2.2-3710.

Berryville Town Council
Policies

Code of Conduct

#2016-7-2

The Mayor, Town Recorder, and Councilors representing the four wards, hereinafter recognized as “The Council,” acknowledge the following Code of Conduct. This Code of Conduct shall apply to The Council during all meetings, committees, or sub-committees while representing the Town of Berryville in any way, and while in contact with town staff.

1. The Council will treat fellow councilors, citizens, staff, employees, and committee members with respect, and will not make accusatory or disparaging remarks at official council or committee meetings.
2. Members of The Council, as individuals, have no legal authority outside the meetings of The Council.
3. Members of The Council will not give direction to any Town Staff. Any request for action will be submitted to the Town Manager for consideration by The Council if necessary.
4. The Council will forward any citizens’ complaints to the Town Manager. If any issue cannot be resolved by the Town Manager, he or she may forward it to The Council for a resolution.
5. The Council will forward any concerns about employees or staff to the Town Manager. Concerns about the Town Manager will be forwarded to the Mayor, Town Recorder, and Chairman of the Personnel Committee.
6. The Council will forward any concerns about a fellow councilor to the Mayor. Complaints involving the Mayor will be directed to the Town Recorder. The Mayor and/or Town Recorder will work to resolve any concerns.
7. The Council will not discuss any matter with the public that has been presented to the council in closed session.
8. The Council recognizes that documents related to Town Business, including all electronic transmittals sent or received in the performance of their duties as a Town Councilor, are subject to the requirements of the Freedom of Information Act.
9. To ensure the highest standards of respect and integrity during public meetings, The Council should:
 - A. Use formal titles. The Council should address the Council members such as, Mayor, (Town) Recorder, or Mr., Mrs., or Ms., followed by the individual’s last name.
 - B. Be respectful of others and their opinions, and allow for the debate of issues.
 - C. Honor the role of the presiding officer in maintaining order and equity. Respect the efforts to focus discussion on current agenda items.
 - D. Refrain from engaging the citizens in dialogue during public comments or hearings. For clarification purposes, The Council may ask the person speaking for additional information when they make a presentation.

If by affirmative vote of the majority of The Council, a Councilor is deemed to be in violation of the Code of Conduct, the Councilor shall receive a warning from the Mayor or Town Recorder. If a Councilor is found to be repeatedly in violation of The Code of Conduct, The Council may, by an affirmative vote of a majority of The Council, officially censure that Councilor.

Berryville Town Council
Policies

Work Product Requests

#2018-4-1

The Mayor, Town-Recorder, and Councilors representing the four wards, hereinafter recognized as “The Council,” acknowledge the following Work Product Requests.

Any request of an individual Council member to Town Staff for information, research, reports, data, projects, etc. (excluding FOIA requests by individual Council members) shall be presented to the Town Manager. If the Town Manager determines that responding to the request would have a significant adverse effect on the work flow of Staff, the Town Manager shall refer the request to Council for Council to determine if the requested work product should be provided, and, if so, a schedule for responding to the request.

Adopted by Berryville Town Council on April 19, 2018

Berryville Town Council
Policies

Legal Advice/Opinion

#2017-4-1

Page 1 of 2

Purpose

The Town Council utilizes attorneys, as needed, to provide legal support to the Town. The Town Council establishes this policy to provide cost control measures and to ensure that any advice/opinion received from legal counsel is accessible to all members of the Council.

Policy

- I. Except as provided in Section II of this Policy, below, the Town Manager will work closely with legal counsel and will seek advice/opinion in a manner consistent with the following:
 - A. The Town Manager is authorized to seek and receive legal advice/opinion as the Town Manager deems necessary to provide timely legal advice to the Town Council and staff as they conduct their duties. The Town Manager will utilize the Town's legal counsel in a cost-effective manner and in accordance with this Policy.
 - B. Any individual member of Town Council may seek legal advice/opinion by either:
 - a. Requesting that the Town Manager seek advice/opinion. The Town Manager may either:
 - i. Seek and receive the advice/opinion and provide information on the advice/opinion to the Town Council in accordance with this policy, or
 - ii. Request that the Town Council determine whether it will direct him/her to seek and receive the advice/opinion and provide information on the advice/opinion to the Town Council in accordance with this policy.or
 - b. Requesting that the Town Council direct the Town Manager to seek and receive an opinion and that the Town Manager provide information on the advice/opinion to the Town Council in accordance with this policy.
 - C. Upon receipt of advice/opinion requested by the Town Council, or member thereof, the Town Manager will provide the Town Council with a synopsis of the advice/opinion. The synopsis will be provided in a manner the Town Manager determines to be in the best interests of the Town. The Town Manager will also make any written advice/opinion available for review by Town Council members. The Town Council member may read and review the advice/opinion with the Town Manager but the advice/opinion may not be copied and shall not leave the Town Manager's possession.
- II. Any Town Council member who determines that legal advice/opinion should be sought regarding the employment status or discipline of the Town Manager must request that the Mayor and Recorder seek the advice/opinion.
 - A. Upon receiving such a request, either the Mayor or Recorder may either:
 - a. Seek and receive the advice /opinion and provide information on the advice/opinion to the Town Council in accordance with this policy, or
 - b. Request that the Town Council determine whether it will direct the Mayor or Recorder to seek and receive the advice/opinion and provide information on the advice/opinion to the Town Council in accordance with this policy.

Berryville Town Council
Policies

Legal Advice/Opinion

#2017-4-1

Page 2 of 2

- B. Within 30 days of the receipt of advice/opinion requested by the Town Council, or member thereof, the Mayor or Recorder will share the opinion with the Town Council in a duly constituted Closed Session. The Town Council may at any time, at its own discretion, determine what legal advice/opinion may be made a public document; provided that, such a determination is not inconsistent with law. Otherwise, legal opinions will remain exempt from disclosure as allowed by law.

DRAFT

Berryville Town Council
Policies

Voting

#2019-2-1

The Mayor, Town-Recorder, and Councilors representing the four wards, hereinafter recognized as "The Council," acknowledge the following voting procedures.

Members of the Council shall vote on all motions before the Council, unless that member has been duly recused from the matter. Unless duly recused from a matter, members shall vote on motions by either voting "Yes" if supporting the motion; "No" if opposing the motion; or "Abstain" is choosing not to support or oppose the motion.

When initiating a voice vote on a matter, the presiding officer shall:

- state "All in favor of the motion say Yes"
- state "All opposed say No"
- state " All abstaining say Abstain" and
- announce the vote count and outcome

If the outcome of a voice vote cannot be determined or is in doubt, then any member may request that the presiding officer call for a show of hands. When conducting a vote by show of hands the presiding officer shall:

- state "All in favor of the motion raise your hand", members in favor of the motion shall raise their hand and keep it raised until the presiding officer has announced the yes vote count, then
- state "All opposed to the motion raise your hand", members opposed to the motion shall raise their hand and keep it raised until the presiding officer has announced the no vote count, then
- state "All abstaining from the vote raise your hand: members abstaining from the vote shall raise their hand and keep it raised until the presiding officer has announced the abstention vote, then
- announce the vote count and outcome

Any member of Council may call for a roll call vote as provided by Roberts Rules of Order.

At no time will a vote be changed in the minutes by the Clerk once it has been recorded, without action taken by The Council at a regular meeting.

Adopted by Berryville Town Council on _____ .