



**Administrative Regulations Manual  
Office of the Mayor  
Table of Contents**

***Section/Regulation Title***

**Introduction/Table of Contents**

**I. General Regulations**

- 1.1 Code of Ethics
- 1.2 Political Activity of Solicitations on City Premises
- 1.3 Customer Service Policy
- 1.4 Use of Council Chambers
- 1.5 Emergencies and Closings
- 1.6 Business Conduct
- 1.7 Media Relations Policy
- 1.8 Confidentiality and Non-Disclosure Policy

**II. Technology Regulations**

- 2.1 Telecommunications Service
- 2.2 Cellular Telecommunication Services and Devices
- 2.3 Telework
- 2.4 Disposal of Surplus Computer Equipment
- 2.5 Electronic Media Systems (Internet/Intranet)
- 2.6 Electronic Information Security
- 2.7 Use of Computer Equipment
- 2.8 Electronic Systems – User Passwords
- 2.9 Use of Computer Software
- 2.10 Electronic Access by Third Party
- 2.11 Alternative Work Schedule

**III. Ordinance & Code Enforcement Regulations**

- 3.1 Virginia Freedom of Information Policy
- 3.2 Procedures for Requesting the Preparation of an Ordinance or Resolution
- 3.3 Employee Statements Concerning Claims Against the City
- 3.4 Alternative Strategies and Systems for Handling Performance and Misconduct Issues

**IV. Employment Administration Regulations**

- 4.1 American with Disabilities Act (ADA)
- 4.2 Disability Procedures
- 4.3 Family Medical Leave Act (FMLA)
- 4.4 Insurance Coverage



- 4.5 Overtime and Compensatory Time
- 4.6 Anti-Harassment
- 4.7 On-Call Duty
- 4.8 Leave Policy
- 4.9 City Facilities Identification Card and Security Procedures
- 4.10 Violence in the Workplace
- 4.11 Background Investigations
- 4.12 Leave Status Pending Disciplinary Review and/or Investigation
- 4.13 Volunteer Worker Applicant Process
- 4.14 Americans With Disabilities Act (ADA) – Title II
- 4.15 Return to Duty Program (RTD)
- 4.16 Anti-Retaliation Policy
- 4.17 Anti-Discrimination
- 4.18 Investigation (Compliant) Policy
- 4.19 COVID-19 Public Health and Safety Precautions – Immunization/Vaccination

**V. Employment Practices – Regulations**

- 5.1 Workers’ Compensation
- 5.2 Holiday Policy
- 5.3 Meal Allowance
- 5.4 Smoking Policy
- 5.5 Outside Employment
- 5.6 Paycheck Distribution and Early Release of Paychecks
- 5.7 Performance Evaluations
- 5.8 Reclaiming City Property or Monies Owed Upon Employee Separation
- 5.9 Personal Appearance
- 5.10 Privacy of Protected Health Information
- 5.11 Religious Activities in the Workplace
- 5.12 Restrictions on Certain Activities with Former Employees
- 5.13 Time and Attendance Policy
- 5.14 Over Hire Policy
- 5.15 Language Differential Pay
- 5.16 Recruitment and Hiring Policy
- 5.17 Employment of Relatives Policy
- 5.18 Discipline Policy
- 5.19 Grievance Policy for Classified Service
- 5.20 Personnel Board
- 5.21 Reassignment, Transfer, Separation, and Reinstatement Policy
- 5.22 Pay Policy
- 5.23 Language Access Policy
- 5.24 Relocation Assistance Policy



- 5.25 Flexible Working Arrangement
- 5.26 Director of the Department of Human Resources Duties and Responsibilities
- 5.27 First-Time Home Buyer's Assistance
- 5.28 Employee Referral Incentive Policy



## **VI. Vehicle & Travel Regulations**

- 6.1 Employee Transportation Benefits
- 6.2 Motor Pool and City Vehicle Usage
- 6.3 Ticketing of City Vehicles
- 6.4 Travel Policy
- 6.5 Employee Rideshare
- 6.6 Anti-Idling Policy: Vehicles & Equipment
- 6.7 Use of Global Positioning System (GPS) Data

## **VII. Miscellaneous**

- 7.1 Environmental Policy
- 7.2 Virginia Public Records Policy
- 7.3 Managed Competition Policy
- 7.4 Service Request Tracking System
- 7.5 City Internship Program
- 7.6 Tuition Assistance
- 7.7 Maintenance and Release of Personnel Information

### **Substance Abuse Policy**

The City of Richmond is committed to establishing and maintaining a safe and healthy workplace that is free from alcohol abuse and illegal drug use for its employees and to protect the safety of its citizens by providing the highest quality of services. To that end, the city is committed to a policy of non-tolerance for its applicants and employees to be free from alcohol abuse and illegal drug use.

The purpose of this policy is to establish guidelines and procedures for the detection of alcohol abuse and illegal drug use within the workplace.





## **Administrative Regulations Office of the Mayor**

**Title:** CODE OF ETHICS

**A.R. Number:** 1.1 **Effective Date:** 2/1/2014 **Page:** 1 of 5

**Supersedes:** Code of Ethics A.R.: 1.1 **DATED:** 1/14/2009

### **I. PURPOSE**

Ethics and values involve guiding principles and beliefs from which more specific policies, rules, and regulations are born. Though one's ethics are an individual matter, they form the foundation of all our interactions with others. Therefore, it is appropriate for the City of Richmond to adopt this policy; to expect City employees and officials to embrace the principles set forth herein; and, to expect representatives of the City of Richmond to conduct themselves accordingly.

The City of Richmond is obligated and responsible for ensuring that employees occupying offices or positions of trust or employment in local government meet the needs of the citizens and the community. An officer or employee must maintain the highest ethical conduct in connection with the performance of official duties. This policy sets forth the regulations prescribing standards of conduct; reporting of outside interests and other activity (direct or indirect) which would appear to be in conflict with their assigned duties and responsibilities.

### **II. POLICY**

It is the duty of each employee and official to ensure that their conduct, in both their official and private affairs be above reproach to assure that their City position is not used for private or personal gain. Richmond citizens have a right to have complete confidence in the integrity of City employees and officials with respect to adherence to the highest ethical standards of integrity and honesty, and to treat all members of the public and fellow City employees with respect, courtesy, concern and responsiveness. Employees of the City of Richmond shall at all times maintain a high level of ethical conduct in connection with the performance of official duties. Employees are obligated to uphold the Constitution of the United States and the Constitution of the Commonwealth of Virginia and to comply with all Federal, State, and local laws and City policies.

Recognizing the special responsibilities of serving the City and its citizens and customers, City employees shall refrain from taking, ordering, or participating in any official action, which would adversely affect the confidence of the public in the integrity of the City of Richmond. It is important that all City employees remain independent, impartial, and responsible to Richmond citizens. No employee of the City of Richmond shall engage in business activity or have any direct or indirect financial interest, professional activity or incur any obligation of any nature which conflicts or would appear to conflict with the fair, impartial and objective performance of officially assigned duties and responsibilities.

### **III. PROCEDURE**

The City of Richmond is developing a workplace environment where City employees and officials can share a sense of common values and a commitment to community service. The establishment of guidelines for expected ethical conduct by City employees is an integral part of this effort. The shared values and commitment to community service in combination with this policy helps to frame the ethical conduct expected of citizens, employees, officials, and community leaders. The guiding principles for ethical conduct are summarized below:

#### **A. Guiding Principles**

1. Focus on community defined needs, ensuring the responsible application of resources while recognizing that the resources belong to the citizens of the City of Richmond.
2. With honesty and integrity, ensure equal access to all City services.
3. In concert with the entire community, establish accessible, efficient, high quality services.
4. Respect diversity and community values.
5. Know, understand and appreciate who our customers are, externally and internally.



**Administrative Regulations  
Office of the Mayor**

**Title:** CODE OF ETHICS

**A.R. Number:** 1.1 **Effective Date:** 2/1/2014 **Page:** 2 of 5

**Supersedes:** Code of Ethics **A.R.:** 1.5 **DATED:** 2/1/2007

6. Demonstrate a commitment to the public good and commitment beyond self.
  7. Respect the value and dignity of all individuals.
- B. Responsibilities of Employees (not limited to the following):
1. All City employees assume a public trust and should recognize the importance of high ethical standards within the specific department or organization they support. An employee shall avoid action, whether or not specifically prohibited by this administrative regulation, which might result in or create the appearance of the following:
    - a. Using public office for personal or private gain;
    - b. Giving preferential treatment to any person;
    - c. Impeding government efficiency or economy;
    - d. Losing complete independence or impartiality;
    - e. Making a government decision outside of official channels; or
    - f. Affecting adversely the confidence of the public in the integrity of government.
  2. To avoid the appearance and risk of impropriety, an employee shall not solicit or accept either directly or through the intercession of others, any gift, gratuity, favor, loan, entertainment, or other like thing of value from a person who singularly or in concert with others:
    - a. Has, or is seeking to obtain, contractual or other business or financial relations with the City of Richmond government;
    - b. Conducts operations or activities that are subject to regulation by the City of Richmond government; or
    - c. Has an interest that may be favorably affected by the performance or non-performance of the employee's official duties and responsibilities.
  3. An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay. This subsection does not preclude the presentation or acceptance of a voluntary gift of nominal value or cash donation in a nominal amount when given on a special, infrequent occasion such as marriage, illness, or retirement.
  4. An employee shall not receive any salary or anything of monetary value from a private source as compensation for his or her services to the City of Richmond.
  5. No employee or any member of his or her immediate household may knowingly acquire any stock, bonds, commodities, real estate or other property where the possession could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities as an employee of the City of Richmond government.



**Administrative Regulations  
Office of the Mayor**

**Title: CODE OF ETHICS**

**A.R. Number: 1.1 Effective Date: 2/1/2014 Page: 3 of 5**

**Supersedes: Code of Ethics A.R.: 1.5 DATED: 2/1/2007**

6. No employee or any member of his or her immediate household may acquire an interest in or operate any business or commercial enterprise which is in any way related, directly or indirectly, to the employee's official duties, or which might otherwise be involved in an official action taken or recommended by the employee, or which is any way related to matters over which the employee could wield any influence, official or otherwise.
7. An employee who is called upon to act for or behalf of the City of Richmond government in a matter relating to or involving a non-government entity in which the employee or a member of his or her immediate family has a financial interest, shall make this fact known to his or her immediate supervisor, in writing, at the earliest possible moment. The Appointing Authority shall determine whether the employee must divest of such interest or merely disqualify themselves from taking part in any official decision or action involving the matter.
8. An employee shall not use or permit the use of government property, equipment, or material of any kind, including that acquired through lease, for other than officially approved business purposes.
9. An employee shall pay each just financial obligation in a proper and timely manner.
10. An employee shall not advertise, solicit or participate, while on City of Richmond government owned or leased property or while actually on-duty, the commercial sale of goods, products or services not related to their job, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in purchasing or selling a numbers slip or ticket, except those lawful activities sponsored by a VA State approved agency.

**C. Restriction on Activities of Former Officers and Employees**

Any former City of Richmond officer or employee whom had an official responsibility for the matter, shall be prohibited for one (1) year after termination or separation of employment, from knowingly providing personal and substantial assistance for remuneration of any kind to any party, in connection with any proceeding, application, case, contract, or other particular matter involving any department or agency of the City of Richmond with the intent to influence that department or agency on behalf of another person as to a particular government matter involving that party.

**D. Allegation of Conflict of Interest and Perjury**

1. Whenever an allegation is made to an Appointing Authority or department/agency head that a current or former City of Richmond employee has violated any of these regulations, the allegation and any supporting evidence shall be transmitted through the Department of Human Resources to the City Attorney to coordinate an investigation or administrative action.
2. When any officer or employee of the City of Richmond to whom an oath is lawfully administered on any occasion willfully swears falsely on such occasion involving any material matter or thing, such falsity shall be deemed a crime of perjury; and upon conviction of perjury, that former officer or employee having exhausted all appeals shall be barred forever from holding any office of trust or position with the City of Richmond.
3. No officer or employee of the City of Richmond shall solicit or assist in the solicitation of signatures for nominating petitions for candidates for public office in any City owned or leased building or facility.

**E. Employee Acknowledgement of Receipt and Compliance**

All appointed officials, department/agency heads and employees shall be required to sign a statement indicating receipt of Administrative Regulation 1.1 Code of Ethics, as revised, at the time of employment.



**Administrative Regulations  
Office of the Mayor**

**Title: CODE OF ETHICS**

**A.R. Number: 1.1 Effective Date: 2/1/2014 Page: 4 of 5**

**Supersedes: Code of Ethics A.R.: 1.5 DATED: 2/1/2007**

**V. RESPONSIBILITY**

The City of Richmond values the diversity of its citizens and representatives, and respects the rights of individuals to establish their own value systems. Though this policy promotes the highest ideals of public service, it cannot claim to speak for the beliefs held by each individual representing the City of Richmond. The City of Richmond expects the conduct and behavior of its employees and officials, whether elected or appointed, paid or unpaid, advisory or administrative, to be exemplary whenever they represent the City.

This policy should serve to generally guide the conduct of representatives of the City. It is intended to provide the overarching guidelines by which the City of Richmond conducts its business and establishes its policies, rules, and regulations. Violation of specific City, or department/agency policies, rules or regulations may hold consequences for the violator. In addition to any other penalty as provided by law, employees who violate the Code of Ethics will be subject to disciplinary action, up to and including termination. The violation of this Code of Ethics by a City official, elected or appointed, constitutes official misconduct. **Any such violations and related penalties are enumerated in the appropriate documents, which are supplements to this policy. Any such violation, therefore, will also be considered a violation of this policy.**

This Title, Code of Ethics A.R. 1.1 is a statement of the City's Code of Ethics only. Nothing in this Title may be used to create a cause of action against an official or employee under this Title.

**VI. DEFINITIONS**

<b>Terms</b>	<b>Definitions</b>
Advisory agency	Any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.
Business	A corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation or any other individual or entity carrying on a business or profession, whether or not for profit.
Contract	Any agreement to which a government agency is a party, or any agreement on behalf of a government agency which involves the payment of money appropriated the General Assembly or political subdivision (City of Richmond, VA), whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. Contract includes a subcontract only when the contract of which it is a part is with the officer's or employee's own governmental agency. (Emphasis added).
Employee	All persons employed by a governmental or advisory agency, unless otherwise limited by the context of its use.
Immediate family	Mother, father, wife, husband, sister, brother, child, legal ward, grandparents of the employee or the employee's spouse; or any other relative of the employee or spouse who lives in the employee's household.
Transaction	Any matter considered by any government or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

**VII. AUTHORITY**

Code of Virginia, § 18.2-434 What deemed perjury; punishment and penalty. In situations where this policy is more restrictive than Federal or State laws or regulations, the Federal or State laws or regulations will prevail.



**Administrative Regulations  
Office of the Mayor**

**Title: CODE OF ETHICS**

**A.R. Number: 1.1 Effective Date: 2/1/2014 Page: 5 of 5**

**Supersedes: Code of Ethics A.R.: 1.5 DATED: 2/1/2007**

**VIII. REGULATION UPDATE**

The Department of Human Resources shall be responsible for modifications to this Policy.

**RECOMMEND APPROVAL:** /Original signed copy on file in HR/

**Byron C. Marshall, CHIEF ADMINISTRATIVE OFFICER**

**APPROVED:**

/Original signed copy on file in HR/

**Dwight C. Jones, MAYOR**



## **Administrative Regulations Office of the Mayor**

**Title:** POLITICAL ACTIVITY OR SOLICITATIONS ON CITY PREMISES

**A.R. Number:** 1.2 **Effective Date:** 2/1/2007 **Page:** 1 of 3

**Supersedes:** Use of City Funds for Political Activity **A.R.:** 1.2 **DATED:** 9/1/2000

### **I. POLICY**

While our work place may provide an attractive forum for other activities, those activities other than those necessary for the performance of our specified job functions are considered to be disruptive. Solicitation of City employees and distribution of printed materials is prohibited by any non-employee or on behalf of any commercial or charitable organization on or in any working areas, without prior authorization by the Chief Administrative Officer (CAO).

City employees may not solicit other employees and may not distribute literature of any kind during work times except in connection with City approved or sponsored events. The postings of materials in common areas and in electronic format are strictly prohibited, unless approved in writing by the CAO. The prohibition includes: solicitation of City officers and employees for any unauthorized purpose, including but not limited to the sale or purchase of property, goods or services, contributions, membership, union, association or fraternal organizations dues check off, political contributions or support, distributing petitions. Any unauthorized electronic mail or phone mail distribution, materials/symbols of a perceived offensive or political nature and similar activities are prohibited.

The City encourages City employees to exercise their rights as citizens and to use the American democratic processes appropriately. However, as City employees, these rights must be exercised within the confines of certain regulations to ensure compliance with all Federal, State and other requirements regarding the use of public funds for political purposes. City employees are, hereby, prohibited from using funds, supplies or equipment of the City for political purposes or solicitation for activities or causes not related to their job.

Electioneering, actively working for the election of a candidate or party, in any City office, building or premises during working hours is prohibited by law. City Code §2-134. Willful or corrupt violation of this prohibition is a class 2 misdemeanor and a conviction for this offense shall result in immediate forfeiture of employment and make the employee ineligible for appointment to any position in City service for five (5) years.

### **II. PROCEDURE**

- a. No group or individual will be permitted to distribute printed materials or actively solicit any City employee in any work place where an employee's performance might be impeded or present a danger to worker safety. Also prohibited is the solicitation of employees during their working time or during non-working time in areas where others who are working may be disrupted.



## **Administrative Regulations Office of the Mayor**

**Title:** POLITICAL ACTIVITY OR SOLICITATIONS ON CITY PREMISES

**A.R. Number:** 1.2 **Effective Date:** 2/1/2007 **Page:** 2 of 2

**Supersedes:** Use of City Funds for Political Activity **A.R.:** 1.2 **DATED:** 9/1/2000

- b. No group or individual will be permitted to display or post any materials on City property and in department's common areas. Employee's personal work area and personal vehicles on City premises shall not display any material that may be perceived as offensive to other employees and visitors, including but not limited to flags, posters, bumper stickers, etc. Work areas are City property and not the property of the employee, thus the City controls what is posted or stationed on City property. The determination of offensive nature shall be left to the discretion of the employee's supervisor. Whenever a supervisor is in doubt, consultation with the Department of Human Resources is strongly encouraged.
- c. Information regarding savings programs operated by the United States government, or by a recognized association of City employees such as a Credit Union and community-wide charitable organizations representing several agencies, may be distributed when authorized by the Chief Administrative Officer.
- d. Prohibited activities include, but are not necessarily limited to, soliciting votes for any candidate for any office or position; offering for sale any goods by or on behalf of a commercial organization; promoting or advancing the private business interest of any person, or corporation; distributing petitions; soliciting for charitable purposes; and distributing materials and soliciting of membership in any association or group. Authorization for any solicitation can only be granted by the Chief Administrative Officer.
- e. Any City employee who is solicited in violation of this administrative regulation, or offered written, printed or other material in violation of this administrative regulation should reject such efforts and report the matter to his immediate supervisor.
- f. Any supervisor or employee who learns of activities in violation of this administrative regulation should take such actions as are within his authority, including contacting the police to prevent continuation of such activities, and immediately notify his Agency Head.
- g. No persons shall be prohibited from exercising their First Amendment rights or other rights and privileges available to them under Federal or State constitutional or statutory provisions or City Personnel Rules.

### **III. RESPONSIBILITY**

All officers, employees and representatives of the City are responsible for ensuring compliance with the Administrative Policy.



**Administrative Regulations  
Office of the Mayor**

**Title:** POLITICAL ACTIVITY OR SOLICITATIONS ON CITY PREMISES

**A.R. Number:** 1.2 **Effective Date:** 2/1/2007 **Page:** 2 of 3

**Supersedes:** Use of City Funds for Political Activity **A.R.:** 1.2 **DATED:** 9/1/2000

**IV. DEFINITIONS**

**Funds** - Regardless of the originating source, all funds for which the City is held accountable (i.e. federal or state funds, private foundations, or locally generated City funds) shall be included for purposes of this Administrative Policy.

**Electioneering** – Actively working for the election of a candidate or party.

**V. REGULATION UPDATE**

The Office of the Mayor and the Department of Human Resources in conjunction with the Office of the City Attorney shall be responsible for modifications to this Policy.

**APPROVED:**

**MAYOR**





**Administrative Regulations  
Office of the Mayor**

**Title:** CUSTOMER SERVICE POLICY

**A.R. Number:** 1.3 **Effective Date:** 9/1/2004 **Page:** 1 of 2

**Supersedes:** Customer Service Policy **A.R.:** 1.4 **DATED:** 9/1/2000

**I. PURPOSE**

Customer Service Policy incorporates core customer service expectations and guidelines for individual agencies/departments, according to the customer service statement and standards.

The purpose of the City's customer service policy is to extend customer service roles and performance beyond traditional boundaries to create an organization that supports total inclusion at executive, mid-level and line staff levels for improving and sustaining customer service goals and directives. It provides general guidelines for managing performance around customer service in accordance with City expectations and standards.

**I. POLICY**

The City of Richmond is committed to quality customer service. Therefore, every phase of work and performance will be aligned with meeting the needs of customers and citizens.

**II. PROCEDURES**

**A. Acceptable Work Performance**

Every employee (classified, unclassified, grant-funded, temporary, seasonal and all other individuals doing business for the City) is expected to adhere to the City's statement of its Philosophy, Promise and Guiding Principles when carrying out his/her duties and responsibilities.

Our Philosophy – *“We are all service professionals committed to addressing your needs with a caring attitude every time.”*

Our Promise - We will treat everyone as we wish to be treated, by providing:

- A warm greeting;
- Full attention and a sense of urgency;
- Competent, through handling and follow-up;
- A sincere “thank you.”

Our Guiding Principles:

- Know who our internal and external customers are and understand their needs;
- Focus on community defined needs, recognizing that resources belong to the people;
- Deliver efficient, high quality services in concert with the entire community;
- Ensure equal access to all services with honesty and integrity;
- Respect diversity and community values.

Employees are expected to render effective customer service in all instances and to actively contribute to the success of the City's customer service goals. The City and/or its agencies can recognize employees, who render exceptional customer service.



**Administrative Regulations  
Office of the Mayor**

**Title:** CUSTOMER SERVICE POLICY

**A.R. Number:** 1.4 **Effective Date:** 9/1/2000 **Page:** 2 of 2

**Supersedes:** Customer Service Policy **A.R.:** 1.4 **DATED:** 9/1/2000

**B. Unacceptable Work Performance**

Employees who are unwilling to render effective customer service as established by customer service expectations and performance standards will be subject to disciplinary measures, up to and including dismissal. By way of illustration, but not limitation, the following shall constitute inappropriate customer service behaviors:

1. Justified customer dissatisfaction
2. Failure to project a customer-friendly image
3. Poor responses to internal or external customers

**C. Reporting Procedures**

It shall be the City's policy to assess, develop and monitor the effectiveness of internal and external customer service throughout the City. Each City agency will establish customized plans for improved and sustained quality customer service at two major levels:

1. Communicate the customer service statement to all employees (Our Philosophy, Our Promise, Our Guiding Principles)
2. Incorporate the following work plan components:
  - a. Core customer service performance standards for the City of Richmond.
  - b. Specific customer service performance and operating standards (telephone etiquette, written, verbal and non-verbal customer responses, handling of customer requests) for agencies.
  - c. Training and development plans for the attainment of knowledge and skills to achieve desired core and agency specific customer service results.
  - d. Written performance evaluations of customer service plan results at individual, team and agency level. Performance evaluations at least every twelve months.

**III. REGULATION UPDATE**

The Office of the Mayor shall be responsible for modifications to this regulation.

**APPROVED:**

**MAYOR**



**Administrative Regulations  
Office of the Mayor**

**Title:** USE OF RICHMOND CITY COUNCIL CHAMBERS

**A.R. Number:** 1.4 **Effective Date:** 2/1/2007 **Page:** 1 of 2

**Supersedes:** Use of Council Chambers **A.R.:** 1.1 **DATED:** 9/1/2000

**I. PROCEDURE**

The following rules shall govern use of Richmond City Council Chambers:

- A. Appointments for use of Council Chambers must be made through the City Clerk's Office.
- B. The following are priority uses of Council Chambers. No other use shall be scheduled which conflicts with a priority use and any use which is already scheduled shall be canceled if Council Chambers are needed at the same time for a priority use:
  - 1. Meetings of City Council, meetings of any committee of Council, or any public hearings or proceedings being conducted on behalf of Council.
  - 2. Meetings or hearings conducted by any board, commission, department, bureau, agency, or office of City government, including Richmond Public Schools.
- C. The following are permitted uses of Council Chambers. A permitted use may be allowed in Council Chambers, but only if it does not conflict with a priority use:
  - 1. Special meetings of civic associations, civic organizations, and citizen organizations.
  - 2. Special meetings of, non-profit, charitable organizations.
  - 3. Meetings or hearings of other governmental bodies.
- D. The following are prohibited uses of Council Chambers:
  - 1. Fund raising – unless a City of Richmond-sanctioned program, such as the United Way.
  - 2. Use by any for-profit business or commercial enterprise or organization, unless such usage is a City of Richmond-sanctioned program.
  - 3. Use for any criminal or illegal purpose.
  - 4. Regular or periodic meetings of any organization or group other than Richmond City Council.
  - 5. Use for any disorderly, obscene, pornographic, or riotous, purpose; or use at which such conduct occurs, regardless of purpose.



**Administrative Regulations  
Office of the Mayor**

**Title:** USE OF RICHMOND CITY COUNCIL CHAMBERS

**A.R. Number:** 1.4 **Effective Date:** 2/1/2007 **Page:** 2 of 2

**Supersedes:** Use of Council Chambers **A.R.:** 1.1 **DATED:** 9/1/2000

- E. Any person or organization which is found to have used Council Chambers in violation of these rules shall be barred from further use of Council Chambers for a period of up to one year.
- F. All decisions about the use of the Council Chambers shall be made by the Mayor, or by the City Clerk on his behalf and subject to appeal to City Council Organizational Development Standing Committee.

**II. RESPONSIBILITY**

It shall be the responsibility of the City Clerk's Office to notify City Hall buildings management personnel, if possible, eight hours in advance of a scheduled meeting.

**III. REGULATION UPDATE**

The Office of the Mayor and the City Clerk shall be responsible for modifications to this Policy.

**APPROVED:**

**MAYOR**

**Administrative Regulations**  
**Office of the Mayor**  
**Title: EMERGENCIES AND CLOSINGS**



**A.R. Number: 1.5 Effective Date: 7/1/2023 Page 1 of 7**  
**Supersedes: EMERGENCIES AND CLOSINGS A.R.: 1.5 DATED: 1/5/2016**

## **I. PURPOSE**

The City of Richmond shall ensure that all employees are properly notified and compensated when weather or other emergency circumstances force the closing of most city offices.

## **II. POLICY**

This policy provides the Chief Administrative Officer (CAO) or designee, the flexibility needed to take swift and appropriate action in emergency circumstances. This policy does not prohibit city administration or agencies from establishing other hours of operation that are necessary to carry out the business of the city government, establishing emergency practices consistent with operating needs and city policy, or determining which employees are essential or nonessential.

## **III. PROCEDURE**

### **A. General**

#### **1. Emergencies**

In the event of an emergency or inclement weather, the city administration will make every effort to open facilities to the public and employees should assume they must report as normal. However, if roads are too dangerous for travel or there is structural damage to a building, the administration may decide to delay opening or close city facilities until conditions improve. Staff should seek current information by:

- a. Calling your voicemail from an outside phone. A message left on your office voicemail will announce any closures or delayed openings. Call the designated voicemail access number (646-1500) and follow the instructions for those with a mailbox on the system by pressing the star key and entering your extension and password when prompted.
- b. Listening to area broadcast news outlets, city website, or city email for closings and delayed opening notices.
- c. Watching your email for an early closing announcement when dangerous weather or other dangerous conditions occur during working hours.
- d. Visit [www.richmondgov.com](http://www.richmondgov.com) and follow the city on Twitter @CityRichmondVA for updates of city events.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: EMERGENCIES AND CLOSINGS**



- e. Contacting your immediate supervisor if you have any questions.

**A.R. Number: 1.5 Effective Date: 7/1/2023 Page 2 of 7**

**Supersedes: EMERGENCIES AND CLOSINGS A.R.: 1.5 DATED: 1/5/2016**

## **2. Employee notification**

The CAO shall ensure that all employees are properly notified and compensated in accordance with the appropriate administrative regulation(s). Unless otherwise notified by sources identified in this administrative regulation, all personnel are to assume that the City of Richmond will be open for business regardless of any weather or other emergency condition that may develop. Employees must report to work and should expect that all offices will be fully operational unless notified by a media broadcast. If a media broadcast indicates that offices are in any status other than fully operational, the status (i.e.: late opening or early closing) will be broadcast via one or all of the following:

- a. Broadcast voicemail
- b. Broadcast email
- c. Television broadcast: WTVR-TV 6; WRIC-TV 8; WWBT-TV 12
- d. Radio broadcast: WRVA 1140 AM

It is the employee's responsibility, prior to reporting for duty, to monitor the above listed broadcast media or call 804-646-1500 for a recorded message pertaining to the status of offices for that day.

If a nonessential employee elects not to report to work due to emergency or adverse weather conditions when offices are open, the employee will be charged annual leave for the time period in which offices are open. If the employee does not have annual leave, then the hours will be treated as "leave without pay."

## **3. Continuity of critical operations**

The continuity of critical operations/services during adverse weather or other emergency conditions is essential. Departments may be required to maintain the minimum level of staff needed to provide services. Under conditions of emergencies and/or closings, essential employees may be required to report to work when other city employees are not required to do so.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: EMERGENCIES AND CLOSINGS**



Departments are responsible for notifying their respective employees and maintaining and posting a list of essential employees. During an emergency and/or closing, an employee who

**A.R. Number: 1.5 Effective Date: 7/1/2023 Page 3 of 7**  
**Supersedes: EMERGENCIES AND CLOSINGS A.R.: 1.5 DATED: 1/5/2016**

is not listed on the essential personnel staffing list may still be designated as essential and must report to work.

**B. Compensation for declared emergency**

1. Non-exempt employees, as defined by FLSA, either essential or nonessential who are required to work during an emergency will receive one and one-half (1.5) times regular pay for the day or shift worked plus any additional hours worked. Employees may also be granted additional time, on an hour-for-hour basis for all hours worked during the emergency. The CAO or designee will determine the hours to which this provision applies. The CAO or designee has the discretion to apply to apply this provision to selected groups of employees. The additional time or compensation discussed above is in addition to any required overtime payment in compliance with the FLSA.
2. FLSA Exempt employees who are required to work due to the emergency are not eligible for overtime payment. However, due to the situation and in recognition of their service, exempt employees may be eligible for paid administrative leave consistent with Administrative Leave Policy. Administrative leave is awarded by the appointing authority/department head and should be taken at the earliest possible time. Administrative leave must be used as leave and is not compensable. Administrative leave earned and not used within 26 pay periods will be forfeited.
3. All employees who were not required to work their regular day or shift due to the emergency will receive regular pay for that day or shift.
4. For essential employees, the appointing authority/department head or designee is authorized to cancel previously approved leave to ensure these employees are available for work during the emergency period.
5. Employee compensation for declared emergencies lasting more than 48 hours is at the discretion of the CAO.

**C. Closings and delayed openings**

**Administrative Regulations**  
**Office of the Mayor**  
**Title: EMERGENCIES AND CLOSINGS**



**1. Full closing**

If city offices are fully closed, employees who are not designated as essential will be excused from work. Essential employees may be required to report to work. Essential employees who

**A.R. Number: 1.5 Effective Date: 7/1/2023 Page 4 of 7**

**Supersedes: EMERGENCIES AND CLOSINGS A.R.: 1.5 DATED: 1/5/2016**

do not report to work during closed status when required to do so will be placed on leave without pay and may be disciplined, up to and including termination. The CAO or designee has the discretion to provide the emergency pay provisions outlined in Section B. Nonessential employees who are on pre-approved leave will not have leave time charged for the designated time in which the city is officially closed.

**2. Early closing**

If city offices are closed early, employees who are not designated as essential will be excused from work. Essential employees may be required to remain at work. Essential employees who do not remain at work when required to do so during closed status will be placed on unauthorized leave without pay and may be disciplined, up to and including termination. Employees who work their full shift or workday will receive no additional compensation. Nonessential employees who are on pre-approved leave will have leave time charged for the entire period for which the leave was approved.

**3. Delayed openings**

If the opening of offices is delayed, essential employees may be required to report for normal working hours. All nonessential personnel are expected to report at the broadcasted time. If an employee reports later than the broadcasted opening time, the employee will be charged leave time for the period of absence between the late opening time and the time the employee actually reports for duty.

In the event that the opening of offices is delayed, nonessential employees that work flexible schedules will revert back to the standard work schedule of 8:00 a.m. to 5:00 p.m. For example, if the employee's flexible schedule is from 7:00 a.m. to 4:00 p.m. and the offices open at 10:00 a.m., the employee would report for work from 10:00 a.m. until 5:00 p.m. If the employee leaves earlier than 5:00 p.m., the difference in hours will be charged to annual leave. Employees who work their full shift or workday will receive no additional compensation. Nonessential employees who are on preapproved leave will have leave time charged for the designated time in which the city is officially closed.



**Administrative Regulations**  
**Office of the Mayor**  
**Title: EMERGENCIES AND CLOSINGS**



**4. Partial closings/locations**

If the emergency or other circumstance is limited to a portion of city offices (as determined by the CAO or designee), employees may be relocated to an unaffected designated area of the city. Employees who fail to report to the designated location may be placed on leave

**A.R. Number: 1.5 Effective Date: 7/1/2023 Page 5 of 7**

**Supersedes: EMERGENCIES AND CLOSINGS A.R.: 1.5 DATED: 1/5/2016**

without pay, and may be disciplined, up to and including termination. Employees who work their full shift or workday will receive no additional compensation. Nonessential employees who are on preapproved leave will have leave time charged for the designated time in which the city offices are officially closed.

**D. Liberal leave determinations**

Under certain emergency conditions, the CAO or designee may declare liberal leave for nonessential employees. Such determinations are reported to the media and are posted in accordance with section III.A.2.

The following conditions apply when liberal leave is in effect:

1. Nonessential employees are allowed to be absent for a portion of a workday or the entire workday and are charged paid leave (i.e.: vacation or compensatory) or leave without pay, as appropriate, for the period of absence. Employees must notify their supervisors if they intend to take leave.
2. Nonessential employees arriving late under a liberal leave determination will not be penalized for tardiness but will be charged paid leave or leave without pay, as appropriate, for the period between the regular starting time and their arrival.
3. If liberal leave is announced during the workday, nonessential employees will be permitted to leave the work site at their discretion, after apprising their supervisors. Employees will be charged paid leave or leave without pay, as appropriate, for the period between their departure and the end of their regular workday.
4. Liberal leave determinations do not apply to essential employees. Essential employees are required to report for work when liberal leave is declared unless they are specifically excused by their supervisors.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: EMERGENCIES AND CLOSINGS**



Employees may not use sick leave for a liberal leave absence unless the absence meets the criteria for sick leave (please see the city's sick leave policy for detailed requirements regarding sick leave).

#### **IV. DEFINITIONS**

**Delayed openings** – The opening of offices is delayed due to adverse weather conditions or other emergency circumstances.

**A.R. Number: 1.5 Effective Date: 7/1/2023 Page 6 of 7**

**Supersedes: EMERGENCIES AND CLOSINGS A.R.: 1.5 DATED: 1/5/2016**

**Early closing** – The closing time of offices is adjusted to an earlier time due to adverse weather conditions or other emergency circumstances.

**Essential personnel** – Personnel designated by each appointing authority/department head that are essential to the effective operations of the city because of their responsibilities to protect and serve the citizens of Richmond. An individual may be determined as essential in one given situation (i.e.: snowstorms/snow removal) and nonessential in another situation (i.e.: sewer maintenance). The decision to designate an individual as essential is determined by the appointing authority/department head.

**Exempt employee** – A classification for which overtime compensation (payment or compensatory time) is not required under the Fair Labor Standards Act. Positions classified as exempt are so noted in the city's Compensation Plan.

**Full closing** – City offices are fully closed for the entire workday due to adverse weather conditions or other emergency circumstances.

**Liberal leave** – Leave/time-off requested by employees and granted by supervisors without delay in the time of an emergency. This is at the discretion of the CAO, Mayor, or City Council and only for nonessential employees.

**Nonessential personnel** – Personnel who are not designated as essential for the emergency or closing.

**Non-exempt** – A classification for which overtime compensation (payment or compensatory time) is required by the Fair Labor Standards Act. Positions classified as non-exempt are so noted in the city's Compensation Plan.

**Partial closings/locations** – If the emergency or other circumstance is limited to a portion of the city.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: EMERGENCIES AND CLOSINGS**




**A.R. Number: 1.5 Effective Date: 7/1/2023 Page 7 of 7**  
**Supersedes: EMERGENCIES AND CLOSINGS A.R.: 1.5 DATED: 1/5/2016**

**V. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

  
CHIEF ADMINISTRATIVE OFFICER

  
MAYOR



## Administrative Regulations Office of the Mayor

Title: BUSINESS CONDUCT

A.R. Number: 1.6 Effective Date: 2/1/2007 Page: 1 of 2

Supersedes: N/A A.R.: N/A DATED: N/A

### I. PURPOSE

The City of Richmond expects City employees and officials to conduct themselves in a professional manner that is appropriate to the workplace. City employees are expected to perform their duties in a safe, competent manner. City employees should embrace the principles set forth herein, and conduct themselves accordingly.

### II. PROCEDURE

#### Professional Conduct

The City of Richmond has made continuous efforts to develop a workplace environment where City employees and officials can share a sense of common values and a commitment to service to the community. An integral part of that effort has been to establish guidelines for expected professional conduct by City employees. Together, with this policy, they help to frame the expectations of citizens, employees, officials, and other Richmond City leaders. Guidelines for professional conduct are housed in a publication entitled “**Tenets of Professional Conduct for City of Richmond Employees**”, which is summarized below:

*“Employees of the City of Richmond are Ambassadors for the City, and must adhere to the highest standards of conduct and services outlined in the City’s Mission Statement and Guiding Principles.”*

#### A. Mission Statement

The mission of the City of Richmond is to be a world class city that offers a safe, supportive and Culturally diverse environment for citizens and businesses; superior education, human resource and Community development systems; a high performance government; and leadership that challenges and empowers its citizens and employees to achieve their highest potential.

#### B. Guiding Principles

- Focus on community defined needs, recognizing that resources belong to the people.
- With honesty and integrity, ensure equal access to all City services.
- In concert with the entire community, establish accessible, efficient, high quality services.
- Respect diversity and community values.
- Know and understand who our customers are, externally and internally.



**Administrative Regulations**  
**Office of the Mayor**  
**Title: BUSINESS CONDUCT**  
**A.R. Number: 1.6 Effective Date: 2/1/2007 Page: 2 of 2**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

C. Expectations On Professional Conduct

Every City employee is expected to act in a professional manner at all times and to follow these tenets:

- Provide the highest quality of service possible.
- Treat every individual with respect and courtesy.
- Resolve any inquiry or complaint as expeditiously as possible. Request immediate assistance from your supervisor if you cannot resolve the issue.
- Maintain the highest degree of honesty and integrity. Report any incident that may reflect on the honesty or integrity of the City to your supervisor immediately.
- Raise any legitimate concern in a professional manner through established channels of responsibility.
- Ensure an accurate and thorough decision-making process, discuss the merits of any lawful policy or procedure in the appropriate forum and in a responsible, professional manner. Once a decision is made by the appropriate authority, implement the decision fully.

**III. RESPONSIBILITY**

The City of Richmond values the diversity of its citizens and representatives, and respects the rights of individuals to establish their own value systems. Though this policy promotes the highest ideals of public service, it cannot claim to speak for the beliefs held by each individual representing the City of Richmond. Nevertheless, the City of Richmond expects the *conduct and behavior* of its employees and officials to be exemplary whenever they represent the City. This policy should serve to generally guide the conduct of representatives of the City. It is intended to provide the over-arching guidelines by which the City of Richmond conducts its business and establishes its policies, rules, and regulations. Violation of specific City, or Agency policies, rules or regulations may hold consequences for the violator. *Any such violations and related penalties are enumerated in the appropriate documents, which are supplements to this policy. Any such violation, therefore, will also be considered a violation of this policy.*

**IV. REGULATION UPDATE**

The Office of the Mayor shall be responsible for modifications to this Policy.

**APPROVED:**

**MAYOR**



## **Administrative Regulations**

### **Office of the Mayor**

**Title:** MEDIA RELATIONS POLICY

**A.R. Number:** 1.7 **Effective Date:** 2/1/2007 **Page:** 1 of 2

**Supersedes:** Media Relations Policy **A.R.:** 1.9 **DATED:** 9/5/2006

#### **I. GOAL**

The City Administration strives to inform its residents, businesses, civic associations, visitors, and others through a proactive communications program. One of the most effective and necessary ways to communicate City policies and activities to the public is through the news media. It is extremely important that media requests are handled promptly and that proper media identification is provided at the time of the request. Often, the Mayor's Office and City Administration can positively impact a particular issue if its position is known in a timely manner.

#### **II. GENERAL POLICY**

The Press Secretary to the Mayor is assigned primary and official responsibility for the City of Richmond's media relations and serves as the designated spokesperson for the City in lieu of the Mayor and the Chief Administrative Officer (CAO). The Press Secretary coordinates information among these officials and prepares responses to the media that are approved on behalf of the City.

Only those representations expressly stated or otherwise approved by the Mayor, the Chief Administrative Officer or the Press Secretary will be considered as official positions or policies of the City Administration.

#### **III. INFORMATION PROVIDED TO THE MEDIA**

The Office of the Press Secretary prepares, approves and issues all City of Richmond news releases, unless prior arrangements have been made. The Office makes final determinations regarding the potential newsworthiness of information, as well as whether and in what manner it should be released to the media. All official releases must be issued on Office of the Press Secretary letterhead unless otherwise arranged. The Office establishes and maintains a comprehensive media contact list for dissemination of news releases.

#### **IV. CITY EMPLOYEE INTERACTION WITH THE MEDIA**

All inquiries should be referred immediately to the Office of the Press Secretary, which is responsible for coordinating an appropriate response. The Press Secretary will contact and coordinate a response to the media on behalf of the Mayor, the CAO or a Deputy Chief Administrative Officer. The Press Office may designate other spokespersons, as arranged in advance, to address a particular inquiry or situation.

City employees are expected to provide members of the media with the same respect and courtesy afforded to any other citizen. If the media contacts you, please follow these steps for *all* contacts:

1. When contacted, indicate that it is City policy to make the Press Secretary's Office aware of the contact before providing *any* information to the media.



## **Administrative Regulations**

### **Office of the Mayor**

**Title:** MEDIA RELATIONS POLICY

**A.R. Number:** 1.7 **Effective Date:** 2/1/2007 **Page:** 2 of 2

**Supersedes:** Media Relations Policy **A.R.:** 1.9 **DATED:** 9/5/2006

2. Ask the media contact for the name, title, the media organization, telephone number, the deadline for the information and, most importantly, the specific information that is being requested.
3. Indicate to the media contact that someone will get back to them and ask what the deadline is for receiving the information.
4. Immediately notify your supervisor, who then is to contact the Press Secretary's Office by either e-mail or telephone.
5. Please be sure to follow this procedure. If you have any questions, contact your supervisor for guidance.

#### **V. MEDIA ACCESS TO PUBLIC SETTINGS**

The news media has a legal right to observe, photograph and/or record any event or any person in a public setting. If a member of the media arrives at any City location unannounced, the Press Secretary's office should be notified immediately so that it may begin the process of assisting the media.

#### **VI. REQUESTS FOR INFORMATION BY THE MEDIA**

Requests to review or obtain copies of City documents may carry legal implications and potential liabilities for the City under the Virginia Freedom of Information Act (FOIA). Employees who receive such requests must immediately notify their supervisor as outlined in Section IV, and also the Press Secretary's Office.

Reimbursement of costs in connection with the review and copying of information should be followed under FOIA, to reflect the actual cost to reproduce documents requested, as well as the staff time involved in responding to a request. Questions on this should be directed to the Press Secretary's Office.

#### **VII. PUBLIC SAFETY ISSUES**

The City Police and Fire Departments have designated uniformed officers and other internal staff who serve as Official spokespersons regarding law enforcement issues and incidents requiring emergency response. Media inquiries regarding such issues should be referred immediately to appropriate Police or Fire Department personnel and at the same time, the Press Secretary's Office.

In all instances related to law enforcement or emergency response, the Press Secretary should be advised immediately of unusual incidents likely to garner significant media attention or which may warrant further involvement of the City Administration.

**APPROVED:**

**MAYOR**



## **Administrative Regulations**

### **Office of the Mayor**

**Title:** Confidentiality and Non-Disclosure Policy

**A.R. Number:** 1.8 **Effective Date:** 2/1/2011 **Page:** 1 of 2

**Supersedes:** N/A **A.R. N/A DATED:** N/A

#### **I. PURPOSE**

The purpose of this policy is to ensure that all employees are aware of the Administration's position on Confidentiality and Non-Disclosure. Protecting the confidentiality of personal information of employees and members of the public is paramount. Each person who handles forms, reports and/or written or electronic employee or citizen information must treat this information as confidential.

#### **II. POLICY**

Employees of the City have access to proprietary and other confidential information relating to City business, as well as information maintained by City departments and agencies, that must be kept confidential. For example, the City has payroll information on departmental and centralized computer systems that is protected by state and federal law. The Police and Information Technology Departments have privileged, confidential information on both centralized and departmental systems. Other city departments like the Mayor's Office and Law Department may also have sensitive information stored on City systems that an employee may have access to or knowledge of. City employees have access to sensitive information; including conversations with key city officials, employees and staff. Such information may be in writing or verbal form, but in all cases should be kept confidential.

**Misuse or negligence in handling confidential information and/or disclosing or accessing it for any purpose that is not job-related could subject the employee to civil or criminal penalties, as well as discipline, up to and including dismissal.**

#### **III. EMPLOYEE'S OBLIGATIONS**

A position of trust has been conferred upon every authorized person who, as part of their job function, comes in contact with confidential information to keep this information secure and private. Both City employees and contractors are obligated to recognize and adhere to these responsibilities while on or off the job. Therefore, an employee of the City or a person authorized to access City data files and information is required:

- To follow the City's privacy and security policies, standards, and guidelines including the Electronic Information Security Administrative Regulation;
- Not to expose customers' or employees' confidential information (such as social security number, driver's license number, and credit card data or account information);
- Not to expose health information (such as an individual's diagnosis or treatment) as protected by HIPAA privacy and security rules;
- Not to engage in or permit unauthorized use of any information in files or programs maintained by the City;
- Not to seek to benefit personally or permit others to benefit personally through the release of confidential information which has come to him/her by virtue of their job function or assignment;





**Administrative Regulations  
Office of the Mayor**

**Title:** Confidentiality and Non-Disclosure Policy  
**A.R. Number:** 1.8 **Effective Date:** 2/1/2011 **Page:** 1 of 2  
**Supersedes:** N/A **A.R. N/A DATED:** N/A

- Not to exhibit or divulge the contents of any City record to any person except in the conduct of his/her work assignment or in accordance with the policies of the City;
- Not to disclose the specifics of non-public City related business to unauthorized personnel;
- Not to remove or cause to be removed copies of any official record or report from any file from the office where it is kept except in the performance of his/her duties;
- To password protect mobile devices issued by the City or those authorized to connect to the City's information technology resources. Examples include but are not limited to: laptops, Blackberries, smart phones and personal digital assistants etc;
- Not to aid, abet, or act in conspiracy with another to violate any part of this Confidentially Policy;
- To report any violation of this code by anyone to his/her supervisor immediately;

**IV. REGULATION UPDATE**

The Department of Human Resources shall be responsible for modifications to this Regulation.

**RECOMMEND APPROVAL:**

  
CHIEF ADMINISTRATIVE OFFICER

**APPROVED:**

  
MAYOR



**Administrative Regulations  
Office of the Mayor**

**Title: TELECOMMUNICATIONS SERVICE**

**A.R. Number: 2.1 Effective Date: 2/1/2007 Page: 1 of 1**

**Supersedes: Telecommunications Service A.R.: 2.2 DATED: 9/1/2000**

**I. POLICY**

City telephone and data services are administered by the Department of Information Technology. All service changes or requests for new services must be coordinated through this Agency.

**A. Ownership**

All telephone and data instruments are the property of the City. The Enterprise Network and Server Services Bureau within the Department of Information Technology is responsible for the management of the inventory of these instruments. When an instrument becomes excess to the needs of an agency and/or the city, it should be returned to the Enterprise Network and Server Services Bureau for its evaluation for redeployment or disposal.

**B. Long Distance Telephone Calls**

Long distance telephone calls are restricted to City business only and are made under the authorization of the individual Department/Agency Director. Any personal long distance calls must be made collect or using a personal calling card.

**C. Faxes**

Use of these modes of transmission is restricted to City business only.

**D. Contracts**

All contractual obligations for telephone and/or data services that are being made on behalf of the city must be reviewed and approved by the Enterprise Network and Server Services bureau within the Department of Information Technology and signed off on by the Director.

**II. REGULATION UPDATE**

The Office of the Mayor and the Department of Information Technology is responsible for modifications to this Policy.

**APPROVED:**

**MAYOR**

**Administrative Regulations  
Office of the Mayor**



**Title:** CELLULAR TELECOMMUNICATION SERVICES AND DEVICES  
**A.R. Number:** 2.2 **Effective Date:** 5/15/2023 **Page 1 of 3**  
**Supersedes:** CELLULAR TELECOMMUNICATION SERVICES AND DEVICES  
**A.R.: 2.2 DATED:** 7/1/2008

**I. PURPOSE**

Telecommunications services and devices are essential to the city's ability to provide and deliver its services in a convenient and cost-effective manner. This policy provides a framework to employees on the business use and acquisition of wireless communication services and devices. Access to such services and devices can increase the level of service employees provide to city customers, increase the level of safety for city employees, and/or to satisfy legal requirements.

**II. POLICY**

Any cellular telecommunication services or devices, whether city-provided or personal, used to conduct city business become a conveyer of "city data" and thereby fall under the jurisdiction of the city's Electronic Media Policy. Cellular telecommunications devices approved for connection to the city's network shall comply with the city's technology standards established and maintained by the Department of Information Technology (DIT).

DIT shall serve as the city's central point of contact for all city cellular telecommunications services and device related needs.

DIT shall maintain eligibility criteria by which city-owned mobile communications devices may be issued, including how appointing authorities/department heads approve such. The city reserves the right to refuse issue of cellular telecommunications services or devices to employees for any reason.

The city reserves the right to require installation of city-owned mobile device management software on any mobile communications device used to conduct city business.

**III. PROCEDURE**

DIT shall promulgate Standard Operating Procedures (SOP) in connection with issuing, receiving, maintaining, returning, and using city cellular telecommunications services and devices and shall make these procedures available to city employees.

**Administrative Regulations  
Office of the Mayor**



**IV. RESPONSIBILITY**

**Department of Human Resources (HR)** – HR is responsible for oversight and administration of this policy. HR is the central repository for all personnel files and information. HR shall make available all

**Title:** CELLULAR TELECOMMUNICATION SERVICES AND DEVICES

**A.R. Number:** 2.2 **Effective Date:** 5/15/2023 Page 2 of 3

**Supersedes:** CELLULAR TELECOMMUNICATION SERVICES AND DEVICES

**A.R.: 2.2 DATED:** 7/1/2008

necessary procedures and forms to departments and employees and provide guidance when questions arise.

**Department of Information Technology (DIT)** – DIT is responsible for all city cellular telecommunications service and device related needs.

**Appointing Authority / Department Head** – Appointing authorities/department heads or the designee is responsible for accounting for, and maintaining telecommunication services and devices issued to them, maintaining accurate and current lists of employees issued city-owned telecommunication services and devices, updating DIT of all changes in their use and needs regarding city-owned telecommunication services and devices.

**Employee** – Employees are responsible for abiding by the rules and procedures described in this policy and all associated SOPs.

**V. DEFINITIONS**

**Cellular telecommunications services/devices** – Handheld portable electronic communications equipment that provides telephony capabilities, SMS (texting), or data transport (internet access) services, such as cellular telephones, smartphones, tablets, and other devices as defined within DIT's standard operating procedures.

**Title:** CELLULAR TELECOMMUNICATION SERVICES AND DEVICES

**A.R. Number:** 2.2 **Effective Date:** 5/15/2023 Page 3 of 3

**Supersedes:** CELLULAR TELECOMMUNICATION SERVICES AND DEVICES

**A.R.: 2.2 DATED:** 7/1/2008

**Administrative Regulations  
Office of the Mayor**




**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

  
CHIEF ADMINISTRATIVE OFFICER

  
MAYOR



## **Administrative Regulations**

**Office of the Mayor**

**Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 1 of 20**

**Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

### **I. PURPOSE**

Technology enables the City of Richmond (COR) to selectively offer an alternative way to conduct business. Telework allows City employees and others to conduct City business from remote locations, while still being able to access information technology services and data. Telework is intended to enhance productivity, creativity, employee satisfaction, and/or reduce operating costs. This policy also supports the Clean Air Act and the city's greenhouse gas emission reduction goals by reducing the number of hours and miles that City of Richmond employees spend traveling to and from work.

This policy does not apply to requests for reasonable accommodation or occasional work from home arrangements such as in instances of inclement weather. Employees requesting to telework as a reasonable accommodation should follow the City of Richmond's procedures on requests for reasonable accommodation.

### **II. POLICY**

Telework is not an employee benefit; it is an option granted and approved by the Appointing Authority or designee to employees that meet certain requirements. Teleworking may be appropriate for some employees and some jobs as determined by the Appointing Authority or designee at his or her sole discretion. It is neither an entitlement nor a benefit; and it does not change the terms and conditions of the teleworker's employment. Attendance in the workplace is an essential function of employment with the City of Richmond.

Participation in the telework program may be terminated by the teleworker, the Appointing Authority, or designee. Upon notice of termination of the telework arrangement, the employee will report for on-site work within three (3) business days, unless the Appointing Authority or designee authorizes an extension. Failure to return within the designed time frame may be considered job abandonment, and the employee may be separated from employment.

All pay and leave entitlements will be based on the employee's official primary duty location. The employee is responsible for tax consequences associated with teleworking and compliance with any other laws including local zoning regulations. Employees may wish to consult their attorney or tax accountant regarding any legal or tax implications associated with the use of their residence or off-site location as a work location.



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 2 of 20**

**Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

**Eligibility:** Employees must have successfully completed at least six-months of their probationary period and must receive a satisfactory rating on their interim performance evaluation in order to be eligible to request a telework arrangement. Employees must meet and maintain a rating of 275 or above on the annual employee performance evaluation to maintain a telework arrangement. Exceptions to this eligibility requirement may be granted by the Appointing Authority under special circumstances, including, but not limited to, a situation where an employee is physically incapable of reporting for normal duty at city facilities, or to support continuity of operations plans during severe weather, pandemics, natural disasters, or other emergency situations.

**Suitability:** Once an employee meets the eligibility requirements stated above, the decision to allow teleworking is solely within the Appointing Authority's discretion. The Appointing Authority may consider the following:

1. Employees suited for telework are solid performers who know the job and the department standards and expectations. They can work independently, do not require close supervision, and have good communication skills. They are reliable, disciplined, and self-motivated.
2. Work suited to telework involves some form of information processing such as reading, writing, calculating, analyzing, designing, programming, and managing data. Some of the work products can be measured. Tasks are predictable or can be scheduled.
3. Work units suited to telework have structure, clear work assignments, cross training, back-up plans, and can operate smoothly when one or more employees is working off site.

### **III. PROCEDURE**

#### **A. Application and Approval**

The decision to allow an employee to telework will be made by the agency Appointing Authority. Supervisors and employees wishing to apply for a telework arrangement must first complete the Selection Criteria Worksheet.

Employees approved for telework must conduct an alternate worksite inspection using the approved Safety Checklist for Teleworkers.

Employees approved for telework who plan to use their own personal computer (PC) must meet the standards defined in the Teleworker Home Equipment Checklist and are responsible for maintaining security software/antivirus per the City security guidelines.



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 3 of 20**

**Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

Both supervisors and employees must complete mandatory telework training prior to approving an employee's telework requests. Training is required annually, as provided by the Human Resources Training Division. All completed documents, forms, and agreements related to the telework arrangement will be retained in the Human Resources Employee File.

If the Appointing Authority agrees to allow an employee to telework and the above forms and training are completed, a Telework Agreement must be completed. A Telework Agreement is valid for one year and must be renewed annually. Entering into a Telework Agreement does not constitute a contract or guarantee of employment or obligate the City of Richmond to employ the teleworker for any stated period of time. Terms and conditions of employment do not change when the employee becomes a teleworker.

All employees permitted to telework must continue to abide by all the City's administrative regulations and personnel policies, including but not limited to the Discrimination and Harassment, IT Resources and Communications Systems and Workplace Safety policies, Electronic Media Systems - (Internet/Intranet) Administrative Regulation 2.5, Remote Access-Administrative Regulation 2.5, and Electronic Media Systems Policy Use of Computer Equipment Administrative Regulation 2.7. Employees who use the City's network systems for teleworking agree that their access and connection to the City's network(s) may be monitored.

## **B. Liability**

If an employee chooses to accept the telework schedule, the employee does so at his or her own risk. The City of Richmond is not liable for the non-City of Richmond owned or managed environment in which a Teleworker chooses to work.

1. The City of Richmond will not be liable for damages to a teleworker's personal or real property at the alternate work location.
2. The teleworker assumes responsibility to protect and prevent loss, theft, or damage of City equipment.
3. Employees are prohibited from unauthorized work during their teleworking work hours. Non-exempt employees cannot work overtime more than 40 hours in a work week without prior approval of the employee's supervisor.
4. Nonexempt employees who are permitted to telework must comply with the City's Timekeeping Policy/Payroll Practices. Employees must accurately record all working





## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 4 of 20**

**Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

time. All leave requests and overtime are subject to the City of Richmond's policies and must be pre-approved.

### **C. Security**

1. Restricted access materials will not be taken to the alternative work site without prior written approval by the teleworker's supervisor.
2. Teleworkers are expected to follow all applicable security procedures in order to ensure the confidentiality and security of sensitive information and agree not to download company confidential information or trade secrets onto non-secure devices. Teleworkers should refer to other appropriate Administrative Regulations such as:
  - Electronic Information Security Administrative Regulation 2.6
  - Use of Computer Equipment Administrative Regulation 2.7
  - Electronic Systems - User Passwords Administrative Regulation 2.8
3. Teleworkers are expected to maintain physical access restrictions to computer equipment at the alternative worksite. All measures must be taken to restrict access to computers, peripherals, and networks they are attached to from unauthorized parties.
4. All data transmissions made by teleworkers in the performance of their duties at an alternate worksite must take place via City -provided and/or -approved mechanisms. The use of personal accounts, services, and media is prohibited.
5. The use of public wireless/wired connections as a means of teleworking is strictly prohibited. The teleworker must maintain control of the security mechanisms of the networks by which City data is transmitted or maintain an agreement with providers to safeguard this data transmission from unauthorized parties.

### **D. Equipment**

1. The City of Richmond may require a teleworker to use personally owned equipment such as a personal computer, networking equipment, internet connectivity services, and existing wiring in order to connect to the COR network from their alternate worksite. Employees are responsible for the maintenance of and supplies for personal equipment. The teleworker is responsible for the installation and the monthly service fee for the communication line(s) between the employee's home and the COR network. The teleworker is required to meet



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 5 of 20**

**Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

the standards in the Teleworker Home Equipment Checklist. The teleworker is also responsible for all costs related to meeting this standard. The City of Richmond may, however, supply a teleworker with the equipment it deems necessary to perform designated job functions, from the alternate work location. The decision on what equipment and software to supply, if any, is reserved for department/agency director. The Department of Information Technology will assist, when requested, in assessing the related equipment needs.

2. Any equipment provided by the City of Richmond will be considered a loan. Damage beyond normal wear and tear is the responsibility of the user. The equipment may be changed, swapped or withdrawn as deemed necessary by the City of Richmond. Any equipment requires the recoding of all pertinent information including, but not limited to the following:
  - a. The name, social security number, address, and phone number of the party to whom the equipment is assigned.
  - b. The date of the loan, return date of the equipment, description, condition, serial number, model number and quantity of the equipment provided.
  - c. Statement of both parties indicating that they have each received a copy of this policy.
  - d. Signatures (written or electronic) from each party indicating that the conditions of the policy are understood, have been met, and will be adhered to.
3. City of Richmond equipment provided to a teleworker may be used for legitimate City business only and only by the teleworker who has proper prior authorization to use the equipment.
4. Provided equipment shall be returned no later than the date specified on the signed form, or upon request by the City of Richmond.
5. City of Richmond owned computer equipment will be maintained, serviced, and repaired by DIT staff or through arrangements made by DIT staff with an approved contractor.
6. Teleworkers are required to bring City of Richmond computer equipment to the DIT office or approved contractor, when in need of service.



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 6 of 20**

**Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

7. No software or hardware shall be installed on City of Richmond equipment by an employee other than DIT staff or designated Automation Coordinators.

### **E. Teleworker Responsibilities**

1. Being prepared to report on site to the official primary work location within normal commute time if requested by management or supervisor.
2. Maintaining the security of their system and software through the appropriate use of security products and procedures (Refer to the Teleworker Home Equipment Checklist).
3. Ensuring equipment is adequately maintained and kept in compliance with standards for desktop computing, including virus protection, software revisions, and patch applications as needed (Refer to the Teleworker Home Equipment Checklist).
4. Forwarding their work phone to the telework site or having an appropriate voice mail message enabled on their work phone to allow callers to reach them at the alternate worksite.
5. The teleworker is responsible for all costs related to creating and maintaining the necessary secured environment.
6. When personal equipment is being used, the teleworker understands that all material created must be saved on the City of Richmond network in order to protect personal equipment from inclusion in e-Discovery cases.

### **F. Discipline**

Violations of this policy by City of Richmond employees can result in disciplinary action in accordance with the City's Personnel Rules, and other applicable Administrative Regulations, as well as any department/agency rules, policies, or regulation.

Violations of this policy by non-City employees granted special access to the City of Richmond network could result in the revocation of their access privileges and/or termination of their business relationship with the City.

Employees who are given permission to telework must sign and acknowledge a statement of understanding.



**Administrative Regulations**

**Office of the Mayor**

**Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 7 of 20**

**Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

**IV. REGULATION UPDATE**

The Office of the Chief Administrative Officer and the Department of Human Resources shall be responsible for reviewing this policy at least biannually and for modifications to this Policy.

**RECOMMEND APPROVAL:**

  
\_\_\_\_\_

**CHIEF ADMINSTRATIVE OFFICER/DESIGNEE**

**APPROVED:**

  
\_\_\_\_\_

**MAYOR**



**Administrative Regulations**

**Office of the Mayor**

**Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 8 of 20**

**Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

**Acknowledgment of Receipt and Review**

I \_\_\_\_\_ acknowledge that on (date) \_\_\_\_\_, I received a copy of the City of Richmond's Telework Policy and that I read it, understood it and agree to comply with it. I understand that the City has the maximum discretion permitted by law to interpret, administer, change, modify or delete this policy at any time with or without notice. No statement or representation by a supervisor or manager or any other employee, whether oral or written, can supplement or modify this policy. Changes can only be made if approved in writing by the Office of the Chief Administrative Officer and the Department of Human Resources. I also understand that any delay or failure by the City to enforce any work policy or rule will not constitute a waiver of the City's right to do so in the future.

I understand that the information in this policy is intended to help the City's employees to work together effectively on assigned job responsibilities. I understand that neither this policy nor any other communication by a management representative or any other employee, whether oral or written, is intended to in any way create a contract of employment. This policy is not promissory. It also does not set terms or conditions of employment or create an employment contract.

\_\_\_\_\_  
[SIGNATURE]

\_\_\_\_\_  
[PRINTED NAME]

\_\_\_\_\_  
[DATE]



**Administrative Regulations  
Office of the Mayor  
Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 9 of 20  
Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

**Selection Criteria Worksheet**

Send your Teleworking questions to: [Telework@richmondgov.com](mailto:Telework@richmondgov.com)

The purpose of this worksheet is to assess an employee's job characteristics, work habits, and competencies for successfully working at an alternate worksite.

<b>Teleworking Candidate Information</b>	
Employee Name	
Supervisor Name	
Anticipated Telework Start Date	
Proposed Alternate Worksite Schedule	
Proposed remote access method	
Proposed connection type (dial-up, cable modem, DSL, etc....)	

<b>Evaluate the employee's current existing job function (<i>note: if your responses are primarily medium to high then this employee is more likely to be a good candidate for teleworking</i>)</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
Clarity of work goals and objectives			
Ability to clearly define tasks for teleworking day(s)			
Ability to schedule face-to-face contact (meetings, etc.) on certain days of the week			
Degree to which communications can be accomplished using voice mail, email, or faxing			
Ability to control workflow/schedule			
Ability to combine work with others later			
Reliability of technology to support employee when teleworking			
Ability to meet internal and external needs while teleworking			
Ability to measure quantity and quality of performance			
Ability to benefit from quiet and uninterrupted time			



**Administrative Regulations**

**Office of the Mayor**

**Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 10 of 20**

**Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

<b>Evaluate the employee's current existing job function (note: if your responses are primarily low to medium then this employee is more likely to be a good candidate for teleworking)</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
Amount of face-to-face time required			
Amount of in-office reference materials or other resources required			
Impact on work team when employee is teleworking			
Amount of expenses while teleworking			
Amount of Customer Feedback required			
Amount of co-worker feedback required			
Amount of information, data, or materials that require security or other special handling			
<b>Evaluate the employee's work style and level of performance (note: if your responses are primarily medium to high then this employee is more likely to be a good candidate for teleworking)</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
Level of Job Knowledge			
Experience on current assignment			
Degree of confidence in making independent decisions			
Level of organizing and planning skills			
Degree of self-discipline regarding work			
Ability to separate work and personal commitments			
Level of trust regarding work hours			
Degree of reliability			
Degree of self-motivation			
Level of Productivity			
Desire to be results oriented			
Quality of work product			
Oral communication skills			
Written communication skills			
Relationship with customers			
Relationship with peers			
Level of understanding of City of Richmond policies and procedures			
Level of computer literacy			
Degree of Flexibility			
Adaptability of current job to the non-traditional work setting			
Ability to thrive in a work environment isolated from co-workers			
Ability to change home to an office-like environment			



**Administrative Regulations  
Office of the Mayor  
Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 11 of 20  
Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

<b>Evaluate the employee’s current existing job function (note: if your responses are primarily low to medium then this employee is more likely to be a good candidate for teleworking)</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
<b>Evaluate the employee’s work style and level of performance (note: if your responses are primarily low to medium then this employee is more likely to be a good candidate for teleworking)</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
Resistance to change			
Need for interoffice personnel contact			
Need for supervision/frequent feedback			
Importance of co-worker input to perform job			
Need for social interaction			

**Supervisors Considerations for Telework Approval**

- a. Can the work performed be monitored by output versus time spent doing the job?
- b. Is the job characterized by clearly defined tasks and deliverables?
- c. Is there enough work for the employee to perform away from the worksite?
- d. What are the technical and equipment needs required to perform the work and can those technical and equipment needs be readily accessed from home?
- e. Does the work require minimal need for on-site files, records, special equipment, software, or other resources?
- f. Does the work require limited need for face-to-face contact with the public or colleagues?
- g. Can communication with the public or colleagues be satisfied remotely?
- h. Can the work be performed remotely without unnecessary risk to the security of data, networks, or client confidentiality?
- i. If the position is supervisory or managerial, can the employee effectively supervise their subordinate employees remotely?

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Director/Designee Signature

\_\_\_\_\_  
Date





**Administrative Regulations  
Office of the Mayor  
Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 12 of 20  
Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

**Safety Checklist for Teleworkers**

Send your Teleworking questions to: [Telework@richmondgov.com](mailto:Telework@richmondgov.com)

Employee Name \_\_\_\_\_

The following checklist is required to be filled out by each teleworker in organizing an alternate work site. The teleworker should review this checklist with their supervisor prior to the start of teleworking.

<b>Worksite</b>	<b>Yes</b>	<b>No</b>
Teleworker has a clearly defined workspace that is kept clean and orderly.		
The work area is adequately illuminated with lighting directed toward the side or behind the line of vision, not in front or above it.		
Is the temperature level adequate for maintaining your normal level of job performance?		
Exits are free of obstructions.		
Supplies and equipment (both departmental and employee-owned) are in good condition.		
The area is well ventilated and heated.		
Storage is organized to minimize risks of fire and spontaneous combustion.		
All extension cords have grounding conductors.		
All phone lines, electrical cords, and extension wires are secured under a desk or alongside a baseboard.		
Exposed or frayed wiring and cords are repaired or replaced immediately upon detection.		
Electrical enclosures (switches, outlets, receptacles, junction boxes) have tight-fitting covers or plates.		
Surge protectors are used for computers, fax machines, and printers.		
Heavy items are securely placed on sturdy stands close to walls.		
Computer components are kept out of direct sunlight and away from heaters.		
<b>Emergency Preparedness</b>	<b>Yes</b>	<b>No</b>
Emergency phone numbers (hospital, fire department, police department) are posted at the alternate work site.		
A first aid kit is easily accessible and replenished as needed.		
Portable fire extinguishers are easily accessible and serviced as needed.		
Smoke Detector is in proper working condition and within hearing distance of workspace.		



**Administrative Regulations**

**Office of the Mayor**

**Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10,2020 Page 13 of 20**

**Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

<b>Ergonomics</b>	<b>Yes</b>	<b>No</b>
Desk, chair, computer, and other equipment are of appropriate design and arranged to eliminate strain on all parts of the body, in conformance with City Occupational Health Program guidelines.		
The phone is easily accessible in the work area		

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date



**Administrative Regulations  
Office of the Mayor  
Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 14 of 20  
Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

**Teleworking Agreement**

Send your Teleworking questions to: [Telework@richmondgov.com](mailto:Telework@richmondgov.com)

Employee Name: \_\_\_\_\_

This agreement specifies the conditions applicable to an arrangement for performing work at an alternate work site on a regular basis. The agreement begins on DATE and continues until DATE or INDEFINITELY. It can be withdrawn by written notice by either party at any time. The employee understands that management retains the right to modify this agreement on a temporary basis as a result of business necessity.

1. All pay and leave entitlements will be based on the employee's official primary duty location. The employee understands that she/he is responsible for tax consequences, if any, of this arrangement, and for conformance to any local zoning regulations.
2. The alternate work site is SPECIFY LOCATION. Days and hours when the employee will normally work at this alternate work site are:

<b>Day</b>	<b>Hours (indicate Lunch Hour)</b>	<b>Location</b>
Sunday		
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		

3. Additional hours for a non-exempt Employee involving overtime at any work site must be approved in advance by the supervisor.



**Administrative Regulations**

**Office of the Mayor**

**Title: TELEWORK**

**A.R. Number: 2.3 Effective Date:** December 10, 2020 **Page 15 of 20**

**Supersedes:** Telecommuting **A.R: 2.3 DATED:** January 1, 2012

4. Duties and assignments authorized to be performed at this alternate work site are:

SPECIFY DUTIES.

The supervisor reserves the right to assign work as necessary at any work site.

5. Recognizing that effective communication is essential for this arrangement to be successful, the following methods and times of communicating are agreed upon:

[SPECIFY: who (include backup and emergency contacts), when, how often, during what time frames, how (phone, fax text, face-to-face, etc.)]

6. The employee agrees to remain accessible during designated work hours, except for the specified lunch hour. The employee agrees to notify their immediate supervisor if they must leave the alternate worksite during the scheduled hours. The employee agrees to have a telephone answering machine or voice mail service, and call waiting service to ensure unimpeded availability. The employee agrees to modify their City of Richmond voice mail outgoing message to indicate that they may be reached at the alternate worksite or that the employee will be checking for messages. The employee agrees to check for messages at least every two (2) hours.
7. The following equipment (include serial number where appropriate) will be used by the employee at the alternate work site (*note: this agreement will require DIT signature if employee is using personal equipment*):

<b>Hardware/Equipment</b>	<b>√</b>	<b>Description</b>	<b>Owned by City or Employee</b>
Computer			
Internet Connection			
Printer			
Fax Machine			
Copier			
Monitor			
Keyboard			
Mouse			
USB Drive			



**Administrative Regulations  
Office of the Mayor  
Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 16 of 20  
Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

<b>Hardware/Equipment</b>	√	<b>Description</b>	<b>Owned by City or Employee</b>
Surge Protector			
Telephone (Voice)			
Telephone (Data)			
Desk			
Chair			
Lighting			
Other			

The following Software/Services (include license number where appropriate) will be used by the employee at the alternate work site:

<b>Software/Services</b>	√	<b>Description</b>	<b>Owned by City or Employee</b>
Operating System			
Virus Protection software			
Firewall			
Email			
Word Processor			
Spreadsheet			
Presentation Graphics			
Internet Browser			
Internet Service Provider			
Method of Remote Access			
Call Waiting			
Call Forwarding			
Conference Calling			
Other			

8. If employee is using their own computer, the employee's designated home PC/Laptop/Mac must:
  - o use an operating system in mainstream support and is configured to accept updates automatically



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 17 of 20**

**Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

- use a virus protection software in mainstream support and is configured to accept updates automatically
  - use a firewall in mainstream support and is turned on
9. The employee agrees to the following regarding the Home Network:
- If a wireless network is in use the Teleworker's wireless network is set so that the default SSID at a minimum is changed and preferably the SSID is not broadcasted.
  - If a wireless network is in use the Teleworker's wireless network is set so that the administrator user id is changed (if possible) but at a minimum that the default password is changed for the administrator account
  - If a wireless network is in use the Teleworker's wireless network is set so that a minimum encryption protection level is set to WPA2 or better.
  - If a wireless network is in use, and equipment is capable, it is configured so PC/Laptop/Mac accessing City systems is in isolation mode of other equipment connected.
10. The employee agrees to obtain approval before taking leave in accordance with established City of Richmond policies and procedures.
11. The employee with dependent care needs agree to make the necessary arrangements for alternative care during all agreed upon work hours. The employee agrees to conduct a site inspection of their alternate worksite using the supplied safety checklist. The employee agrees to maintain a safe and secure work environment. The employee agrees to allow the City of Richmond access to assess safety and security, upon receiving a one-day notice.
12. The employee agrees to report work-related injuries to the supervisor at the earliest reasonable opportunity. The employee agrees to hold the City of Richmond harmless for injury to others at the alternate work site.
13. The employee agrees to use City of Richmond-owned equipment, records, and materials for purposes of City of Richmond business only, and to protect them against unauthorized or accidental



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: TELEWORK**

**A.R. Number: 2.3 Effective Date:** December 10, 2020 **Page 18 of 20**

**Supersedes:** Telecommuting **A.R: 2.3 DATED:** January 1, 2012

access, use, modification, destruction, or disclosure. The employee agrees to report to the supervisor instances of loss, damage, or unauthorized access at the earliest reasonable opportunity.

14. The employee agrees to obtain office supplies during teleworker's in-office period.
15. The employee understands that all equipment, records, and materials provided by the City of Richmond shall remain the property of the City of Richmond.
16. The employee agrees that all electronic documents will be stored on the City of Richmond network.
17. The City of Richmond will not be liable for loss, theft, damage, or wear of employee owned equipment. The City of Richmond will hold liable the employee for loss, theft, or damage to City owned equipment and software if such loss or damage is caused by the employee's negligence, misuse, or abuse.
18. The City of Richmond will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., increase in utilities cost, Internet Service Provider Cost, Second Phone line) whatsoever, associated with the use of the employee's residence. The employee does not relinquish any entitlement to reimbursement for authorized expenses incurred while conducting business for the City of Richmond. The employee may be reimbursed for long-distance telephone calls and or fax costs for business purposes, provided that the employee agrees to submit appropriate documentation for reimbursement.
19. The employee understands that his/her personal vehicle will not be used for City of Richmond business unless specifically authorized by the supervisor.
20. The employee agrees to return City of Richmond equipment, records, and materials within three (3) days of termination of this agreement. All City of Richmond equipment will be returned to the City of Richmond by the employee for inspection, repair, replacement, or repossession with three (3) days of written notice.
21. The employee understands that all obligations, responsibilities, terms and conditions of employment with the City of Richmond remain unchanged, except those obligations and responsibilities specifically addressed in this agreement.



**Administrative Regulations**

**Office of the Mayor**

**Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 19 of 20**

**Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

22. The employee understands that this agreement is not an employment contract for a definite period of time and that participation in the telework program will not change the terms and conditions of employment.
23. The employee understands that the decision to allow teleworking rest at the sole discretion of the Appointing Authority or designee and that the teleworking agreement can be terminated at any time for any reason. Upon notice of termination of the telework agreement, the employee will report for on-site work within three (3) business days, unless the Appointing Authority or designee authorizes an extension. Failure to return with the designated time frame may be considered position abandonment, and the employee may be separated from employment.
24. The employee agrees to comply with the approved work schedule and will request authorization to work overtime or use leave in accordance with the City of Richmond's policies.
25. The employee understands that there may be a need for the employee to report for on-site duty during a scheduled off-site day to support workload, to attend a meeting, or other event. The employee agrees to report on-site as requested by the Appointing Authority or designee.





**Administrative Regulations**

**Office of the Mayor**

**Title: TELEWORK**

**A.R. Number: 2.3 Effective Date: December 10, 2020 Page 20 of 20**

**Supersedes: Telecommuting A.R: 2.3 DATED: January 1, 2012**

I hereby affirm by my signature that I have read this Teleworking Agreement and understand and agree to all its provisions.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Director/Designee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Information Technology/Designee Signature

\_\_\_\_\_  
Date

*Note: IT Signature is only required if employee is using personal equipment*



**Administrative Regulations  
Office of the Mayor**

**Title:** DISPOSAL OF SURPLUS COMPUTER EQUIPMENT

**A.R. Number:** 2.4 **Effective Date:** 2/1/2007 **Page:** 1 of 1

**Supersedes:** Disposal of Surplus Computer Equipment **A.R.:** 2.5 **DATED:** 9/1/2000

**I. POLICY**

The City of Richmond will allow City employees to purchase computer equipment in accordance with procedures set forth in this policy.

**II. PROCEDURE**

1. Agencies having surplus computer equipment shall declare such property surplus to the Department of Procurement Services by completing a Declaration of Surplus Property Form.
2. The Automation Coordinator for an agency declaring computer equipment as surplus, shall "ghost" the system, meaning that all information will be removed from the hard drive, except the operating system. The Automation Coordinator shall document that this task has successfully been completed. This documentation will be inserted in the surplus property files.
3. The Department of Procurement Services, in concert with DIT, will establish a uniform price available on the equipment based on after market value.
4. Once a price has been established, the Department of Procurement Services will publicize the availability of the surplus computer equipment in a location available to the general public. The equipment will be sold to the first person to submit an offer at the publicized price. All sales shall be advertised to the public in a newspaper of general circulation.
5. At the conclusion of each purchase, the City employee making the purchase will receive a bill of sale and shall certify in writing that the equipment is for personal use and not for resale. The employee shall also certify that they did not directly participate in the surplus decision.
6. In a given fiscal year, a City employee may purchase up to \$499 worth of surplus computer equipment.

**III. RESPONSIBILITY**

The Office of the Mayor and the Department of Procurement Services shall be responsible for administering and updating this policy.

**APPROVED:**

**MAYOR**



## **Administrative Regulations Office of the Mayor**

**Title:** ELECTRONIC MEDIA SYSTEMS (INTERNET/INTRANET)

**A.R. Number:** 2.5 **Effective Date:** 2/1/2009 **Page:** 1 of 5

**Supersedes:** Electronic Media Systems (Internet/Intranet) **A.R.:** 2.5 **DATED:** 2/1/2007

### **I. POLICY**

In accordance with, and subject to the City's Data Security Standard and Remote Access Service policy, this Administrative Regulation is applicable to all City of Richmond employees and other individuals authorized to use any data network owned or operated by the City of Richmond.

### **II. SCOPE**

The Department of Information Technology (DIT) has developed standards to govern the use of all forms of electronic media and combines and supersedes all previously issued standards issued by the Internet Policy Committee, DIT and other agencies for this subject matter. As used in this administrative regulation, "electronic media" includes but is not necessarily limited to the following: e-mail (electronic-mail), Internet use, Intranet bulletin boards, electronic subscription services, electronic documents and any other forms of electronic communication. Electronic media systems are a tool for City employees for the purpose of providing an effective method to communicate, increase productivity, perform research and obtain information that will assist in performing job-related tasks and to conduct official City business.

### **III. PROCEDURE**

#### **A. Ownership**

All network systems, hardware, software, temporary or permanent files and any related systems or devices are the property of the City of Richmond. These include, but are not limited to, files, documents, spreadsheets, messages, and notes that reside in part or in whole on any City of Richmond server, workstation, local area network (LAN), or individual computer.

Supervisors have the authority to inspect the contents of any hardware, software, document(s) or file(s) of their subordinates in the normal course of their supervisory responsibilities. Department of Information Technology staff shall extract information, files or documents when requested by authorized supervisory personnel. Reasons for review include, but are not limited to:

- System, hardware and software problems;
- General system failure;
- A legal proceeding involving the City;
- Suspicion of a crime;
- Violation of administrative regulation;
- A need to perform work or provide a service when the employee is unavailable.

#### **B. Confidentiality/Privacy**

Employees using the City's data systems and/or tools provided by the City of Richmond have no guarantee of privacy with respect to the use of these systems and/or tools. Any files, documents, e-mail, electronic transactions, or data of any kind that is created, stored, or transported via the City's electronic media and data systems are considered the property of the City, and are subject to inspection and review at any time. Furthermore, under the Freedom of Information Act, any messages, documents, spreadsheets, or files are



## **Administrative Regulations Office of the Mayor**

**Title:** ELECTRONIC MEDIA SYSTEMS (INTERNET/INTRANET)

**A.R. Number:** 2.5 **Effective Date:** 2/1/2009 **Page:** 2 of 5

**Supersedes:** Electronic Media Systems (Internet/Intranet) **A.R.:** 2.5 **DATED:** 2/1/2007

potentially a matter of public record and subject to disclosure. Personal opinions expressed using these systems remain those of the individual and are not necessarily those of the City of Richmond and/or its management.

### **C. Use of Electronic Media Systems**

The electronic mail systems (e-mail), Internet, Intranet, hardware, software, tools and information are provided for the purpose of conducting business for the City of Richmond only. Allowable use of the network and information both locally and via remote access include the following:

- To facilitate performance of job functions;
- To conduct research in accordance with an employee's job duties and functions;
- To communicate with outside organizations as required in order to perform an employee's job functions;
- For personal communications/business, within reason, necessary as a result of employees performing their job functions.

Brief use of these systems for personal purposes is permitted. However, systematic and pervasive use of these systems for personal purposes is prohibited.

### **D. Prohibited Uses**

Prohibited uses of the electronic media systems and networked information include, but are not limited to, the following:

- Illegal activities;
- Threats;
- Harassment;
- Slander;
- Defamation;
- Obscene or suggestive message(s) or obscene or offensive graphical image(s);
- Political endorsements;
- Commercial activities;
- Distribution of Chain Letters;
- Solicitation for personal gain;
- Transmission of a message with someone else's name as author without the author's permission;
- Transmission of unacceptable content which includes but is not limited to material which is pornographic, racist, sexist, or contains inappropriate language for an office environment;
- Any use that impairs or damages any system operation or that impairs or damages the use of the system by another account holder;
- Unauthorized access to others' files;
- Use of or access to playing or distribution of computer games;
- Distribution of copies in violation of copyright laws;
- Forwarding or distributing messages not of legitimate City of Richmond business;



## Administrative Regulations Office of the Mayor

**Title:** ELECTRONIC MEDIA SYSTEMS (INTERNET/INTRANET)

**A.R. Number:** 2.5 **Effective Date:** 2/1/2009 **Page:** 3 of 5

**Supersedes:** Electronic Media Systems (Internet/Intranet) **A.R.:** 2.5 **DATED:** 2/1/2007

- Participation in web logs (“blogging”) during work hours;
- Distribution of messages which are obscene, harass, or which promote religious, political, or other personal positions or agenda, which are not associated with one’s position as a City of Richmond employee (e.g. “have a blessed day” stated on voice mail greeting);
- Personal entertainment use (such as listening to Internet radio, viewing network TV/movies or connection with any other broadcast media); Unauthorized use of User ID to send or receive messages;
- Unauthorized alteration of e-mail (e.g. alteration by non-author);
- Broadcast messages (mass mailings) should be limited to a user's agency. Any correspondence that needs to cross agency lines should be referred to the Office of Press Secretary to the Mayor.

### E. Electronic Mail Etiquette

An electronic mail message is in essence, a letter on City stationery. As such commitments, tone, or comments may be interpreted as those of the organization. It is important for all users of the electronic mail systems use care and caution when sending messages. The following advice is provided to all employees:

- Spell-check, proofread and re-read your mail before you send it;
- Keep messages brief and to the point;
- Format messages for easy reading;
- Use appropriate business style and language when communicating formally;
- Be wary of the use of informal language. The nature of e-mail lends itself to informality, but language taken out of context can be injurious to individuals or the City of Richmond. Rule of thumb: if you would be unwilling to have the message appear on the evening news, do not send it;
- Do not over-distribute messages; only post messages when they are relevant;
- Respect the privacy of others; and don’t be fooled by the illusion of privacy;
- Cite appropriate text and references in responding to a particular event, topic, or issue;
- Separate opinion from non-opinion;
- Respect copyright and license agreements;
- Do not mark messages URGENT unless they really are;
- Sleep on a message that you are uncertain about sending;
- Avoid use of all CAPS. In Internet-eze, this is considered shouting;
- Be careful what you say about yourself or others;
- Ask yourself: would I want a jury to read this e-mail?;
- Be polite. Make sure short messages don't come across as brusque or curt;
- Don't send offensive jokes or frivolous messages;
- Don't write anything you wouldn't want repeated. E-mail can be forwarded to anyone, in or out of the organization;
- Work out problems face-to-face, not on e-mail;
- The content of the message should be something you would be comfortable saying in an open business meeting;
- Check mail daily and delete non-record and transitory items from the “Inbox”, “Sent Items”, and “Deleted Items” folders routinely;
- When going on vacation or extended leaves, use the "out of office" assistant tool.



## Administrative Regulations Office of the Mayor

**Title:** ELECTRONIC MEDIA SYSTEMS (INTERNET/INTRANET)

**A.R. Number:** 2.5 **Effective Date:** 2/1/2009 **Page:** 4 of 5

**Supersedes:** Electronic Media Systems (Internet/Intranet) **A.R.:** 2.5 **DATED:** 2/1/2007

### F. Disclaimer

The City of Richmond makes no warranties of any kind, whether expressed or implied, for the City of Richmond Electronic Media accounts and will not be responsible for any damages suffered while on these systems. These damages include loss of data as a result of delays, non-deliveries, mis-deliveries, or service interruptions caused by the system or your errors or omissions. Use of any information obtained via the Internet is at your own risk. The City of Richmond specifically disclaims any responsibility for the accuracy of information obtained through its network services.

### G. Security

Security on any computer system is a high priority. If you identify a security problem, notify the DIT Help Desk, your department Automation Coordinator or your supervisor at once. Never demonstrate the problem to other users. Never use another individual's account. Always attempt to logout of the system when you leave your workstation. Any user identified as a security risk due to behavior on the electronic media systems will be denied access, and will be subject to discipline for failure to comply with this policy.

### H. Vandalism

Vandalism is defined as any malicious attempt to observe information intended to be private or to change data created or owned by another user or any other agency or network that is accessible from the Internet or to make any unauthorized changes to the appearance or operational characteristics of any network system. This includes, but is not limited to, the uploading or downloading of computer viruses. Any vandalism will result in the loss of the account and legal referral.

### I. Legal Requirements

E-mail and other electronic media system records are subject to both public record retention and freedom of information disclosure requirements. Each agency is responsible for the proper maintenance and disclosure of its electronic records pursuant to state law, including the production of e-mail in response to any freedom of information request. See A.R. 3.5 concerning Records Retention for guidelines on complying with the Virginia Public Records Act, Va. Code Ann. § 42.1-10—42.1-91 and A.R. 3.1 concerning Freedom of Information for guidelines on complying with the Virginia Freedom of Information Act, Va. Code §§ 2.2-3700—2.2-3714.

### J. DIT Backup of E-mail

As set forth in Administrative Regulation 3.5 – Virginia Public Records Policy, public records belong to the City and, in particular, to the agency that creates them. Consequently, each agency is responsible for its own records, including e-mail records. DIT maintains backups of e-mail records for a period of sixty (60) days for disaster recovery and similar purposes. However, following that sixty-day period, records, which may appear on any backup tapes or disks, will be destroyed. The DIT backup tapes or disks are not a substitute for proper management by an agency of its own e-mail records.



**Administrative Regulations  
Office of the Mayor**

**Title:** ELECTRONIC MEDIA SYSTEMS (INTERNET/INTRANET)

**A.R. Number:** 2.5 **Effective Date:** 2/1/2009 **Page:** 5 of 5

**Supersedes:** Electronic Media Systems (Internet/Intranet) **A.R.:** 2.5 **DATED:** 2/1/2007

**K. Violations of Administrative Regulation/Disciplinary Actions**

Violations of this Administrative Regulation by City of Richmond employees constitutes grounds for disciplinary actions up to and including termination in accordance with the City's Personnel Rules, and other applicable Administrative Regulations, as well as any agency rules, policies, or regulations.

Violations of this Administrative Regulation by non-City employees, granted special access to the City of Richmond network could result in the revocation of their access privileges and/or termination.

**V. REGULATION UPDATE**

The Office of the Mayor and the Department of Information Technology shall be responsible for modifications to this Policy.

**APPROVED:**

  
**MAYOR**



**Administrative Regulations  
Office of the Mayor**

**Title: ELECTRONIC INFORMATION SECURITY**  
**A.R. Number: 2.6 Effective Date: 2/1/2009 Page: 1 of 7**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

## **I. PURPOSE**

In recognition of the critical role that electronic information systems play in City of Richmond (COR) business activities, this policy defines the rules and other requirements necessary for the secure and reliable operation of the COR electronic information systems infrastructure.

There are information security roles and duties for every employee of the COR. For example, it is an employee's duty to report information security problems. The system designers at the COR are required to include necessary security measures such as user access restrictions based on the need to know.

The COR critically depends on continued customer confidence. This confidence has been gradually increased and is the result of many years of dedicated effort on the part of COR employees. While it is slow to grow, this confidence can be rapidly lost due to problems such as hacker intrusions causing system outages. The trust that customers have in the COR is a competitive advantage that must be nurtured and grown with efforts such as this information security initiative.

The intent of this policy is to provide an overview of security concerns and to define roles for every employee. This policy defines baseline control measures that everyone at the COR is expected to be familiar with and to consistently follow. This is the minimum required to prevent a variety of different problems including: fraud and embezzlement, industrial espionage, sabotage, errors and omissions, and system unavailability. They also define the minimum controls necessary to prevent legal problems such as allegations of negligence, breach of fiduciary duty, or privacy violation. This policy document details both reasonable and practical ways for everyone at the COR to prevent unnecessary losses.

## **II. POLICY**

### **A. General Use and Ownership**

1. Information Owners—Directors in user departments must be designated as the Owners of all types of information used for regular business activities. Each type of “production system information” must have an Owner. When information Owners are not clearly implied by organizational design, the City CAO will make the designation. Information Owners do not legally own the information. They are instead members of the COR management team who make decisions on behalf of the organization. Information Owners or their delegates must make the following decisions and perform the following activities:
  - a. Approve information-oriented access control privileges for specific job profiles.
  - b. Approve information-oriented access control requests that do not fall within the scope of existing job profiles.
  - c. Select a data retention period for their information, relying on advice from the Legal department.
  - d. Designate an original source for information from which all management reports will be derived.
  - e. Select special controls needed to protect information, such as additional input validation checks or more frequent backup procedures.
  - f. Define acceptable limits on the quality of their information, such as accuracy, timeliness, and time from capture to usage.
  - g. Approve all new and different uses of their information.





**Administrative Regulations  
Office of the Mayor**

**Title: ELECTRONIC INFORMATION SECURITY**  
**A.R. Number: 2.6 Effective Date: 2/1/2009 Page: 2 of 7**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

- h. Approve all new or substantially-enhanced application systems that use their information before these systems are moved into production operational status Review reports about system intrusions and other events that are relevant to their information.
- i. Review and correct reports that indicate the current production uses of their information.
- j. Review and correct reports that indicate the job profiles that currently have access to their information.
- k. Select a sensitivity classification category relevant to their information, and review this classification every five years for possible downgrading.
- l. Select a criticality category relevant to their information so that appropriate contingency planning can be performed.

Information Owners may designate their automation coordinators to act as a back-up person to act if they are absent or unavailable. Owners may not delegate ownership responsibilities to third-party organizations such as outsourcing organizations, or to any individual who is not a full-time COR employee. When both the Owner and the back-up Owner are unavailable, immediate Owner decisions may be made by the designated manager in charge.

2. City Departments—An employee's immediate manager or automation coordinator must approve a request for system access by submitting a system access request form (SAPR) via the city intranet. When an employee leaves the COR, it is the responsibility of the employee's immediate manager or automation coordinator to promptly inform the Department of Information Technology (DIT) that the privileges associated with the employee's user ID must be revoked. User IDs are specific to individuals, and must not be reassigned to, or used by, others.
3. Information Custodians—Custodians are in physical or logical possession of information and information systems. Like Owners, Custodians are specifically designated for different types of information. In many cases, a manager in DIT will act as the Custodian. If a Custodian is not clear, based on existing information systems operational arrangements, then the Chief Information Officer (CIO) will designate a Custodian. Custodians follow the instructions of Owners, operate systems on behalf of Owners, but also serve users authorized by Owners. Custodians must define the technical options, such as information criticality categories, and permit Owners to select the appropriate option for their information.

Custodians also define information systems architectures and provide technical consulting assistance to Owners so that information systems can be built and run to best meet business objectives. If requested, Custodians additionally provide reports to Owners about information system operations and information security problems. Custodians are responsible for safeguarding the information in their possession, including implementing access control systems to prevent inappropriate disclosure, and developing, documenting, and testing information systems contingency plans.

4. Information Users—Users are not specifically designated, but are broadly defined as any employee with access to internal information or internal information systems. Users are required to follow all security requirements defined by Owners, implemented by Custodians, or established by DIT. Users must familiarize themselves with, and act in accordance with, all COR information security requirements. Users also must participate in information security training and awareness efforts. Users must report all suspicious activity and security problems to their supervisors.



**Administrative Regulations  
Office of the Mayor**

**Title: ELECTRONIC INFORMATION SECURITY**

**A.R. Number: 2.6 Effective Date: 2/1/2009 Page: 3 of 7**

**Supersedes: N/A A.R.: N/A DATED: N/A**

5. Department of Information Technology (DIT)—DIT is the central point of contact for all information security matters at the COR. Acting as internal technical consultants, it is this department's responsibility to create workable information security compromises that take into consideration the needs of users, Custodians, Owners, and selected third parties. Reflecting these compromises, DIT defines information security standards, procedures, policies, and other requirements applicable to the entire organization. DIT must handle all access control administration activities, monitor the security of the COR information systems, and provide information security training and awareness programs to COR employees.

DIT is also responsible for periodically providing management with reports about the current state of information security at the COR. While information systems contingency planning is the responsibility of information Custodians, DIT must provide technical consulting assistance related to emergency response procedures and disaster recovery. DIT is also responsible for organizing a computer emergency response team to promptly respond to virus infections, hacker break-ins, system outages, and similar information security problems.

6. Internal Audit Department—The COR's Auditor Office periodically performs compliance checks to ensure that all parties are performing their assigned duties, and to ensure that other information security requirements are being consistently observed. The Auditor's Office acts as the eyes and ears of top management at the COR, ensuring that internal controls, including those related to information security, are consistent with both top management expectations, organizational goals, and with the Code of the City of Richmond - Charter, Section 4.18 City Auditor.

## B. Information Sensitivity Classification

1. Reasons for Classification—To assist in the appropriate handling of information, a sensitivity classification hierarchy must be used throughout the COR. This hierarchy provides a shorthand way of referring to sensitivity, and can be used to simplify information security decisions and minimize information security costs. One important intention of a sensitivity classification system is to provide consistent handling of the information, no matter what form it takes, where it goes, or who possesses it. For this reason, it is important to maintain the labels reflecting sensitivity classification categories.

The owner of information must designate an appropriate label, and the user or recipient of this information must consistently maintain an assigned label. Labels for sensitive information must be used in the subject field of electronic mail messages or paper memos. Labels for sensitive information must appear on the outside of floppy disks, magnetic tape reels, CD-ROMs, audiocassettes, and other storage media. If a storage volume such as a compact disk contains information with multiple classifications, the most sensitive category should appear on the outside label. When creating a collection of information from sources with various classifications, the collection must be classified at the highest sensitivity level of the source information.

The COR uses four sensitivity classification categories: Public, Internal Use Only, Confidential and Secret. If information is not marked with one of these categories, it will default into the Internal Use Only category. If information falls into the Internal Use Only category, it is not necessary to apply a sensitivity label. Information that falls into the Confidential or Secret categories is designated Sensitive.



## Administrative Regulations

### Office of the Mayor

#### Title: ELECTRONIC INFORMATION SECURITY

A.R. Number: 2.6 Effective Date: 2/1/2009 Page: 4 of 7

Supersedes: N/A A.R.: N/A DATED: N/A

- a. **Public**—Public information has been specifically approved for public release by Public Relations department or Marketing department managers. Unauthorized disclosure of this information will not cause problems for COR, its customers, or its business partners. Examples are marketing brochures and material posted to the COR web page. Disclosure of the COR inform - public requires the existence of this label, the specific permission of the information Owner, or long-standing practice of publicly distributing this information.
- b. **Internal Use Only**—Internal Use Information is intended for use in the COR, and in some cases in affiliated organizations, such as COR business partners. Unauthorized disclosure of this information to outsiders may be against laws and regulations, or may cause problems for the COR, its customers, or its business partners. This type of information is already widely distributed in the COR, or it could be so distributed in the organization without advance permission from the information Owner. Examples are the COR telephone book and most internal electronic mail messages.
- c. **Confidential**—Confidential information is private or otherwise sensitive in nature and must be restricted to those with a legitimate business need for access. Unauthorized disclosure of this information to people without a business need for access may be against laws and regulations, or may cause significant problems for the COR, its customers, or its business partners. Decisions about the provision of access to this information must be cleared through the information Owner. Examples are customer transaction account information and worker performance evaluation records.
- d. **Secret**—Secret information is the most private or otherwise sensitive, and must be monitored and controlled at all times. Unauthorized disclosure of this information to people without a business need for access may be against laws and regulations, or may cause severe problems for the COR, its customers, or its business partners. Decisions about the provision of access to this information must be cleared through the information Owner. An example is legal information protected by attorney-client privilege.

#### C. Privacy

1. **Expectations of Privacy**—Users must have no expectation of privacy when using information systems at COR. To manage systems and enforce security, COR may log, review, and otherwise utilize any information stored on or passing through its systems. COR may capture user activity such as telephone numbers dialed and web sites visited. The COR may use any and all software, hardware, or device to monitor all material utilizing the COR's network or devices. Examples of this may include, but is not limited to, sniffers, key logging, content filtering, audit logs, et. Al.
2. **Collecting Information**—the COR does not collect information that is unnecessary for business purposes. COR does not collect information from third parties such as customers unless these parties are notified about the collection activities before they occur.
3. **Third-Party Information Privacy**—A wide variety of third parties have entrusted their information to the COR for business purposes, and all workers at COR must do their best to safeguard the privacy and security of this information. Customer account data is Confidential and access must be strictly limited based on business need for such access. Customer account information must not be distributed to third parties without advance authorization by the customer. Exceptions will be made in the case of customer incapacitation or death.



**Administrative Regulations  
Office of the Mayor**

**Title: ELECTRONIC INFORMATION SECURITY**

**A.R. Number: 2.6 Effective Date: 2/1/2009 Page: 5 of 7**

**Supersedes: N/A A.R.: N/A DATED: N/A**

**D. Viruses, Malicious Software, and Change Control**

1. **Virus Checking Required**—Virus-checking systems approved by DIT must be in place on all PCs with operating systems susceptible to viruses, on all firewalls with external network connections, and on all electronic mail servers. All files coming from external sources must be checked before execution or usage. If encryption or data compression has been used, these processes must be reversed before the virus-checking process takes place. Users must not turn off or disable virus-checking systems.
2. **If a Virus Is Detected**—If users obtain virus alerts, they must immediately disconnect from all networks and cease further use of the affected computer, and call the DIT help desk for technical assistance. Users must not remove viruses on their own. If users believe they may have been the victim of other malicious software, they must immediately call the help desk to minimize the damage. User possession or development of viruses or other malicious software is prohibited.
3. **Change Control**—Users must not install new or upgraded operating systems or application software on PCs or other machines used to process COR information. Systems used to process COR information may be owned by the COR, but have been specifically recognized as systems used for regular business activities. This approach permits the COR to perform automatic software distribution, automatic software license management, automated remote backup, and related functions on a centralized and coordinated basis. While change control will be maintained through the above-mentioned access control packages, users can, however, change the preferences on software packages, such as the fonts for a word processing package.

**E. Intellectual Property Rights**

1. **Legal Ownership**—With the exception of material clearly owned by third parties, the COR is the legal Owner of all business information stored on or passing through in its systems. Unless the Chief Administrative Officer has signed a specific written agreement, all business-related information developed while a user is employed by the COR is COR property.
2. **Making Copies of Software**—Users must not make copies of or use software unless they know that the copies are in keeping with the vendor's license to the COR. If a system that is used to process COR information has been set up by the DIT, users can rely on the fact that all software on this system is licensed and authorized. Questions about licensing must be directed to DIT, which maintains documentation reflecting software licenses throughout the COR. Making regular backups of software for contingency planning purposes is permissible. DIT must remove all software that is not authorized on systems that are used to process the COR information.
3. **Labeling**—Users must maintain information about source, date, and usage restrictions for all information provided by third parties. These labels will be important for management decision-making purposes, and will demonstrate that the COR observed appropriate copyright and other intellectual property laws. Users must assume that all materials on the Internet are copyrighted unless specific notice states otherwise.



**Administrative Regulations  
Office of the Mayor**

**Title: ELECTRONIC INFORMATION SECURITY**

**A.R. Number: 2.6 Effective Date: 2/1/2009 Page: 6 of 7**

**Supersedes: N/A A.R.: N/A DATED: N/A**

**F. Systems Development**

1. Production System Definition—Information systems that have been designated production systems have special security requirements. A production system is a system that is regularly used to process information critical to COR business. Although a production system may be physically situated anywhere, the production system designation is assigned by the DIT Operations Manager.
2. Special Production System Requirements—All software developed in-house that runs on production systems must be developed according to the DIT project management methodology. This methodology must ensure that the software will be adequately documented and tested before it is used for critical COR information. The SDM also must ensure that production systems include adequate control measures. Production systems also must have designated Owners and Custodians for the critical information they process. Information Security must perform periodic risk assessments of production systems to determine whether the controls employed are adequate. All production systems must have an access control system to restrict who can access the system and restrict the privileges available to these users.
3. Separation between Production, Development, and Test Systems—Where resources permit, there must be a separation between the production, development, and test environments. All production software testing must proceed with sanitized information where Confidential or Secret information is replaced with dummy data. All security fixes provided by software vendors must go through the systems development methodology testing process, and must be promptly installed.

A formal and documented change control process must be used to restrict and approve changes to production systems. All application program-based access paths other than the approved user access paths must be deleted or disabled before software is moved into production.

4. User Programming—Users must not write production computer programs unless specifically authorized by the Chief Information Officer. The construction of spreadsheet formulas, automatic execution scripts that are run when a system is booted, or databases are not considered programming for purposes of this document. Both users and programmers must be careful never to embed user IDs, readable passwords, encryption keys, or other security parameters in any file.

**III. RESPONSIBILITIES**

All employees must promptly report to DIT any loss of, or severe damage to, their hardware or software. Workers must report all suspected compromises to the COR DIT Help Desk information systems. All serious information security vulnerabilities known to exist must be reported. All instances of suspected disclosure of Confidential or Secret information also must be reported. All reports should be sent via email to the DIT Help Desk or called into the DIT Help Desk at 646.6367. All reports must be investigated before any action is taken. If the violation is sensitive it is to be reported DHR and to DIT Security.

Non-compliance with these and other information security requirements can result in disciplinary action up to and including termination. In rare cases, a business case for non-compliance can be established. In all such cases, the non-compliance situation must be approved in advance through a risk acceptance process. This process requires a risk acceptance memo signed by a department director and approved by the DIT CIO and the Auditor's Office.

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.



**Administrative Regulations**  
**Office of the Mayor**  
**Title: ELECTRONIC INFORMATION SECURITY**  
**A.R. Number: 2.6 Effective Date: 2/1/2009 Page: 7 of 7**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

**IV. DEFINITIONS**

<b>Terms</b>	<b>Definitions</b>
Employees	For this policy, employees include all individuals who use the city's electronic information systems/network. e.g. but not limited to, employees, contractors, vendors, temporary agency staff, and state agencies.
Email	The electronic transmission of information through a mail protocol such as SMTP or IMAP. Typical email clients include Eudora and Microsoft Outlook.
Forwarded email	Email resent from an internal network to an outside point.
Chain email or letter	Email sent to successive people. Typically the body of the note has direction to send out multiple copies of the note and promises good luck or money if the direction is followed.
Messages	This term includes e-mail (electronic-mail), Intranet bulletin boards, electronic subscription services, electronic documents, and any other forms of electronic communication.
Sensitive information	Information is considered sensitive if it can be damaging to the COR or its customers' reputation or market standing.
Virus warning	Email containing warnings about virus or malware. The overwhelming majority of these emails turn out to be a hoax and contain bogus information usually intent only on frightening or misleading users.
Unauthorized Disclosure	The intentional or unintentional revealing of restricted information to people, both inside and outside the COR, who do not have a need to know that information.

**V. REGULATION UPDATE**

The Department of Human Resources and the Department of Information Technology shall be responsible for modifications to this Policy.

**APPROVED:**

  
**MAYOR**



**Administrative Regulations**  
**Office of the Mayor**  
**Title: USE OF COMPUTER EQUIPMENT**  
**A.R. Number: 2.7 Effective Date: 2/1/2009 Page: 1 of 3**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

## **I. PURPOSE**

The purpose of this policy is to outline the acceptable use of computer equipment at the City of Richmond (COR). These rules are in place to protect the employee and the COR. Inappropriate use exposes the COR to risks including virus attacks, compromise of network systems and services, and legal issues.

The Use of Computer Equipment Policy is not to impose restrictions that are contrary to the COR's established culture of openness, trust, and integrity. The COR is committed to protecting its employees, partners, and the organization from illegal or damaging actions by individuals, either knowingly or unknowingly.

Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing, and FTP are the property of the COR. These systems are to be used for business purposes in serving the interests of the organization and of our clients and customers in the course of normal operations.

## **II. SCOPE**

This policy applies to all employees. The term "employees" includes employees, contractors, consultants, temporary agency staff, vendors, and other individuals who may have the occasion to operate the COR computer equipment, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by the COR.

## **III. PROCEDURE**

### **A. General Use and Ownership**

1. While the COR's network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the corporate systems remains the property of the COR. There is NO expectation of privacy per Administrative Regulation (AR) 2.5.
2. The COR recommends that any information that users consider sensitive be encrypted.
3. For security and network maintenance purposes, authorized individuals in the COR may monitor equipment, systems, and network traffic at any time using any and all means needed to accomplish such actions, per AR 2.5. Examples of this may include, but is not limited to, sniffers, key logging, content filtering, audit logs, et. Al.
4. The COR reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy, per AR 2.5, using any and all software, hardware, or devices necessary to accomplish this task.

### **B. Security and Proprietary Information**

1. All PCs, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by logging-off (control-alt-delete) when the host will be unattended.
2. All hosts used by the employee which are connected to the COR Internet/Intranet/Extranet, whether owned by the employee or the COR, shall be continually executing approved virus-scanning software with a current virus database unless overridden by departmental or group policy.



**Administrative Regulations**  
**Office of the Mayor**  
**Title: USE OF COMPUTER EQUIPMENT**  
**A.R. Number: 2.7 Effective Date: 2/1/2009 Page: 2 of 3**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

C. Unacceptable Use

Employees may be exempted from certain restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services). Under no circumstances is an employee of the COR authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing COR-owned resources. The list below is by no means exhaustive, but an attempt to provide a framework for activities which fall into the category of unacceptable use.

The following activities are strictly prohibited with no exceptions:

1. Violations of the rights of any person or organization protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the COR.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which the COR or the end user does not have an active license is strictly prohibited.
3. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
4. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
5. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
6. Using a COR computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws as outlined in Administration Regulation 4.13 – Violence in the Workplace..
7. Making fraudulent offers of products, items, or services originating from any COR account.
8. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
9. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
10. Port scanning or security scanning is expressly prohibited unless prior notification to the COR is made.
11. Circumventing user authentication or security of any host, network or account.
12. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
13. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
14. Providing information about, or lists of, COR employees to parties outside the COR without receiving the appropriate authorization.





**Administrative Regulations**  
**Office of the Mayor**  
**Title: USE OF COMPUTER EQUIPMENT**  
**A.R. Number: 2.7 Effective Date: 2/1/2009 Page: 3 of 3**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

**IV. RESPONSIBILITIES**

Employees must report any suspicious, illegal, or offensive activities to supervisors immediately. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

**V. DEFINITIONS**

<b>Term</b>	<b>Definition</b>
Blogging	A blog is a personal online journal that is frequently updated and intended for general public consumption.
Employees	For this policy, employees include all COR employees, contractors, consultants, temporary agency staff, vendors, and other individuals who may have the occasion to operate the COR computer equipment, including all personnel affiliated with third parties

**VI. REGULATION UPDATE**

The Department of Human Resources and the Department of Information Technology shall be responsible for modifications to this Policy.

**APPROVED:**

  
**MAYOR**



**Administrative Regulations  
Office of the Mayor**

**Title: ELECTRONIC SYSTEMS - USER PASSWORDS**

**A.R. Number: 2.8 Effective Date: 2/1/2009 Page: 1 of 3**

**Supersedes: N/A A.R.: N/A DATED: N/A**

## **I. PURPOSE**

The purpose of this policy is to establish a standard for the creation of strong user passwords in the operation of electronic information systems, the protection of those passwords, and the frequency of change. Passwords are an important aspect of computer security. They are the front line of protection for the City of Richmond's (COR) electronic information systems. A poorly chosen password may result in the compromise of the COR's entire organizational network. As such, all COR employees and anyone with access to the COR's electronic systems are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.

## **II. SCOPE**

The scope of this policy includes all employees who have or are responsible for an account (or any form of electronic access that supports or requires a password) on any system that resides at any COR facility, has access to the COR's network, or stores any non-public COR information. The term password applies to User passwords, Application passwords and System level passwords.

## **III. POLICY**

### **A. General Password Guidelines**

1. Passwords are used for various purposes at the COR. Some of the more common uses include: user level accounts, web accounts, email accounts, screen saver protection, and system level protection. The password must meet the following basic and complexity requirements to ensure that they are strong passwords. All complexity requirements are automatically enforced when passwords are created. The rules enforced are:
  - a. May not be based on the user's account name.
  - b. Contains at least eight characters.
  - c. Contains characters from three of the following four categories:
    - i. Uppercase alphabet characters (A-Z)
    - ii. Lowercase alphabet characters (a-z)
    - iii. Arabic numerals (0-9)
    - iv. Non-alphanumeric characters (for example, !, \$, %, )
2. Passwords cannot be changed to any of the previous 24 passwords which have been used.
3. Passwords can only be changed once a day. If you must change the password more than once, notify your automation coordinator, who, in turn, will notify the DIT help desk or DIT security desk for assistance.
4. All passwords (e.g., email, web, desktop computer, etc.) must be changed periodically according to each system's policy. e.g. Mainframe: every 40 days, Domain (network): every 40 days.
5. Passwords may not be written down or stored on any unencrypted electronic media.
6. All PCs, laptops, and workstations will be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by logging off (control-alt-delete) when the host will be unattended.



**Administrative Regulations  
Office of the Mayor**

**Title: ELECTRONIC SYSTEMS - USER PASSWORDS**

**A.R. Number: 2.8 Effective Date: 2/1/2009 Page: 2 of 3**

**Supersedes: N/A A.R.: N/A DATED: N/A**

**B. Password Protection Standards**

1. Do not use the same password for COR accounts as for other non-COR access (e.g., ATM, bank accounts, online purchasing or access, etc.).
2. Where possible, do not use the same password for various COR access needs. For example, select one password for the mainframe and a separate password for the domain.
3. User logons will automatically be revoked if not used for 60 days.
4. User logons will automatically be deleted if revoked for 60 days.

**C. Application Development Standards**

1. Application developers must ensure their programs contain the following security precautions:
2. Must not store passwords in clear text or in any easily reversible form.
3. Must provide for some sort of role management, such that one user can take over the functions of another without having to know the other's password.

**D. Resetting passwords**

1. An employee, contractor, or anyone who has been issued a COR User logon has forgotten their password or who have revoked their user logon because of entering incorrect passwords must call the DIT help desk to request the password be reset.
2. In the case of **Application User Passwords**, the employee must submit the reset request to the department Automation Coordinator owning and maintaining the application. It is the responsibility of client departments to ensure an Automation Coordinator and back up Automation Coordinator for the Application User Accounts.

**IV. RESPONSIBILITIES**

Employees are held responsible to protect their passwords according to this policy. Employees are not to share COR passwords with anyone, including administrative assistants, secretaries, DIT network engineers, or even the DIT Security Administrator. All passwords are to be treated as sensitive, confidential COR information. If an employee suspects their password, or anyone else's password has been compromised they must report this possibility to the DIT Help Desk and their supervisor immediately.

Any employee, contractor, or anyone who has been issued a COR User logon found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

**V. DEFINITIONS**

<b>Terms</b>	<b>Definitions</b>
Application Administration Account	Any account that is for the administration of an application (e.g. Oracle database administrator, ISSU administrator).
User passwords	A unique part of the client's login to allow access to an electronic information network or an application.



**Administrative Regulations  
Office of the Mayor**

**Title: ELECTRONIC SYSTEMS - USER PASSWORDS**

**A.R. Number: 2.8 Effective Date: 2/1/2009 Page: 3 of 3**

**Supersedes: N/A A.R.: N/A DATED: N/A**

**V. DEFINITIONS** *(continued)*

<b>Terms</b>	<b>Definitions</b>
Application User passwords	Application User passwords are unique to an individual and maintained by the Automation Coordinator in the client's department. They are typically part of logins in purchased applications or applications built by DIT; but with the functionality for the client department to administer the users.
Application passwords	Application passwords are unique to a computer application. They are part of the application's login to access application data or permission data from inside a program and invisible to the client
System passwords	System passwords are unique to a piece of hardware or networking device. They are part of the networking staff's login to allow access to system files/configuration/permissions.
Strong passwords	Strong passwords not easily deciphered by anyone except the owner of the password.

**VI. REGULATION UPDATE**

The Department of Human Resources and the Department of Information Technology shall be responsible for modifications to this Policy.

**APPROVED:**

  
**MAYOR**



**Administrative Regulations**  
**Office of the Mayor**  
**Title: USE OF COMPUTER SOFTWARE**  
**A.R. Number: 2.9 Effective Date: 2/1/2009 Page: 1 of 2**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

## **I. PURPOSE**

The purpose of this policy is to assure compliance with the United States Copyright Act. This act prohibits companies and individuals from downloading software onto personal computers (PC) and protects the authors and publishers of software. It is the responsibility of the City of Richmond (COR) to adhere to all copyrights and licensing terms of all computer software issued to employees.

## **II. SCOPE**

This policy covers all COR employees, temporary agency staff, contractors, visitors or other agents and any computer equipment owned by the COR. Unauthorized installing or copying of computer software is illegal and is considered an act of theft. Copyright and intellectual property laws protect the rights and property of authors and publishers of computer software. Unauthorized installing or copying of software whether from the Internet or disk or other means, legally and operationally threatens the security and integrity of the COR's computer system and its overall compliance with the US Copyright Act.

Computer viruses and malware can be easily introduced by employees who bring in software from outside the company. Viruses and malware can spread from one machine to another, destroying critical data.

Unauthorized duplication of software is unethical because it disregards the work and creativity of others. Unauthorized installation or copying of software may also subject employees and the COR to both civil and criminal penalties under the US Copyright Act and/or software licensing agreements.

## **III. POLICY**

### **A. Guidelines**

1. Employees may not install any software licensed by a third party including duplicates intended for use at work, at home, or by an outside party. All installations must be coordinated through the DIT Help Desk.
2. Employees may not use a personally-owned computer to run COR-owned software without appropriate authorization from the Department of Information Technology (DIT).
3. Employees may use software on the network or on multiple machines only in accordance with applicable license agreements (EULAs).
4. Employees should not acquire or purchase any software or use any software on any COR PC without the prior approval of DIT.
5. All new software must be registered with the End User Services (EUS), Desktop Team. The Desktop Team will provide support for approved software applications.
6. Proof of software licenses must be provided to the DIT, EUS, Desktop Team. The Desktop Team will keep a record of all authorized licenses.



**Administrative Regulations**  
**Office of the Mayor**  
**Title: USE OF COMPUTER SOFTWARE**  
**A.R. Number: 2.9 Effective Date: 2/1/2009 Page: 2 of 2**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

**IV. RESPONSIBILITY**

It is the responsibility of all COR PC users to adhere to this policy. All COR Managers/Automation Coordinators must communicate this policy and assure compliance in their departments.

DIT End User Services will audit PCs for unauthorized or illegally installed software, regularly audit software looking for unauthorized software on PCs, monitor PCs remotely using a management tool which enables the inventory of all hardware and software configurations for any COR-networked PC.

Unauthorized software will be immediately removed by DIT without notification and reported to the user's supervisor and the Chief Information Officer (CIO). The failure to follow the policy may create a serious liability for the COR.

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

**V. DEFINITIONS**

<b>Terms</b>	<b>Definition</b>
Malware	Comes in many forms and can be any program or source code producing output that the computer owner does not need, want, or expect. For example, malware can be a remote access Trojan horse that can not only open a back door to a remote computer but also control someone computer or network from a remote location. Malware includes viruses, worms, Trojan horses (that can, for example, spy on the system and display ads when the user least expects it), and malicious active content arriving through email or Web pages visited. These forms of malware normally run without the knowledge and permission of the user.

**VI. REGULATION UPDATE**

The Department of Human Resources and the Department of Information Technology shall be responsible for modifications to this Policy.

**APPROVED:**

  
**MAYOR**



**Administrative Regulations  
Office of the Mayor**

**Title:** ELECTRONIC ACCESS BY THIRD PARTY  
**A.R. Number:** 2.11 **Effective Date:** 2/1/2009 **Page:** 1 of 5  
**Supersedes:** N/A **A.R.:** N/A **DATED:** N/A

## **I. PURPOSE**

This policy outlines the procedures that third party organizations must follow when connecting to the City of Richmond (COR) networks for the purpose of transacting business related to the COR.

## **II. SCOPE**

Electronic connections between third parties that require access to non-public COR resources fall under this policy, regardless of whether a telecommunications circuit (such as frame relay or ISDN) or VPN technology is used for the connection. Connectivity to third parties such as the Internet Service Providers (ISPs) that provide Internet access for the COR or to the Public Switched Telephone Network does NOT fall under this policy.

## **III. PROCEDURE**

### **A. Security Review**

All new network connectivity will go through a security review with the Department of Information Technology (DIT). The reviews are to ensure that all access matches the business requirements in a best possible way, and that the principle of least access is followed.

### **B. Third Party Connection Agreement**

All new connection requests between third parties and the COR require that the third party and the COR representatives agree to and sign a *Memorandum of Agreement* (sample copy attached). This agreement must be signed by the COR user department director as well as a representative from the third party who is legally empowered to sign on behalf of the third party. The signed document is to be kept on file with the DIT Network group.

### **C. Business Case**

All production network connections must be accompanied by a valid business justification, in writing, that is approved by the DIT Network Manager and the DIT Security Manager. Typically this function is handled as part of the *Memorandum of Agreement*.

### **D. Point of Contact**

The third party organization must designate a person to be the Point of Contact (POC) for the network connection. The POC acts on behalf of the third party organization, and is responsible for those portions of this policy and the *Memorandum of Agreement* that pertain to it. In the event that the POC changes the DIT Network Manager must be informed promptly.

### **E. Establishing Connectivity**

Sponsoring departments in the COR that wish to establish connectivity to a third party are to file a new site request with the DIT Network Manager. The DIT Network Manager and DIT Security Manager will address security issues inherent in the project. The sponsoring department must provide full and complete information to the DIT Network Manager and DIT Security Manager as to the nature of the proposed access by the third party.

All connectivity established must be based on the least-access principle, in accordance with the approved business requirements and the security review. In no case will the COR rely upon the third party to protect COR's network or resources.



**Administrative Regulations  
Office of the Mayor**

**Title:** ELECTRONIC ACCESS BY THIRD PARTY  
**A.R. Number:** 2.11 **Effective Date:** 2/1/2009 **Page:** 2 of 5  
**Supersedes:** N/A **A.R.:** N/A **DATED:** N/A

F. Modifying or Changing Connectivity and Access

All changes in access must be accompanied by a valid business justification, and are subject to security review. Changes are to be implemented via the DIT Change Control Notification process. The sponsoring department is responsible for notifying the DIT Network Manager and DIT Security Manager when there is a material change in their originally provided information so that security and connectivity evolve accordingly.

G. Terminating Access

When access is no longer required, the sponsoring department in the COR must notify the DIT Network Manager responsible for that connectivity, which will then terminate the access. Termination of access may mean a modification of existing permissions up to terminating the circuit, as appropriate.

The DIT Network team must conduct an audit of their respective connections on an annual basis to ensure that all existing connections are still needed, and that the access provided meets the needs of the connection. Connections that are found to be depreciated, or are no longer being used to conduct COR business, will be terminated immediately. Should a security incident or a finding that a circuit has been depreciated and is no longer being used to conduct COR business necessitate a modification of existing permissions, or termination of connectivity, the DIT Network team will notify the DIT Security Manager, the POC, and the sponsoring department of the change prior to taking any action.

**IV. RESPONSIBILITIES**

Third Party users are held responsible to use these systems according to this policy. Any Third party user found to have violated the COR's policy on access may be terminated from current and future use. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

**V. DEFINITIONS**

<b>Terms</b>	<b>Definitions</b>
Circuit	For the purposes of this policy, circuit refers to the method of network access, whether it's through traditional ISDN, Frame Relay etc., or via VPN/Encryption technologies.
Employees	For this policy, employees include all individuals who use the city's electronic information systems/network e.g. but not limited to, employees, contractors, vendors, temporary agency staff, and state agencies.
Sponsoring department	The COR department who requested that the third party have access to the COR information through electronic methods/media.
Third Party	A business entity or person that is not a formal or subsidiary part of the COR.

**VI. REGULATION UPDATE**

The Department of Human Resources and the Department of Information Technology shall be responsible for modifications to this Policy.

**APPROVED:**

**MAYOR**





**Administrative Regulations**  
**Office of the Mayor**  
**Title: ELECTRONIC ACCESS BY THIRD PARTY**  
**A.R. Number: 2.11 Effective Date: 2/1/2009 Page: 3 of 5**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

***MEMORANDUM OF AGREEMENT***

*(Page 1 of 3)*

City of Richmond Department of Information Technology and Third Party User

**Summary**

This Memorandum of Agreement (MOA) specifies the responsibilities of the City of Richmond (COR) Department of Information Technology (DIT) and Third Party Users (TPU) in deploying and supporting TPU computer equipment on DIT's network. The essence of the agreement is that the TPU network will be integrated into the DIT network, with DIT assuming full responsibility for the network infrastructure. The TPU will provide primary support for all PCs, servers and applications wholly owned by the TPU, with DIT available for second-level support of these systems if needed.

DIT supports an extensive citywide network comprising numerous LANs interconnected by a variety of wide-area networks (WANs). This network provides many information resources, including Internet access and a number of programs which support mandated federal and state programs or law enforcement services. Because TPU need to use many of these resources, we are in agreement that incorporating TPU network into the DIT network allows for the best use of City resources and provides TPU the most efficient access to the resources it needs.

**Automation Coordinator**

TPU will designate an Automation Coordinator who will serve as the primary contact with DIT for automation and security needs. Duties include handling security issues, telecommunications inventory and requests for network and telephone services. The Automation Coordinator may be required to attend monthly Automation Coordinator meetings held by DIT.

**Security**

Although TPU network will become part of a network operated by DIT, it is important to maintain security so that the data belonging to TPU and to the City is accessible only to authorized users. While such security is a normal aspect of network operation, special cooperation will be required here because the servers and other information resources will be managed by two different staffs.

Each party agrees to provide to the other documentation describing the procedures, standards and rules followed in managing systems connected to the network, and to ensure that access to network resources is limited to those users who have been properly authorized in compliance with these policies.

The TPU Automation Coordinator, with the help of DIT, will use the *System Access Privilege Request* (SAPR) application to submit requests for security authorizations to resources managed by DIT.

Each authorized user of computing resources will be provided with a unique username and password in order to access the system. Multiple users may not share these usernames. Each user must agree to sign the Statement of Responsibility form. The original Statement of Responsibility form will be filed by the department with whom the TPU is working. The Statement of Responsibility form must be made available to the City Auditor on request. There will be an automatic time-out or required re-authentication after a predetermined amount of time with no user activity. The DIT security administrator must be notified immediately of any changes in personnel status (termination, re-assignment, etc.) that affects a user's right to access information resources.



**Administrative Regulations  
Office of the Mayor**

**Title:** ELECTRONIC ACCESS BY THIRD PARTY  
**A.R. Number:** 2.11 **Effective Date:** 2/1/2009 **Page:** 4 of 5  
**Supersedes:** N/A **A.R.:** N/A **DATED:** N/A

***MEMORANDUM OF AGREEMENT***

*(Page 2 of 3)*

City of Richmond Department of Information Technology and Third Party User

**Standards**

TPU agree to adhere to all DIT standards pertaining to information access, network management and PC hardware and software on network-connected PCs. These include but are not limited to:

- Hardware Standards for Personal Computers
- Software Standards for Personal Computers
- Network Responsibility Standard
- Processing Purchase Orders for Computer Hardware and Software
- Data Security Standard
- Information Service Request Standard
- Backup and Restore Standard

TPU will be allowed to use City mail and Internet services without charge, provided that TPU either adopts *City Administrative Policy 2.5* governing the use of electronic media systems or develops a similar policy that is acceptable to DIT. Failure to enforce such a policy will result in the cancellation of these services.

**Help Desk**

TPU will call their staff to report all computer and network problems or issues. The TPU staff will attempt to resolve problems related to PCs or applications belonging to TPU. In the event that the problem appears to relate to COR network infrastructure or to DIT-controlled resources, the TPU Automation Coordinator or designated representative will call the DIT Help Desk to open a problem log with DIT.

**Information Service Request**

If TPU need to have DIT carry out a project requiring more than eight hours of work, TPU will prepare an *Information Systems Request* (ISR) form and submit it to the appropriate Project Leader in DIT. TPU agree to participate in the Automation Plan by providing input on their projected IS project needs in a timely manner.

**Contract Support**

DIT, acting as the City's agent, agrees that TPU may participate in DIT's Contractual and Franchise agreements with vendors.

**Audit**

With prior notice, TPU agree to allow designated DIT and/or City Internal Audit staff (City Auditors) to visit TPU sites and, under supervision of TPU staff, to inspect the rules, policies and records pertaining to operation of TPU computer systems and network. The purpose of any inspection is to ensure TPU comply with the terms and conditions noted herein. The same condition applies to DIT. TPU may audit DIT for compliance. Each party agrees to notify the other within 30 working days on any instance of suspected or demonstrated noncompliance. Both parties agree to correct any deficiency noted by the other.

The City of Richmond assumes no liability in the case of software license copyright violations. In some instances TPU will agree to incorporate all computer systems under the Microsoft Enterprise Licensing program.

Both parties agree not to disclose any information in its possession about the other's environment to any third party not identified in this MOA.



**Administrative Regulations  
Office of the Mayor**

**Title:** ELECTRONIC ACCESS BY THIRD PARTY  
**A.R. Number:** 2.11 **Effective Date:** 2/1/2009 **Page:** 5 of 5  
**Supersedes:** N/A **A.R.:** N/A **DATED:** N/A

***MEMORANDUM OF AGREEMENT***

*(Page 3 of 3)*

City of Richmond Department of Information Technology and Third Party User

**Training**

Instructor-led or video training as offered to the City by DIT will be free of charge.

**Server Systems**

All backup/restore functions for TPU servers are the responsibility of TPU. The City has not included TPU in Disaster Recovery or Business Continuity Resumption Services, although TPU will be able to utilize any contractual agreements to build their own plan.

**Network Infrastructure**

DIT will be responsible for all COR network infrastructure, including hubs, switches, routers and cabling. Any remote access needs must be met by using DIT's facilities, including secured dialup, VPN or other secured connectivity as defined by DIT. TPU agree to remove all modems and other devices/services that allow access into the network.

**Billing**

DIT and TPU agree to provide billing assistance to each other when requested. Billing for services provided by DIT to DPU will be incorporated into the standard DIT billing.

Telecommunications services will be billed directly to TPU as cost plus undistributed overhead charges in the same manner as other City departments.

Technical support services will be provided without charge but prioritized below City requests except for critical problem situations such as facility or service outage.

For any application development services (Web, UNIX, Mainframe, PC), TPU shall incur costs for programming, analysis and machine costs for the development as detailed in the standard rate schedule published by DIT.

**Length of the MOA and Provisions for the Severance of the MOA**

This is the complete and final expression of the parties to this MOA. Any modifications must be made in writing and signed by an authorized representative of each party. This MOA will remain in effect unless changed as follows:

- This MOA may be amended at any time as mutually agreed between DIT and TPU.
- DIT and TPU agree to make a reasonable effort to ensure that each is informed of any changes in their respective business environments that may require the termination of this MOA. Both parties agree to provide written notice of termination at the earliest opportunity, but not less than 30 days.

**Third Party Users/Name of Organization**

**Department of Information Technology**

\_\_\_\_\_  
Director/TPU

\_\_\_\_\_  
Director, Information Technology



**Administrative Regulations  
Office of the Mayor**

**Title: ALTERNATIVE WORK SCHEDULE**

**A.R. Number: 2.12 Effective Date: 1/1/2012 Page: 1 of 3**

**Supersedes: NA A.R. NA DATED: NA**

**I. PURPOSE**

The purpose of this regulation is to support the creation of alternative work schedules (AWS) providing employees and the city alternatives in employees' work schedules. This policy supports the Clean Air Act by reducing the number of hours and miles City of Richmond employees spend traveling to and from work. The added flexibility in creating alternative work schedules may also provide opportunities for greater efficiency and expanded hours of customer service.

Questions regarding this policy and related procedures should be addressed to: [Telework@richmondgov.com](mailto:Telework@richmondgov.com).

**II. POLICY**

This regulation is intended to provide for a flexible working environment while ensuring that appropriate work standards are maintained. An alternate work schedule (AWS) is not a formal employee benefit; it is an option granted by the appointing authority to employees that meet certain predefined requirements. The alternate work schedule must be in the best interests of both the City of Richmond and the employee. It should provide benefit – or at least not cause significant problems – for the granting agency, supporting agencies (customers), and the employee. The appointing authority has the right to revoke the privilege at any time based upon factors that may limit the benefit of the alternate work schedule arrangement.

**Scope:** This policy applies to employees currently subject to the standard work schedule, which is 8:00 a.m. to 5:00 p.m., Mondays through Fridays with an hour lunch each day (or to equivalent individuals paid on the 40 hour per week schedule).

**Eligibility:** Employees must have completed their probationary period and must meet and maintain a rating of 275 or above on the annual employee performance evaluation in order to be eligible to request a telecommuting arrangement. Exceptions to this eligibility requirement may be granted by the Appointing Authority under special circumstances, including but not limited to: a situation where an employee is physically incapable of reporting for normal duty at city facilities, or when it is determined that doing so would reward or motivate improvement.

**III. PROCEDURE**

1. Employees working alternative schedules who are covered by the Fair Labor Standards Act (FLSA) may not be scheduled to work more than 40 hours in any week.
2. All alternative work schedules shall provide that employees working a 40-hour week will work 80 hours each and every two-week pay period.
3. Upon the successful completion of the Selection Criteria Worksheet, an employee working an alternative work schedule shall enter into a written agreement providing the details of the alternative work schedule. The agreement shall be signed by the employee, the employee's supervisor, and the appointing authority. (AWS Agreement form attached).
4. The employee shall have the right to return to the standard work schedule at any time, and the agency may require the employee to return to the standard work schedule any time the needs of the agency require it or for other work-related reasons. Employees may not change the approved schedule from one alternative work schedule to another alternative work schedule, without written agreement. Agencies have the right, as part of their internal written policies, to restrict start times of alternative work schedules to specific times of the year.



Administrative Regulations

Office of the Mayor

Title: ALTERNATIVE WORK SCHEDULE

A.R. Number: 2.12 Effective Date: 1/1/2012 Page: 2 of 3

Supersedes: NA A.R. NA DATED: NA

5. Alternative work schedules may be developed which include the core hours of 10:00 am through 3:00 pm, Monday through Friday. Employees working seven or more hours in a day must be scheduled to take a 30-minute or 60 minute lunch break within the middle two hours of that day. Within these parameters, agencies may be flexible in the number and types of available work schedule options.
6. Agencies may make more restrictive alternative work policies, but cannot make less restrictive policies.
7. Vacation and sick leave accruals remain as normal. Leave usage will be charged based on the approved work schedule, e.g. 10 hours/day for 4 day/10 hour schedules.
8. A permanent, full-time employee is compensated 8 hours for holiday leave pay on approved city holidays. Whenever possible, an employee on an alternative work schedule (i.e. 4 day/10 hours per week) should revert back to a normal 5 day/8 hour schedule during holiday weeks. If this is not practical (e.g. with 5 day/9hour; 3 day/9 hr plus 1 day/8 hour schedules), then the employee and supervisor shall arrange the employee's schedule so the employee works the required 80 hours in the pay period.

An employee on an alternative work schedule, who would have been required to work more than 8 hours on a day that is a city holiday and is approved to retain their schedule during a holiday week, shall account for the additional time required through annual leave or compensatory time or by working the additional hours within that two-week pay period in order to complete 80 hours in a pay period.

9. When an approved city holiday falls on a day that a permanent, full-time employee on an alternative work schedule would not be scheduled to work, the employee shall receive equivalent leave credit (8 hours) off. Use of this holiday leave credit shall require approval, as does annual leave, and must be taken in a lump sum increment. An employee whose regular schedule of hours exceeds an 8 hour day must account for the additional hours through the use of annual leave, compensatory leave or by working the additional hours within that two-week period with prior approval.
10. Management reserves the right to temporarily revert the schedule to a normal work week or to a special flexible schedule in order to accommodate training, attendance at conferences or other special events.
11. With management approval, employees may further flex their schedule within an individual one-week work period in order to utilize any compensatory time that would otherwise be accrued within that time period.
12. If an employee is out for a period of more than two weeks, then his/her schedule automatically reverts to a normal schedule for the duration of the time that he/she is not working.
13. An employee who is working an alternative work schedule and receives an unsatisfactory or needs improvement performance evaluation will be returned to their normal work schedule if the supervisor determines the employee's performance is impacted by the alternative work schedule.
14. An employee working an alternative work schedule that is subjected to disciplinary action based upon just cause may be removed from the alternative work schedule by the employee's supervisor.
15. Compensatory time will still be governed by other applicable rules and regulations such as FLSA and/or city policies.



**Administrative Regulations  
Office of the Mayor**

**Title: ALTERNATIVE WORK SCHEDULE**

**A.R. Number: 2.12 Effective Date: 1/1/2012 Page: 3 of 3**

**Supersedes: NA A.R. NA DATED: NA**

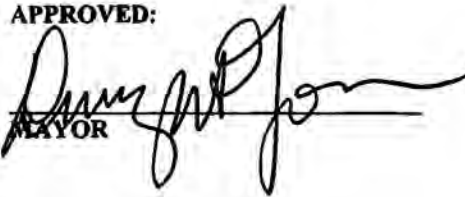
**IV. REGULATIONS UPDATE**

The Office of the Chief Administrative Officer and the Department of Human Resources shall be responsible for modifications to this policy.

**RECOMMEND APPROVAL:**

  
CHIEF ADMINISTRATIVE OFFICER

**APPROVED:**

  
MAYOR



**Administrative Regulations**  
**Office of the Mayor**  
**Title: ALTERNATIVE WORK SCHEDULE**  
**A.R. Number: 2.12 Effective Date: 1/1/2012 Page: 4 of 6**  
**Supersedes: NA A.R. NA Dated: NA**

**Selection Criteria Worksheet**

**Send your AWS questions to:** [Telework@richmondgov.com](mailto:Telework@richmondgov.com)

The purpose of this worksheet is to assess an employee's job characteristics, work habits, and competencies for successfully working an alternate work schedule:

<b>Alternative Work Schedule (AWS) Candidate Information</b>	
Employee Name	
Supervisor Name	
Anticipated AWS Start Date	

<b>Evaluate the employee's current existing job function (note: if your responses are primarily medium to high then this employee is more likely to be a good candidate for an alternate work schedule)</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
Clarity of work goals and objectives			
Ability to schedule face-to-face contact (meetings, etc.) within scheduled days			
Ability to control work flow/schedule			
Ability to collaborate with others to ensure work continuity on days off			
Ability to meet internal and external needs within requested schedule			
Ability to measure quantity and quality of performance			
Ability to benefit from uninterrupted and non-standard time			
Ability to maintain project schedules and report progress or roadblocks to supervisor in a timely fashion			
<b>Evaluate the employee's current existing job function (note: if your responses are primarily low to medium then this employee is more likely to be a good candidate for an alternate work schedule)</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
Amount of time required on site during standard work days/hours			
Impact on work team when employee is off on standard work day			
Impact on project continuity when employee is off on standard work day			
Amount of customer feedback required on a daily basis			
Amount of co-worker feedback required on a daily basis			
Amount of support from supervisor required on a daily basis			





**Administrative Regulations**  
**Office of the Mayor**  
**Title: ALTERNATIVE WORK SCHEDULE**  
**A.R. Number: 2.12 Effective Date: 1/1/2012 Page: 5 of 6**  
**Supersedes: NA A.R. NA Dated: NA**

<b>Evaluate the employee's work style and level of performance (note: if your responses are primarily medium to high then this employee is more likely to be a good candidate for an alternate work schedule)</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
Level of job knowledge			
Experience on current assignment			
Degree of confidence in making independent decisions			
Level of organizing and planning skills			
Degree of self-discipline regarding work			
Level of trust regarding work hours			
Degree of reliability			
Degree of self-motivation			
Level of Productivity			
Desire to be results oriented			
Quality of work product			
Written communication skills			
Relationship with customers			
Relationship with peers			
Level of understanding of City of Richmond policies and procedures			
Level of computer literacy			
Degree of flexibility			
Adaptability of current job to the non traditional work schedule			
Adaptability to changes in schedule when necessary			

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Director/Designee Signature

\_\_\_\_\_  
Date





**Administrative Regulations  
Office of the Mayor  
Title: ALTERNATIVE WORK SCHEDULE  
A.R. Number: 2.12 Effective Date: 1/1/2012 Page: 6 of 6  
Supersedes: NA A.R. NA Dated: NA**

**Alternative Work Schedule Agreement**

Send your AWS questions to: Telework@richmondgov.com

**Employee's Name:** \_\_\_\_\_ **Position:** \_\_\_\_\_  
**Department/Agency:** \_\_\_\_\_

**Employee hereby requests, and employer hereby approves the following Alternative Work Schedule:**

<b>FIRST WEEK</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
<b>Start Time:</b>					
<b>Lunch (30 or 60)</b>	<input type="checkbox"/> 30 <input type="checkbox"/> 60	<input type="checkbox"/> 30 <input type="checkbox"/> 60	<input type="checkbox"/> 30 <input type="checkbox"/> 60	<input type="checkbox"/> 30 <input type="checkbox"/> 60	<input type="checkbox"/> 30 <input type="checkbox"/> 60
<b>End Time:</b>					
<b>Hours Worked:</b>					
<b>SECOND WEEK</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
<b>Start Time:</b>					
<b>Lunch (30 or 60)</b>	<input type="checkbox"/> 30 <input type="checkbox"/> 60	<input type="checkbox"/> 30 <input type="checkbox"/> 60	<input type="checkbox"/> 30 <input type="checkbox"/> 60	<input type="checkbox"/> 30 <input type="checkbox"/> 60	<input type="checkbox"/> 30 <input type="checkbox"/> 60
<b>End Time:</b>					
<b>Hours Worked:</b>					

1. This agreement and schedule shall be effective: \_\_\_\_\_.
2. The terms and conditions of the City of Richmond Alternative Work Schedule Administrative Regulation (#) is incorporated into this agreement by reference and made a part of this agreement.
3. I understand that this schedule may be modified or cancelled in accordance with the Alternative Work Schedule Administrative Regulation.
4. Employee understands that alternative work schedule eligibility is a privilege. Failure to abide by the terms and conditions of this agreement, or the Alternative Work Schedule Administrative Regulation, will result in loss of the privilege.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Appointing Authority

\_\_\_\_\_  
Date



## **Administrative Regulations Office of the Mayor**

**Title:** VIRGINIA FREEDOM OF INFORMATION POLICY

**A.R. Number:** 3.1 **Effective Date:** 2/1/2007 **Page:** 1 of 7

**Supersedes:** Virginia Freedom of Information Act Policy **A.R.:** 3.1 **DATED:** 9/1/2004

### **I. PURPOSE**

The purpose of this policy is to:

- A. Assist City agencies in meeting statutory freedom of information disclosure mandates by requiring the designation of specific personnel to handle freedom of information requests;
- B. Increase the availability of City government information to the public by providing a procedural framework within which City agencies shall provide requested City records;
- C. Meet most of the needs of the public and the media by developing in designated personnel a heightened ability to manage freedom of information requests; and
- D. Establish systems to record the cost to the City of responding to freedom of information requests and to charge requesters for those costs to the extent permitted by state law.

### **II. POLICY**

- A. To further the purpose expressed above, City employees shall follow the spirit and requirements of the Virginia Freedom of Information Act, Va. Code Ann. §§ 2.2-3700—2.2-3714 (“VFOIA”). VFOIA requires the release upon request of all non-exempt public records as defined in the Act to members of the public. Although VFOIA does not prohibit the release of any public record, it permits the City to withhold public records in certain limited circumstances as enumerated in the Act.
- B. Using the procedures outlined below, City employees shall record the cost to the City of responding to freedom of information requests and charge the requester for the City’s cost in “accessing, duplicating, supplying, or searching for the requested records” to the extent that section 2.2-3704(F) of the Code of Virginia allows.

### **III. PROCEDURE**

#### **A. General**

- 1. Records Retention - State law requires City employees to preserve records that document “a transaction or activity by or with any public officer, agency or employee.” Va. Code Ann. § 42.1-77; *See* A.R.3.5 concerning Records Retention for guidelines on complying with the Virginia Public Records Act, Va. Code Ann. §§ 42.1-70—42.1-91.
- 2. Electronic Mail - Records preserved in electronic media, including but not limited to electronic mail, are subject both to records retention requirements and VFOIA. *See* A.R. 2.6 concerning Electronic Media Systems for guidelines on the use of electronic media systems, including but not limited to electronic mail.



## **Administrative Regulations Office of the Mayor**

**Title:** VIRGINIA FREEDOM OF INFORMATION POLICY

**A.R. Number:** 3.1 **Effective Date:** 2/1/2007 **Page:** 2 of 7

**Supersedes:** Virginia Freedom of Information Act Policy **A.R.:** 3.1 **DATED:** 9/1/2004

3. Disclosure Required - Unless a specific exclusion from its requirements applies, VFOIA requires the disclosure to Virginia citizens of records "prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business." Va. Code Ann. § 2.2-3701

### **B. Agency Head's Role**

This policy intends to promote an increased responsiveness to freedom of information requests. Consequently, each Agency Head shall read and familiarize him/herself with VFOIA. Further, each Agency Head shall designate a VFOIA representative as provided below. Each Agency Head shall recognize that freedom of information requests are time-sensitive and shall assist his agency's VFOIA representative in providing a timely, appropriate response to every freedom of information request.

### **C. Designated VFOIA Representative**

Each Agency Head shall designate a least one member of his staff as that agency's VFOIA representative and shall report the names of all VFOIA representatives or alternates to the Office of the Chief Administrative Officer upon designation. The Office of the Chief Administrative Officer shall maintain a list of VFOIA representatives and shall audit this list annually to ensure that it remains current. The VFOIA representative shall be primarily responsible for the agency's response to freedom of information requests it receives from the public and the media. The VFOIA representative shall:

1. Read and familiarize himself with VFOIA;
2. Familiarize him/herself with Virginia statutes applicable to the agency that may expressly forbid the release of certain records, such as some criminal or tax records;
3. Develop and update procedures for responding to freedom of information requests;
4. Train agency employees to recognize freedom of information requests and properly refer them to the agency's VFOIA representative;
5. Receive all freedom of information requests directed to the agency;
6. Act as the point of contact within the agency for freedom of information requests referred to the agency by other agencies or by the Office of the Chief Administrative Officer;
7. Maintain appropriate records concerning each freedom of information request in accordance with Section III (F) of this policy;
8. Train alternate VFOIA representatives to handle time-sensitive freedom of information requests when the designated VFOIA representative is out of the office;
9. Respond in a timely fashion to freedom of information requests in accordance with the agency's established procedures; and



## **Administrative Regulations Office of the Mayor**

**Title:** VIRGINIA FREEDOM OF INFORMATION POLICY

**A.R. Number:** 3.1 **Effective Date:** 2/1/2007 **Page:** 3 of 7

**Supersedes:** Virginia Freedom of Information Act Policy **A.R.:** 3.1 **DATED:** 9/1/2004

10. Consult with the appropriate member of the Office of the City Attorney, as necessary, whenever a question arises regarding freedom of information requests or procedures.

### **D. Agency Procedures**

Each agency shall develop and follow procedures for responding to freedom of information requests directed or referred to the agency. Although each agency should develop procedures that work best for the agency, such procedures shall, at a minimum, include the following elements:

1. Intake Forms - Agencies shall maintain a form on which either a walk-in requester or a City employee taking a request over the telephone may record the elements of the request.
2. Referral - City personnel shall refer each request to their agency's VFOIA representative on the same day they receive the request because such requests are time-sensitive.
3. Statutory Requirements - The VFOIA representative shall follow all statutory VFOIA requirements in handling the request, particularly those found in Va. Code Ann. § 2.2-3704
4. Response Time - The VFOIA representative shall respond to the request within five (5) working days of the agency's receipt of the request in the manner specified by Va. Code Ann. § 2.2-3704(B) or unless otherwise provided by the statute.
5. Agency Review of Responsive Records - Once the agency has amassed all of the records that respond to the request, the VFOIA representative shall review those records (i) to make a record of what the agency is providing the requester and (ii) to identify any records that the VFOIA representative believes are excluded from the law's disclosure requirements.
6. Consultation with City Attorney - In general, when a citizen of Virginia or media outlet with circulation in Virginia requests a record, VFOIA requires the City to provide the requester with the record. However, the City occasionally receives requests for records that may be excluded from VFOIA's disclosure requirements. Should the VFOIA representative believe that records may be exempt from disclosure, the VFOIA representative shall adhere to the following guidelines in bringing such records to the attention of the Office of the City Attorney:
  - a. The VFOIA representative shall not send a request to the Office of the City Attorney before gathering the records that respond to the request.
  - b. Upon identifying records that may be exempt from disclosure, the VFOIA representative shall immediately contact the lawyer in the Office of the City Attorney that represents the VFOIA representative's office or agency.



## Administrative Regulations Office of the Mayor

**Title:** VIRGINIA FREEDOM OF INFORMATION POLICY

**A.R. Number:** 3.1 **Effective Date:** 2/1/2007 **Page:** 4 of 7

**Supersedes:** Virginia Freedom of Information Act Policy **A.R.:** 3.1 **DATED:** 9/1/2004

- c. The VFOIA representative shall promptly provide the lawyer with a copy of (i) the request and (ii) the record or records that the VFOIA representative feels may be exempt from the law's disclosure requirements. The VFOIA representative shall not send all of the records generated in response to a voluminous request to the lawyer. Rather, the VFOIA representative shall send the lawyer only those records that he actually has reason to believe may be excluded from the law's disclosure requirements.
- d. The VFOIA representative shall allow at least two working days before a response is due to the requester for the lawyer to review the request and the records that may be excluded from the law's disclosure requirements.

### E. Charging for Requests

In general, VFOIA allows the City to "make reasonable charges for its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records." Va. Code Ann. § 2.2-3704(F). Because the City may incur significant costs in responding to freedom of information requests, VFOIA representatives, in responding to a request, shall charge the requester for the response pursuant to the following guidelines:

1. Records Available on Internet or at Library - Upon receiving a request, the VFOIA representative shall determine if the information is already available to the public on the Internet or at a public library. If so, the VFOIA representative shall contact the requester by the fastest means possible and inform him that the information is available free of charge on the Internet or at a public library. Should the requester decide to seek the records on the Internet or at a public library, the VFOIA representative shall send a letter to the requester confirming the requester's decision.
2. Cost Estimate - If the requested records are not publicly available on the Internet or at a public library, the VFOIA representative shall estimate the cost of complying with the request. Such estimate shall include the following elements where implicated in the response to the request:

- a. The actual cost of time spent by City employees in searching for, gathering, or redacting records in response to a request. The VFOIA representative shall use the lowest-paid employee capable of performing these tasks. For each employee, this cost shall be the hourly rate of the employee (not including benefits or other overhead costs for that employee) multiplied by the number of hours that employee spends performing tasks in response to that VFOIA request.

(Generally, a requester cannot be charged for an employee's time spent sitting with or supervising the requester's inspection of the records for security reasons. *See* 1989 Op. Att'y Gen. Va. 12.)

- b. The actual cost of duplication.
- c. The actual cost of mailing or delivering. This cost shall be the amount expended by the City in mailing or otherwise delivering the records to the requester. (This charge shall not apply where the requester comes and picks up the records.)



## Administrative Regulations Office of the Mayor

**Title:** VIRGINIA FREEDOM OF INFORMATION POLICY

**A.R. Number:** 3.1 **Effective Date:** 2/1/2007 **Page:** 5 of 7

**Supersedes:** Virginia Freedom of Information Act Policy **A.R.:** 3.1 **DATED:** 9/1/2004

3. Communication of Estimate to Requester - The VFOIA representative shall communicate the estimate to the requester by the fastest means possible.
  - a. If the estimated cost of fulfilling the request is less than or equal to two hundred dollars (\$200.00), the VFOIA representative shall inform the requester that payment is due upon delivery of the response to the request.
  - b. If the estimated cost of fulfilling the request is greater than two hundred dollars (\$200.00), the VFOIA representative shall inform the requester in writing that, as authorized by section 2.2-3704(F) of the Code of Virginia, (i) the City will not continue to process the request until it has received a deposit in the amount of the estimate from the requester, (ii) the City will credit the deposit towards the final cost of supplying the requested records, and (iii) that the statutory period within which the City must respond will be delayed until the City receives the deposit.
4. Invoice of Costs - Upon the completion of the work and duplicating necessary to fulfill a request, the VFOIA representative shall prepare an invoice of the costs. Such invoice shall include all of the applicable elements listed in III (E)(2) above and shall be in a form approved by the Chief Administrative Officer or his designee. The VFOIA representative shall see that the invoice is presented to the requester along with the records responding to his request.
5. Intergovernmental Waiver of Costs - The costs associated with responding to VFOIA requests from governmental entities shall be waived whenever such an entity extends the City reciprocity regarding cost waiver. Costs associated with VFOIA requests from all other governmental entities may be waived at the discretion of the Agency Head. In all cases where costs are waived, an invoice shall be prepared for the purposes of record keeping.
6. Collection of Charges from Requester
  - a. If the requester has made a deposit pursuant to III (E)(3)(b) above, such deposit shall be credited against the invoiced cost. If the deposit is insufficient to cover the invoiced cost, the VFOIA representative shall collect the remainder pursuant to III (E)(6)(b) and (c) below. If any portion of the deposit remains after credited against the invoiced cost, the VFOIA representative shall return such portion to the requester with the response to the request.
  - b. If the requester appears in person either to inspect the requested records or to pick up copies thereof, the VFOIA representative shall collect the charge for the request before providing the requester with access to or copies of the records.
  - c. If the requester requests delivery by mail or electronic mail, the invoice provided with the City's response to the request shall state that the requester has ten (10) calendar days to pay the City the invoiced amount and that the City reserves the right to impose an interest charge of nine percent (9%) per annum and to pursue its standard collection procedures for delinquent accounts after thirty (30) calendar days.



## Administrative Regulations Office of the Mayor

**Title:** VIRGINIA FREEDOM OF INFORMATION POLICY

**A.R. Number:** 3.1 **Effective Date:** 2/1/2007 **Page:** 6 of 7

**Supersedes:** Virginia Freedom of Information Act Policy **A.R.:** 3.1 **DATED:** 9/1/2004

- d. Pursuant to Section 2.2-3704(I) of the Code of Virginia, before processing a request for records, the City may require the requestor to pay any amounts owed for previous requests for records that remain unpaid 30 days or more after billing.
7. Charging under Special Circumstances. When a requester requests the reproduction of topographical maps or the production of records from the City's Geographic Information System, the VFOIA representative, in responding to the request, shall follow the special guidelines set forth in Section 2.2-3704(F) of the Code of Virginia in charging for these types of records.

### F. Record-Keeping

Each agency shall track the costs in time and money incurred by the City in responding to freedom of information requests. VFOIA representatives shall keep a file containing a copy of the following for each freedom of information request in order to facilitate uniform data collection:

1. Intake Form - Most requesters make their request in writing, and this writing may serve as the intake form for the request. Some requesters request records in person at an agency's offices. VFOIA representatives shall train City employees at the customer service level of their agency (i) to recognize that a person requesting to inspect or copy existing public records or requesting information contained in existing public records is making a freedom of information request and (ii) to ask that requester to fill out an intake form prepared by the agency in a form approved by the Chief Administrative Officer or his designee. City employees may not require requesters to fill out an intake form. If a requester declines to fill out an intake form or is making a request over the telephone, the City employee taking the request should fill out an intake form to create a written record of the request.
2. Estimate - VFOIA representatives shall make their estimate of the anticipated cost of responding to a freedom of information request in a form approved by the Chief Administrative Officer or his designee. The intake form may include space for the appropriate cost estimate information.
3. Communication with Requester - All communication with a requester concerning a request shall be in writing wherever possible. Should a City employee communicate orally with a requester, the City employee shall make a written note of the communication together with the date and time thereof.
4. Response to Request - All responses to a request shall be in writing and should be in the form of a letter.
5. Invoice - All responses to a request shall include an invoice as described in III (E)(4) above.
6. Payment Record - Receipts for payment by a requester should include amount due and amount paid.



**Administrative Regulations  
Office of the Mayor**

**Title:** VIRGINIA FREEDOM OF INFORMATION POLICY

**A.R. Number:** 3.1 **Effective Date:** 2/1/2007 **Page:** 7 of 7

**Supersedes:** Virginia Freedom of Information Act Policy **A.R.:** 3.1 **DATED:** 9/1/2004

Each Agency Head shall file with the Director of Budget and Strategic Planning an annual report indicating the total cost in time and money incurred by that agency in responding to freedom of information requests no later than December 31 of each year. The Department of Budget and Strategic Planning shall conduct annual audits of freedom of information request files in order to gather citywide data on the costs in time and money incurred by the City in responding to requests and shall present a report on such costs to the Chief Administrative Officer.

**IV. AUTHORITY**

Virginia Freedom of Information Act, Va. Code Ann. §§ 2.2-3700—2.2-3714.

**V. REGULATION UPDATE**

The Office of the Mayor and the Office of the City Attorney shall be responsible for modifications to this Regulation.

**APPROVED:**

---

**MAYOR**





**Administrative Regulations  
Office of the Mayor**

**Title:** PROCEDURE FOR REQUESTING THE PREPARATION OF AN ORDINANCE OR RESOLUTION

**A.R. Number:** 3.2 **Effective Date:** 1/1/2012 **Page:** 1 of 2

**Supersedes:** Procedure for Requesting the Preparation of an Ordinance or Resolution **A.R. 3.2 DATED:** 2/1/2007

**I. PURPOSE**

The purpose of this regulation is to provide for a uniform procedure for the submission of requests for the Mayor to introduce an ordinance or resolution at a meeting of the City Council.

**II. POLICY**

No ordinance or resolution will be introduced showing the Mayor as the chief patron unless the Mayor has initialed or signed an O&R Request and this O&R Request has been submitted to the Office of the City Attorney in accordance with the requirements for which this regulation provides.

**III. PROCEDURE**

**A. Manual**

There shall be an O&R Manual approved by both the Chief Administrative Officer and the City Attorney. The Manual shall describe in detail the process to be followed in the drafting, submission, monitoring and implementation of an O&R Request. From time to time, the Chief Administrative Officer and the City Attorney jointly may issue updates to the O&R Manual.

**B. Submission Schedule**

Before the beginning of each fiscal year, the Office of the Chief Administrative Officer and the Office of the City Attorney shall publish an O&R Submission Schedule showing the deadlines by which O&R Requests must be submitted in accordance with the O&R Manual in order for the requested ordinance or resolution to be introduced at a particular meeting of the City Council.

**C. Website**

The Office of the Chief Administrative Officer and the Office of the City Attorney shall publish the O&R Manual, the O&R Submission Schedule and any other materials relating to the O&R process on the City's intranet site.

**D. Training**

The Office of the Chief Administrative Officer and the Office of the City Attorney shall provide periodic training to members of the City Administration on the process set forth in the O&R Manual. This training may be Citywide or targeted to particular City agencies, as appropriate or requested.



**Administrative Regulations  
Office of the Mayor**

**Title:** PROCEDURE FOR REQUESTING THE PREPARATION OF AN ORDINANCE OR RESOLUTION

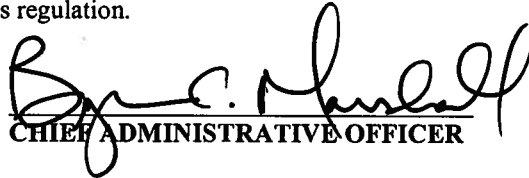
**A.R. Number:** 3.2 **Effective Date:** 1/1/2012 **Page:** 2 of 2

**Supersedes:** Procedure for Requesting the Preparation of an Ordinance or Resolution **A.R. 3.2 DATED:** 2/1/2007

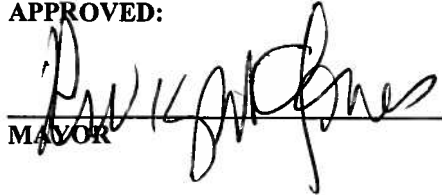
**IV. REGULATION UPDATE**

The Office of the Chief Administrative Officer and the Office of the City Attorney jointly shall be responsible for modifications to this regulation.

**RECOMMEND APPROVAL:**

  
CHIEF ADMINISTRATIVE OFFICER

**APPROVED:**

  
MAYOR



**Administrative Regulations  
Office of the Mayor**

**Title:** EMPLOYEE STATEMENTS CONCERNING CLAIMS AGAINST THE CITY

**A.R. Number:** 3.3 **Effective Date:** 2/1/2007 **Page:** 1 of 1

**Supersedes:** Employee Statements Concerning Claims against the City **A.R.:** 3.3 **DATED:** 9/1/2000

**I. PURPOSE**

To publish the City's policy relative to statements given by City employees to claimants' attorneys and investigators which may be harmful to the City's interests in the event a claim is made against the City, and in which the employee is not the claimant.

**II. POLICY**

All City employees should be advised that unless expressly authorized, no employee is to make a statement, however trivial, concerning facts relating to any claim against the City. In all cases, the employee should advise any inquirer that all matters concerning claims must be discussed with the Law Department.

**III. RESPONSIBILITY**

All department and agency directors are responsible for advising their employees of this regulation.

**IV. REGULATION UPDATE**

The Office of the Mayor and the Office of the City Attorney shall be responsible for modifications to this Policy.

**APPROVED:**

**MAYOR**



**Administrative Regulations  
Office of the Mayor**

**Title:** ALTERNATIVE STRATEGIES AND SYSTEMS FOR HANDLING PERFORMANCE AND MISCONDUCT ISSUES

**A.R. Number:** 3.4 **Effective Date:** 9/1/2000 **Page:** 1 of 1  
**Supersedes:** N/A **A.R.:** N/A **DATED:** N/A

**I. PURPOSE**

The purpose of this policy is to provide management with guidelines for developing alternative solutions to problems of misconduct and performance.

**II. PROCEDURE**

- A. In addition to the traditional disciplinary policies outlined in Section V of the Personnel Rules for the Classified Service, the Chief Administrative Officer or designee may develop alternative strategies and systems for dealing with misconduct and marginal performance issues. These strategies and systems may include, but are not limited to formal coaching, prevention efforts, peer mentoring programs, team and individual performance improvement contracts, negotiated amicable departure and severance pay agreements.
- B. The Chief Administrative Officer or designee may negotiate severance pay and amicable departure agreements with classified or unclassified employees when such is determined to be in the best interest of the City. Written agreements shall be coordinated with the Office of City Attorney prior to final signature and implementation. The Chief Administrative Officer shall review and approve all agreements.
- C. The decision to employ an alternative strategy or deal with problems outside the traditional performance management and disciplinary systems must be made on a case-by-case basis. Often, the costs of dealing with problems in the context of traditional disciplinary processes, the grievance procedure, and the courts, exceed those involved in alternative solutions. In all cases, the City's guiding principles shall be to develop solutions to problems which serve the public interest, create fair and relevant consequences, and are most likely to solve problems in the least negative and most cost effective manner.

**III. DEFINITIONS**

- Amicable Departure:** Alternative employment termination agreement made between the City and the employee as a result of misconduct or performance issues.
- Severance Pay** A mutually agreed upon financial settlement between the employee and the City as a condition of an employment separation agreement.

**IV. AUTHORITY**

Ordinance #99-155-124, adopted May 10, 1999.

**V. REGULATION UPDATE**

The Office of the Mayor shall be responsible for modifications to this Policy.

**APPROVED:**

**MAYOR**



## **Administrative Regulations Office of the Mayor**

**Title:** AMERICANS WITH DISABILITIES ACT (ADA)

**A.R. Number:** 4.1 **Effective Date:** 2/1/2007 **Page:** 1 of 5

**Supersedes:** Americans with Disabilities Act (ADA) **A.R.:** 4.1 **DATED:** 9/1/2000

### **I. PURPOSE**

The City of Richmond as an employer has a responsibility to ensure that all applicants and employees are treated fairly in all aspects of employment. It is the policy of the City of Richmond to provide a workplace free from unlawful discrimination in which all applicants and employees have equal opportunity in all areas of employment. To this end, it is the policy of the City to fully comply with the Americans with Disabilities Act (ADA). The sole purpose of this regulation is to conform to the ADA requirements and nothing herein should be construed as establishing any rights that are greater than those established by the Act. If this policy or portion thereof is at variance with the Federal Regulations, Federal Regulations shall prevail.

### **II. POLICY**

The Americans with Disabilities Act (ADA) is a comprehensive law enacted by Congress in 1990 to create broad based protection for a person with a disability with respect to employment, access to public services/programs and places of public accommodation. The ADA is composed of the following sections:

Title I - Employment	(effective 7-26-92)
Title II - Public Services	(effective 1-26-92)
Title III - Public Accommodations	(effective 1-26-93)
Title IV - Telecommunications	(effective 1-26-92)
Title V - Miscellaneous	(effective 1-26-92)

This Administrative Policy is intended to outline rights and responsibilities for all City employees and management officials with respect to Title I.

Title I prohibits discrimination against qualified individuals with disabilities in all aspects of employment including but not limited to:

- a. Recruitment, interviewing, and job applications;
- b. Hiring, upgrading, promotion, demotion, transfer, layoff, termination, right of return from layoff and re-hiring;
- c. Rates of pay and any form of compensation or change in compensation;
- d. Job assignment and job classifications;
- e. Organizational structure, position descriptions and lines of progression;
- f. Any type of leave;
- g. Benefits;
- h. Selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
- i. Activities sponsored by a covered entity, including social and recreational programs;
- j. Medical examinations; and
- k. Any other terms, condition or privilege of employment.

### **III. PROCEDURES**

#### **A. Reasonable Accommodation**

Whenever an applicant expresses the need for reasonable accommodation as part of the recruitment/hiring process, it is the responsibility of the agency that is hiring for the position to identify and make a reasonable accommodation for the applicant, if possible. An accommodation is not considered reasonable if it interferes with effective performance of the essential job functions. Requests for accommodation, if reasonable, should in



## **Administrative Regulations Office of the Mayor**

**Title:** AMERICANS WITH DISABILITIES ACT (ADA)

**A.R. Number:** 4.1 **Effective Date:** 2/1/2007 **Page:** 2 of 5

**Supersedes:** Americans with Disabilities Act (ADA) **A.R.:** 4.1 **DATED:** 9/1/2000

not jeopardize an applicant's consideration for a position. If an applicant feels the hiring agency did not make reasonable accommodation he should notify the Department of Human Resources in writing so that the situation can be investigated. The applicant may be asked whether he or she can perform particular job functions but the hiring agency may not make a pre-employment inquiry on an application form or in an interview as to whether, or to what extent, an individual is disabled. If the applicant has a disability known to the hiring agency, the applicant may be asked how he or she can perform because of the disability, and whether an accommodation would be needed.

Whenever an employee cannot perform the essential job functions for his/her position due to physical or mental impairment, the agency shall notify the Department of Human Resources immediately. The situation will be reviewed by the Supervisor, Agency Human Resources (HR) Liaison and Agency Director to determine whether accommodations can be made.

The agency may consider employee preference in making an accommodation unless such accommodation is determined to be unreasonable, interferes with performance of essential job functions or imposes undue hardship. The employee will be expected to provide medical documentation for the disability at his/her own expense and shall be required to undergo a fitness for duty exam through the City's Medical Services Provider.

### Steps in Evaluating an Accommodation Request

1. The City's Medical Services Provider is given information on the job duties (in the form of the classification specification for the job, list of essential job functions, performance standards and other pertinent information). A medical evaluation is conducted by the City's Medical Services Provider.
2. The Agency HR Liaison, the Human Resources Representative and the supervisor meet with the employee to discuss the request. If necessary, representatives from appropriate resource groups for the disabled will be brought in to provide assistance.
3. The Agency HR Liaison will prepare a written recommendation to the Department of Human Resources.

If the determination is made that the employee has a disability as defined by the ADA, cannot perform the essential job functions for his position and cannot be reasonably accommodated in his/her position, the Department of Human Resources will conduct a search for another position in accordance with the City's disability placement process. If no suitable position is available, the Appointing Authority is responsible for initiating disability placement/separation procedures (Personnel Rules 5.10, Section C).

### B. Medical Examination

A job offer may be conditioned on the results of a medical examination, provided that the examination is required for all entering employees in the same job category regardless of disability, and that information obtained is handled according to confidentiality requirements specified in the ADA. All medical examinations and inquiries must be job related and necessary for the conduct of the City's business. A test for illegal drugs is not considered a medical examination under the ADA.

### C. Complaint Process

#### Applicant/Employee

If an employee or an applicant feels they have been discriminated against under the provisions of ADA, he/she should contact the Department of Human Resources so that the complaint can be investigated. Written documentation may be required. The Department of Human Resources, the agency, and the Office of the City Attorney will review the alleged violation to determine if the alleged violation was a violation and what action can be taken to resolve the situation. A tenured classified City employee may also file a complaint using the



## Administrative Regulations Office of the Mayor

**Title:** AMERICANS WITH DISABILITIES ACT (ADA)

**A.R. Number:** 4.1 **Effective Date:** 2/1/2007 **Page:** 3 of 5

**Supersedes:** Americans with Disabilities Act (ADA) **A.R.:** 4.1 **DATED:** 9/1/2000

City's Grievance and Appeal Procedure. All employees may file a complaint with the Personnel Board pursuant to the Board's Investigative Procedures.

### Citizen

If a citizen feels that he or she has been denied equal access to City services or programs, under the provisions of the ADA he or she may submit a complaint to the Citizen's Assistance Office.

## IV. RESPONSIBILITY

### A. Department/Agency Director

All Department/Agency Directors are responsible for providing a work environment where disabled employees and applicants are treated fairly and consistently in accordance with applicable rules and regulations. Each Department/Agency Director will be responsible for appointing an HR Liaison who will assure that ADA compliance is monitored within their respective agency.

### B. Supervisors/Managers

Supervisors and Managers have the following responsibilities:

1. To identify essential functions for each position under his/her supervision.
2. To evaluate and respond to requests for reasonable accommodation from employees and/or applicants.
3. To monitor the work environment in their organization for compliance with the ADA and to keep the Agency HR Liaison and the Department of Human Resources advised of issues that arise.

### C. Employees

Each employee of the City of Richmond is responsible for providing quality service to all citizens and being sensitive to the needs of disabled members of the public and co-workers. If an employee becomes disabled and needs reasonable accommodation to perform the essential job functions of his position, he must notify his supervisor of such disability, the accommodation that is needed and provide supporting medical documentation.

### D. Department of Human Resources

The Department of Human Resources (HR) has overall responsibility for assuring that the City of Richmond is in compliance with Title I of the ADA. Human Resources is also responsible for providing information on the ADA to the work force, monitoring reasonable accommodation efforts and investigating complaints concerning the employment provisions of the ADA.

### E. Agency HR Liaisons

Each department/agency director will appoint an HR Liaison who will act as a coordinator to monitor ADA compliance and to be the main contact/liaison with the Department of Human Resources on ADA matters. These coordinators will be responsible for:

1. Enforcing agency policies and initiatives related to ADA on behalf of the director/agency director.
2. Communicating information on ADA.
3. Preparing a self-evaluation plan of the services, activities and practices of their agency.
4. Preparing a transition plan for the agency (including responses to facilities review).
5. Incorporating ADA needs into the agency budget.
6. Assisting the Department of HR in monitoring ADA compliance.



## Administrative Regulations Office of the Mayor

**Title:** AMERICANS WITH DISABILITIES ACT (ADA)

**A.R. Number:** 4.1 **Effective Date:** 2/1/2007 **Page:** 4 of 5

**Supersedes:** Americans with Disabilities Act (ADA) **A.R.:** 4.1 **DATED:** 9/1/2000

These duties will be incorporated into the coordinator's performance plan.

### V. DEFINITIONS

**Direct Threat** - a significant risk to the health or safety of the individual or others, which cannot be eliminated by reasonable accommodation.

**Essential Job Functions:** The fundamental duties of a position held or desired. A job function is essential if:

1. The employer actually requires employees in the position to perform it, and
2. Removing the function would fundamentally alter the position, which generally depends upon:
  - a. Whether the position exists to perform the function,
  - b. The number of employees available to perform the function, and
  - c. The degree of expertise or skill required.

**Person with Disability:** Any person who has or who acquired a physical or mental impairment, or who has a record of such an impairment or who is regarded as having an impairment which limits one or more major life activities, such as self care, performing manual tasks, seeing, hearing, speaking, breathing and working.

**Physical Impairment:** Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine.

**Mental Impairment:** Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**Qualified Individuals:** A person who possesses the required experience, education and/or training for the position and who with or without reasonable accommodation can perform the essential job functions.

**Reasonable Accommodation:** Adjustments made for the known disability of an employee or applicant by structuring the job or the work environment in a manner that will enable the person with a disability to perform the essential functions of a job. Reasonable accommodation includes, but is not limited to, modifying written or oral examinations; making facilities accessible; adjusting work schedules; restructuring jobs; providing assistive devices; and providing interpreters to the deaf or readers for the blind or learning disabled.

**Self-Evaluation:** A process of reviewing all areas of employment and services to determine what modifications are needed to ensure ADA compliance.

**Transition Plan:** The plan for achieving ADA compliance in program areas.

**Undue Hardship:** An accommodation would be unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the business.





**Administrative Regulations  
Office of the Mayor**

**Title:** AMERICANS WITH DISABILITIES ACT (ADA)

**A.R. Number:** 4.1 **Effective Date:** 2/1/2007 **Page:** 5 of 5

**Supersedes:** Americans with Disabilities Act (ADA) **A.R.:** 4.1 **DATED:** 9/1/2000

**VI. REGULATION UPDATE**

The Department of Human Resources shall be responsible for modifications to this Policy.

**APPROVED:**

A handwritten signature in cursive script that reads "L. Douglas White".

---

**MAYOR**



## Administrative Regulations Office of the Mayor

Title: DISABILITY PROCEDURES

A.R. Number: 4.2 Effective Date: 2/1/2014 Page: 1 of 4

Supersedes: Disability Procedures A.R.: 4.2 DATED: 2/1/2007

### I. PURPOSE

The City's policy on disability seeks to provide employees with an opportunity to continue employment whenever possible. This regulation provides an overview of the disability placement process, and included are procedures for initial disability claims and applying for disability retirement. The City will adhere to the Americans with Disabilities Act (ADA) in applying this regulation. The guidelines set forth below are not intended to confer on employees greater rights to which they are entitled under the Virginia Workers' Compensation Act or the Americans with Disabilities Act. Should any provision of this regulation conflict with state and federal laws or regulations, the state or federal law, as appropriate, shall be controlling.

### II. POLICY

- A. The disability placement/separation process, as defined in Personnel Rule 5.11(2), allows certain qualified employees, upon certified medical examination, to be placed in a position to accommodate his or her disability or be separated from City service for a determined disability.
- B. The Richmond Retirement System offers two types of disability retirement:

#### Ordinary (Non-Job Related) Disability

This disability retirement results from the inability to work due to an injury or illness that is not job-related. The employee must have five years of creditable service and the System's medical examiners must certify that the employee is completely and permanently incapacitated from performing any duties with the City.

#### Compensable (Job-Related) Disability

This disability retirement results from the inability to work due to an injury or illness that is job-related. The employee's disability must be compensable under the Virginia Worker's Compensation Act and the System's medical examiners must certify that the employee is completely and permanently incapacitated from performing any duties with the City. **For firefighters**, the disability may be the result of respiratory disease, hypertension or heart disease. **For police officers**, the disability may be the result of hypertension or heart disease.

Americans with Disabilities Act - As set forth in Administrative Regulation 4.1, it is the policy of the City to fully comply with the Americans with Disabilities Act (ADA). Accordingly, certain employees may be provided with reasonable accommodations if they are a qualified individual with a disability. Qualified individuals are those who satisfy the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position.

### III. PROCEDURE

- A. Initial Disability Claim

Purpose: To conduct an initial medical examination of an employee's disability status and to certify continued employment.

#### 1. Initial Medical Determination: Non-Service Related Disability

- a. The employee notifies his or her supervisor of a potential disability. The supervisor notifies the agency's HR Liaison, who acts as an ADA coordinator, of the employee's potential disability. The HR Liaison partners with the Department of Human Resources (HR) to schedule the employee for a medical examination. The employee is referred to the City's Medical Review Officer (MRO), by the HR Liaison.



**Administrative Regulations  
Office of the Mayor**

**Title: DISABILITY PROCEDURES**

**A.R. Number: 4.2 Effective Date: 2/1/2014 Page: 2 of 4**

**Supersedes: Disability Procedures A.R.: 4.2 DATED: 2/1/2007**

- b. The MRO conducts an examination and reports medical findings to the Department of Human Resources. HR shall discuss with the Agency the employee's ability to perform the essential job duties. If the report indicates the employee can perform current and essential job duties with or without restrictions, the Appointing Authority with the HR Liaison arranges job accommodation or placement within the Agency. The Appointing Authority notifies the employee and HR in writing of placement action within thirty (30) days.
2. Initial Medical Determination: Service-Related Disability
    - a. The employee reports the injury. The Supervisor completes the Employer's First Report of Accident form (plus appropriate supplements) and submits the form to the City's Safety Officer and any other entities as may be required under the Virginia Workers' Compensation Act. If the injury is serious and considered an emergency, the employee may be taken to the nearest hospital. Once the injury has stabilized, the employee must be referred by the Agency to the City's panel of Workers Compensation physicians. If the injury is not an emergency, the employee is referred directly to the City's panel of Workers Compensation physicians. A physician in the panel group may become the employee's treating physician for purposes of Workers' Compensation. If, however, the employee selects a physician outside of the panel, the employee bears all costs.
    - b. The panel physician, selected by the employee, conducts an examination of the work-related injury. Medical results are reported on the Authorization for Medical Treatment form, with copies to the employee for the Agency and to the City's third party claims administrator.
3. Job Placement and Continued Employment: Service Related and Non-Service Related Disability
    - a. If the employee is medically cleared to return to work and can perform in another job, with or without restrictions, the Appointing Authority initiates job placement efforts within the Agency for thirty (30) days.
    - b. If the Appointing Authority determines that the employee cannot be placed within the Agency, the employee is referred to HR for employment alternatives elsewhere within the City. HR will initiate job placement efforts within the City for thirty (30) days. HR will notify the employee and the Appointing Authority of findings in writing.
    - c. If no appropriate or available employment alternatives exist after a department wide and citywide search was conducted, the Appointing Authority shall recommend to the HR Director and the CAO the separation of the employee from employment. The department is responsible for referring the employee to the Richmond Retirement System (RRS) prior to submitting the recommendation for separation from employment. The employee shall be separated from City service and given a minimum twenty-one (21) calendar days notice prior to the separation date.
    - d. If during any placement process, an employee refuses the placement offered, the employee shall be separated from City service in accordance with Personnel Rules. If separation from City service occurs, the employee must be given a minimum of twenty-one (21) calendar day's notice.
    - e. If the employee is totally and/or permanently incapacitated based on medical information and cannot perform the essential duties of any job, the Appointing Authority shall recommend to the HR Director and the CAO the separation of the employee from employment. The department is responsible for referring the employee to the Richmond Retirement System (RRS) prior to submitting the recommendation for separation from employment. The employee shall be separated from City service and given a minimum twenty-one (21) calendar days notice prior to the separation date.



**Administrative Regulations  
Office of the Mayor**

**Title: DISABILITY PROCEDURES**

**A.R. Number: 4.2 Effective Date: 2/1/2014 Page: 3 of 4**

**Supersedes: Disability Procedures A.R.: 4.2 DATED: 2/1/2007**

4. Job Reinstatement Upon Recovery of Job Related Disability

- a. If the employee after being placed in a new position because of a service related disability placement now meets the minimum requirements for the previously held position, the employee may reapply for the previous position if a vacancy is available.
- b. If the employee is selected and rehired in the previously held position with no break in city service, the employee will be treated with the same seniority as if he/she served continuous in the previously held position (applicable to sworn employees upon the completion of required basic training).

B. Retiree Disability Re-Examination Claim

Purpose: To conduct an annual medical re-examination of the retiree's ability to return to employment during the first and second years of disability. After three or more years of receiving disability retirement, the employee may no longer be subject to re-examination requirements.

1. Medical Re-examination

The RRS notifies the disabled retiree of re-examination and schedules an appointment for a medical examination with an approved Medical Examiner. If the retiree's condition is unchanged or has deteriorated, RRS notifies the retiree of the continuance of disability retirement benefits. If the Medical Examiner determines that the disability retiree is capable of performing in the retiree's last position or in a position other than that of the retiree's last position, the Board shall refer him/her to HR for job placement in the retiree's last position or possible job placement in a position for which he/she qualifies.

2. Job Placement

- a. If the retiree can return to work with or without restrictions in the member's last position, RRS makes a referral to HR. Upon receipt of the medical report, HR conducts a review and initiates job search/placement efforts. HR will notify the retiree, RRS and the Appointing Authority of the action in writing within forty-five (45) calendar days.
- b. If the retiree cannot return to work with or without restrictions in the retiree's last position, but can return to an alternate position in the City, HR will notify the retiree, RRS, and the Appointing Authority of the job placement recommendation within thirty (30) days.

3. Impact on Pay

- a. Retirement - If a retiree, who retired on a job-related (compensable) disability, is determined by the medical examiners to be capable of performing the duties of a position other than that of the last position for which the retiree was qualified, by education, training, or experience, the Board shall refer the retiree to the Director of HR for job placement. When assigned, the retiree should be compensated as follows:
  - i. For a member who retired on a job-related (compensable) disability the wages should be at least one hundred percent of the retiree's last salary, including any cost-of-living adjustments and equity increases, through a combination of salary and RRS benefits.
  - ii. For a member who retired on a non-job-related (ordinary) disability, wages should be at least eighty percent of the retiree's last salary, based on a combination of salary and RRS benefits.
- b. If an employee is placed in his same position and class, pay remains at the same salary held prior to the disability retirement. If an employee is placed in a different but lateral position and class, pay remains at the same salary held prior to the disability. If the employee is placed in a different but lower position, pay is adjusted to the same salary in the new range or the maximum of the new range, whichever is higher.



**Administrative Regulations  
Office of the Mayor**

**Title: DISABILITY PROCEDURES**

**A.R. Number: 4.2 Effective Date: 2/1/2014 Page: 4 of 4**

**Supersedes: Disability Procedures A.R.: 4.2 DATED: 2/1/2007**

c. Under Workers' Compensation, employees who incur qualified disabilities shall have the same pay rights as all other employees, except that injured employees returning to restricted or less than normal work hours, may receive workers' compensation indemnity benefits (injury leave supplement) for the hours not worked as provided by State law.

**4. Impact on Retirement**

If a retired employee is placed in another position with the City under these procedures, all retirement benefits (other than salary) shall be calculated as if the retired member were still in the position from which he/she initially became disabled.

**5. Impact on Refusals**

The failure or refusal of the member, within one month, to accept any position offered for which the wages are as stated in section 3(a) above, shall result in the member being deemed ineligible for any disability retirement benefits.

**IV. DEFINITIONS**

<b>Terms</b>	<b>Definitions</b>
ADA	Americans with Disabilities Act
HR Liaison	Agency representative who collaborates with supervisors and employees to evaluate and recommend workplace accommodations.
Medical Examiners	Physicians approved by the Richmond Retirement System's Board of Trustees who provide written evaluations of an employee's medical limitations to the Retirement Board.
Medical Examination Report to Employer (MERE)	A medical report generated by the medical provider at Employee Medical Services identifying the extent of the employee's medical limitations.
Medical Examination Report to Employer Supplement (MERE Supplement)	A medical report generated by the medical provider to provide additional medical information when the employee is not qualified to perform any work at the time of the report.
Medical Services Provider	Employee Medical review office under contract with the City to provide medical services to City employees and job applicants.
WC TPA	The City's Third-Party Administrator for Workers' Compensation claims

**V. REGULATION UPDATE**

The Department of Human Resources and Richmond Retirement System shall be responsible for modifications to this Policy.

**RECOMMEND APPROVAL:** /Original signed copy on file in HR/

**Byron C. Marshall, CHIEF ADMINISTRATIVE OFFICER**

**APPROVED:**

/Original signed copy on file in HR/

**Dwight C. Jones, MAYOR**



## **Administrative Regulations Office of the Mayor**

**Title:** FAMILY MEDICAL LEAVE ACT (FMLA)

**A.R. Number:** 4.3 **Effective Date:** 07/01/2019 **Page** 1 of 16

**Supersedes:** Family Medical Leave Act (FMLA) **A.R.:** 4.3 **DATED:** 07/07/2018

### **I. Purpose**

It is the intent of the City of Richmond to provide employees with the opportunity to balance the demands of the workplace and family matters by taking job protected leave under the terms of the Family Medical Leave Act (FMLA). The purpose of this policy is to set forth procedures and identify responsibilities as to ensure consistent and appropriate application of the FMLA.

### **II. Policy**

This policy defines the City's procedures for compliance with the FMLA, circumstances in which family medical leave may be taken, notice provisions, certifications requirements, recordkeeping, coordination with other types of leave, reinstatement, and other issues related to the FMLA. The City of Richmond uses the 12-month period measured forward method for determining the 12-month period in which the twelve (12) workweeks of leave entitlement occur; an eligible employee may also take up to twenty-six (26) workweeks of leave during a "single 12-month period" to care for a covered service-member. If this regulation or a portion thereof, is at variance with federal regulations, federal regulations shall prevail. See Section X. for a definition of terms used and Appendix A for forms referenced in this regulation.

### **III. Eligibility**

#### **A. To be eligible for FMLA leave, a City employee must:**

1. Be employed by the City for at least twelve (12) months. The twelve (12) months need not be consecutive. That means any time previously worked for the same employer (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If the employee has a break in service that lasted seven (7) years or more, the time worked prior to the break will not count unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement outlining the employer's intention to rehire the employee after the break in service.
2. Have worked a minimum of 1,250 hours of service during the 12-month period immediately preceding the commencement of leave.

For the purpose of determining whether an employee meets the 1,250 hour requirement, the legal standards established under the Fair Labor Standards Act (FLSA) shall apply. Therefore, all hours which the City permits the employee to work are counted toward the total hours worked. Vacation, sick, holiday, or any other form of leave hours (paid or unpaid) will not count towards the total hours worked (with the exception of Military leave).

### **IV. Types and Duration of Leave**

#### **1. Basic FMLA Leave**

An employee meeting the eligibility requirements described in Section III. A, may take up to twelve (12) workweeks of FMLA leave for the following reasons:

- a. For the birth and care of a newborn child of the employee (to be taken within twelve (12) months after the birth). Leave for the birth of a newborn child must be taken as a continuous block of leave;



## **Administrative Regulations Office of the Mayor**

**Title:** FAMILY MEDICAL LEAVE ACT (FMLA)

**A.R. Number:** 4.3 **Effective Date:** 07/01/2019 **Page** 2 of 16

**Supersedes:** Family Medical Leave Act (FMLA) **A.R.:** 4.3 **DATED:** 07/07/2018

- b. For the adoption or foster care placement of a child with the employee (to be taken within twelve (12) months after the date of placement). Bonding leave for adoption or foster care placement may be taken as a continuous block of leave or intermittent;
- c. To care for an immediate family member (as defined in Section X: Definitions) with a serious health condition; or
- d. To take medical leave when the employee is unable to work because of a serious health condition.

### **2. Qualifying Exigency – Military Family Leave**

An employee meeting the eligibility requirements may take up to twelve (12) workweeks of FMLA leave arising out of the fact that the spouse, son, daughter or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. A non-exclusive list of reasons for such leave includes the following:

- a. Short-notice deployment;
- b. Military events and related activities;
- c. Childcare and school activities; or
- d. Financial and legal arrangements.

Qualifying exigency may be taken on an intermittent or reduced leave schedule basis. If an employee needs intermittent leave or a reduced leave schedule that is foreseeable based on the reasons set forth in this section, the City may require the employee to transfer temporarily, during the period that the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Such decision shall be at the City's discretion.

The first time an employee requests leave because of a qualifying exigency, the DHR FMLA Coordinator may require the employee to provide a copy of the covered military member's covered active duty orders or other documentation issued by the military which indicates the covered military member is on covered active duty or call to covered active duty status and the dates of the covered military member's service.

### **3. Military Caregiver – Military Family Leave**

Military caregiver leave provides an eligible employee up to a total of twenty-six (26) workweeks of unpaid, job-protected leave during a "single 12-month period" to care for a covered service member with a serious injury or illness. The "single 12-month period" begins on the first day the eligible employee takes military caregiver leave and ends twelve (12) months after that date, regardless of the method used by the employer to determine the employee's twelve (12) workweeks of leave entitlement for other FMLA-qualifying reasons. The employee must be the spouse, son, daughter, parent, or next of kin of the covered service member (Next of kin for a covered service member is: the nearest blood relative, other than the current service member's spouse, parent, son or daughter, in the following order or priority: a blood relative who has been designated in writing by the service member as the next of kin for FMLA purposes; blood relative who has been granted legal custody of the service member; brothers and sisters; grandparents; aunts and uncles; first cousins).



## **Administrative Regulations Office of the Mayor**

**Title:** FAMILY MEDICAL LEAVE ACT (FMLA)

**A.R. Number:** 4.3 **Effective Date:** 07/01/2019 **Page** 3 of 16

**Supersedes:** Family Medical Leave Act (FMLA) **A.R.:** 4.3 **DATED:** 07/07/2018

The caregiver entitlement is applicable on a per-covered service-member, per-injury basis, such that an eligible employee is entitled to take more than one period of twenty-six (26) workweeks of leave if the leave is to care for different covered service members, or to care for the same service member with a subsequent serious injury or illness, except that no more than twenty-six (26) workweeks of leave may be taken within any single 12-month period. Up to twelve (12) of the twenty-six (26) weeks may be for an FMLA-qualifying reason other than military caregiver leave (e.g., for own serious FMLA health condition).

When leave is taken to care for a covered service-member (i.e., caregiver leave), the DHR FMLA Coordinator may require the employee to obtain a certification completed by an authorized health care provider of the covered service-member, including (i) a United States Department of Defense (“DOD”) health care provider; (ii) a United States Department of Veterans Affairs health care provider; (iii) a DOD TRICARE network authorized private health care provider; or (iv) a DOD non-network TRICARE authorized private health care provider.

Recertification does not apply to leave taken for a qualifying exigency or to care for a covered military service member.

#### **4. Military Caregiver leave for a Veteran**

This FMLA leave provides an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered veteran with a serious injury or illness to take up to twenty-six (26) workweeks of unpaid leave during a “single 12-month period” to provide care for the veteran. The “single 12-month period” begins on the first day the eligible employee takes military caregiver leave and ends twelve (12) months after that date, regardless of the method used by the employer to determine the employee’s twelve (12) workweeks of leave entitlement for other FMLA-qualifying reasons. This provision allows qualified family members leave to care for a veteran up to five (5) years after ending active duty. A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness is a covered veteran if he/she: was a member of the Armed Forces (including a member of the National Guard or Reserves), was discharged within the five-year period before the eligible employees first takes FMLA military caregiver leave to care for him/her. Up to twelve (12) of the twenty-six (26) weeks may be for an FMLA-qualifying reason other than military caregiver leave (e.g., for own serious FMLA health condition).

When leave is taken to care for a covered service-member (i.e., caregiver leave), the DHR FMLA Coordinator may require the employee to obtain a certification completed by an authorized health care provider of the covered service-member, including (i) a United States Department of Defense (“DOD”) health care provider; (ii) a United States Department of Veterans Affairs health care provider; (iii) a DOD TRICARE network authorized private health care provider; or (iv) a DOD non-network TRICARE authorized private health care provider.

### **V. Use of Protected Leave**

#### **A. Continuous Leave/Intermittent Leave/Reduced Schedule**

FMLA leave provides for continuous, intermittent or reduced schedule leave. Intermittent leave is leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time.

The employee is expected to make a reasonable effort to schedule treatment so as not to unduly disrupt the department’s operations, subject to the approval of the healthcare provider. When intermittent leave is used for reduced work schedule for a medical necessity due to a serious health condition or military exigency, the employee





**Administrative Regulations  
Office of the Mayor**

**Title:** FAMILY MEDICAL LEAVE ACT (FMLA)

**A.R. Number:** 4.3 **Effective Date:** 07/01/2019 **Page** 4 of 16

**Supersedes:** Family Medical Leave Act (FMLA) **A.R.:** 4.3 **DATED:** 07/07/2018

must notify his/her supervisor, upon request, of the reasons why the intermittent/reduced work schedule is necessary and of the schedule for treatment, if applicable. Additionally, absent unusual circumstances, calling in “sick” without providing more information will not be considered sufficient notice for the supervisor to make a determination if absence should be considered FMLA eligible. Employees are reminded of Personnel Rules Section VI – Working Conditions and Benefits, which governs the use of sick leave and the department’s procedures established for the use thereof.

For the purpose of FMLA leave, a reduced schedule leave is a leave that reduces an employee’s number of scheduled working hours per day, or per week.

**B. Limitations/Restrictions**

**1. Same Employer**

Where two City employees eligible for leave under FMLA are married to each other, the two (2) together are eligible for:

- a. A combined total of up to twelve (12) workweeks of leave for basic FMLA leave for the following FMLA-qualifying reasons:
  1. The birth of a son or daughter and bonding with the newborn child;
  2. The placement of a son or daughter with the employee for adoption or foster care and bonding with the newly-placed child; and
  3. The care of a parent with a serious health condition
- b. When one spouse uses a portion of the entitlement, the other spouse is entitled to the remainder of the entitlement.
- c. The limitation on the amount of leave for spouses working for the same employer does not apply to FMLA leave taken for some qualifying reasons. Eligible spouses who work for the same employer are each entitled to take up to twelve (12) workweeks of FMLA leave in a 12-month period, without regard to the amount of leave of their spouses use, for the following FMLA-qualifying leave reasons:
  1. The care of a spouse or son or daughter with a serious health condition;
  2. A serious health condition that makes the employee unable to perform the essential functions of his/her job; or
  3. Any qualifying exigency arising out of the facts that the employee’s spouse, son or daughter, or parent is a military member on “covered active duty.

**2. Non-Qualified Conditions**

- a. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are



## Administrative Regulations Office of the Mayor

Title: FAMILY MEDICAL LEAVE ACT (FMLA)

A.R. Number: 4.3 Effective Date: 07/01/2019 Page 5 of 16

Supersedes: Family Medical Leave Act (FMLA) A.R.: 4.3 DATED: 07/07/2018

examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths is serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of this section are met.

- b. Substance abuse may be applicable under the FMLA provided the provisions of a serious health condition and continuing treatment are met. However, FMLA leave may only be taken for treatment for substance abuse by a healthcare provider or by a provider of health care services on referral by a healthcare provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

Note: Treatment for substance abuse does not prevent an employer from taking employment action against an employee. The employer may not take action against the employee because the employee has exercised his/her right to take FMLA leave for treatment. However, if the employer has an established policy, applied in a non-discriminatory manner that has been communicated to all employees, which provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking FMLA leave. An employee may also take FMLA leave to care for a covered family member who is receiving treatment for substance abuse. The employer may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

### C. Tracking and Monitoring Family Medical Leave

If the request is FMLA-qualifying, the employee is required to submit a paper Application for Leave form/Rapids Absence Management Request for approval through his/her supervisor, indicating the appropriate FMLA leave category (FMLA Paid Maternity, FMLA Paid Bonding, FMLA Adoption/Foster Care Placement, FMLA Paid Sick Parent, FMLA Sick, FMLA vacation, FMLA compensatory time, or FMLA leave without pay). *The agency's Timekeeper, in conjunction with the HR Liaison, will track and monitor employee's FMLA leave. For Fire, Police and the Department of Emergency Communication, the employee's supervisor, in conjunction with the HR Liaison, and Timekeeper, will track and monitor employee's FMLA leave.*

## VI. Procedures

### A. Notification

1. **Supervisor's Responsibility:** Supervisors must notify the agency's HR Liaison if his/her employee is:
  - a. Out for more than 3 consecutive workdays;
  - b. The employees indicates he/she is going to be out due to their own serious health condition;
  - c. When the supervisor has knowledge that leave may be covered by the FMLA;
  - d. There is a Serious Health Condition of an "immediate family member" as defined in the FMLA Administrative Regulation's Definitions section;
  - e. There is a Qualifying Exigency related to active duty service members, National Guard or Reserve active duty service; or
  - f. Caregiver Leave is needed for serious injury of spouse, son, daughter, parent, or next-of-kin in military service; has been expanded to include care for veterans who are undergoing medical treatment, recuperation,



## Administrative Regulations Office of the Mayor

Title: FAMILY MEDICAL LEAVE ACT (FMLA)

A.R. Number: 4.3 Effective Date: 07/01/2019 Page 6 of 16

Supersedes: Family Medical Leave Act (FMLA) A.R.: 4.3 DATED: 07/07/2018

or therapy for serious injury/illness that occurred any time during the five (5) years preceding the date of treatment.

2. **Employee's Responsibility:** Employees must first notify his/her immediate supervisor of the need for FMLA leave. Notification only to the agency's HR Liaison is not acceptable.
  - a. Employees should provide thirty (30) day advance notice if the need to take FMLA leave is anticipated. The notice may be verbal initially, followed by notice in writing on the Certification of Healthcare form submitted by the employee from his/her physician. If thirty (30) days is not practicable because of the employee's circumstances, including a medical emergency, notice must be given as soon as practicable.

For foreseeable leave due to qualifying military exigency, notice and supporting documentation must be provided as soon as practicable.
  - b. If leave is unforeseeable, including when it is impossible to predict accurately when the leave will be needed, the employee must provide notice as soon as practicable. "As soon as practicable," for purposes of this paragraph only, means within the time prescribed by the City's usual and customary notice requirements applicable to such leave.
  - c. When an employee seeks additional FMLA leave within the applicable twelve (12) month period for the same FMLA-qualifying reason for which the City already provided FMLA-protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave.
  - d. Whether FMLA leave is continuous, intermittent, or on a temporary reduced schedule basis, written notice need only be given one time via the completed Certification of Healthcare form (if form is required) the employee submitted for approval. However, the employee must advise his/her immediate supervisor as soon as practicable of the dates of a scheduled leave, a change in his/her condition, or if the leave is extended or reduced.
3. **HR Liaison's/Timekeeper/Supervisor (if applicable) Responsibility:** The agency's HR Liaison, in conjunction with the Timekeeper, will determine if the employee meets the minimum service requirements and available FMLA balance. The HR Liaison must:
  - a) Provide the employee with a completed U.S. Department of Labor (DOL) – Notice of Eligibility and Rights and Responsibilities form (WH-381), U.S. Department of Labor (DOL) Fact Sheet #28, within five (5) business days of the leave request. He/she must advise the employee how to access the FMLA Administrative Regulation, 4.3.
  - b) Provide the employee with a copy of the job description and the appropriate Certification of Health Care Provider form (if form is required) or Certification for Qualifying Exigency form and instruct him/her to have the form completed and returned to the DHR FMLA Coordinator within 15 calendar days. No FMLA certification form is required for leave to bond with a healthy newborn child or a child placed for adoption or foster care. However, reasonable documentation of the qualifying family relationship will be required. **Note: Providing the job description is mandatory for the FMLA leave if there is a return-to-duty certification requirement upon the employee's return (not necessary for bonding reasons).**
  - c) Advise the employee of the anticipated consequences for failure to provide adequate certification/documentation, such as denial of FMLA leave request and the employee being on an unprotected leave.



## **Administrative Regulations Office of the Mayor**

**Title:** FAMILY MEDICAL LEAVE ACT (FMLA)

**A.R. Number:** 4.3 **Effective Date:** 07/01/2019 **Page** 7 of 16

**Supersedes:** Family Medical Leave Act (FMLA) **A.R.:** 4.3 **DATED:** 07/07/2018

The HR Liaison and/or Supervisor (if applicable) must provide all of the above-mentioned items within five (5) business days after the employee's request, or in the case of unforeseen leave, within five (5) business days after the leave commences.

### **B. Required Certification**

Employees are required to provide medical certification when requesting FML for their own serious health condition or to care for an immediate family member due to their serious health condition. Also an employee's leave due to a qualifying exigency or to care for a covered military service member with a serious health condition must be supported by a medical certification and/or supporting documentation.

No FMLA certification form is required for leave to bond with a healthy newborn or a child placed for adoption or foster care. Reasonable documentation of the qualifying family relationship will be requested.

**Employee Responsibility:** Employees must submit a complete and sufficient certification form to the DHR FMLA Coordinator within fifteen (15) calendar days or provide a reasonable explanation for the delay. This applies in any case where the City requests a certification permitted under the FMLA, whether it is the initial certification, a re-certification, a second or third opinion, or a return-to-duty certification.

If the employee fails to provide complete and sufficient certification, or fails to provide any certification, the DHR FMLA Coordinator may deny the taking of FMLA leave.

### **DHR FMLA Coordinator Responsibility:**

#### **1. Initial Review of Certification/Documentation**

The DHR FMLA Coordinator will evaluate the FMLA certification form to ensure that it is complete and the information on the form is sufficient. In the event the certification is incomplete or insufficient, the employee shall be given seven (7) calendar days, unless not practicable, to cure any such deficiency. If the certification is not provided when requested, or if the employee fails to provide a complete and sufficient certification after being given seven (7) days to cure any deficiencies, the FMLA Coordinator may deny the taking of FMLA leave. A certification is considered incomplete if one or more of the applicable entries has not been completed. A certification is considered insufficient if the information provided is vague, ambiguous or non-responsive.

For FMLA bonding leave or FMLA leave for foster care or adoption placement, reasonable documentation of the qualifying family relationship will be required.

If the DHR FMLA Coordinator has reason to doubt the authenticity of the certification (if certification is required) or requires clarification of information contained in the certification, he/she may contact the employee's healthcare provider for purposes of clarification and authentication. This will be done after notifying the employee using a Designation Notice form (Form W-H 382) and allowing the employee seven (7) calendar days to cure any deficiencies. The DHR FMLA Coordinator, on behalf of the employee, may send the certification back to the employee's healthcare provider indicating the areas in need of clarification or completion.

The DHR FMLA Coordinator may require the employee to obtain a second opinion (at the City's own expense) from a healthcare provider selected or approved by the City, if there is reason to doubt the validity or the medical certification, unless access to healthcare providers is extremely limited. If the second opinion differs from that in the employee's certification, a third opinion (at the City's expense) may be obtained from a healthcare provider selected or approved jointly by the City and the employee. The third opinion will be final and binding.



## Administrative Regulations Office of the Mayor

Title: FAMILY MEDICAL LEAVE ACT (FMLA)

A.R. Number: 4.3 Effective Date: 07/01/2019 Page 8 of 16

Supersedes: Family Medical Leave Act (FMLA) A.R.: 4.3 DATED: 07/07/2018

If the employee fails to provide complete and sufficient certification, despite the opportunity to cure the deficiency as noted above, or fails to provide any certification, the DHR FMLA Coordinator may deny the taking of FMLA leave. Note: Employers may not use a request for confirmation of a family relationship in a manner which interferes with an employee's exercise or attempt to exercise his/her FMLA rights.

### 2. Designation Notice

- a. After review of the employee's completed certification form or reasonable documentation of the qualifying family relationship for bonding, or adoption and foster care placement, the DHR FMLA Coordinator will send the employee a cover letter (with copies sent to the agency's HR Liaison and Timekeeper, and to the employee's supervisor) and an FMLA Designation Notice within five (5) business days of receipt of the employee's first notice of the need for FMLA leave. The FMLA Designation Notice will state one of the following:
  1. *That the employee's request for leave has been approved.* If approved, the FMLA Designation Notice must specify:
    - a. The amount of leave that is designated and counted against the employee's FMLA entitlement;
    - b. The type of FMLA leave needed by the employee (continuous or intermittent) and the beginning and end dates of intermittent leave;
    - c. The need for unscheduled leave (if applicable);
    - d. That paid leave will be used if the employee has available accruals during FMLA leave (sick, vacation, compensatory time and paid parental); and
    - e. That the employee is required to present a return-to-duty certificate to be restored to employment (only applicable if the employee is out for a serious injury or illness of their own or if the job requires it).
  2. *That the employee's request for leave has been denied.*
  3. *That additional information is needed.* If the Designation of Notice requires additional information, the employee must provide the requested additional information within seven (7) calendar days.
- b. **Retroactive Designation** - The DHR FMLA Coordinator may retroactively designate leave as FMLA leave with the appropriate written notice to the employee provided the failure to timely designate the leave does not cause harm or injury to the employee. In all cases where leave would qualify for FMLA protections, the DHR FMLA Coordinator and the employee can mutually agree that leave be retroactively designated as FMLA leave. The DHR FMLA Coordinator may also designate leave as FMLA leave after he or she acquires the requisite knowledge to make a determination that the leave qualifies as FMLA leave and such designation may be retroactive to the beginning of the leave to the extent permitted by the FMLA leave.
- c. **Employee's Responsibility:** If the Designation Notice indicates the leave as FMLA-approved, the employee is expected to follow ALL items checked/indicated on the Designation Notice form. Additionally, the employee is required to complete the Application for Leave form/submit a Rapids Absence Management Request for approval through his/her supervisor, indicating the FMLA leave category (Paid Maternity, Paid Bonding, FMA Adoption/Foster Care Placement, Paid Sick Parent, FMLA sick, FMLA vacation, compensatory time, or leave without pay), so that the leave can be tracked and monitored.



**Administrative Regulations  
Office of the Mayor**

**Title:** FAMILY MEDICAL LEAVE ACT (FMLA)

**A.R. Number:** 4.3 **Effective Date:** 07/01/2019 **Page** 9 of 16

**Supersedes:** Family Medical Leave Act (FMLA) **A.R.:** 4.3 **DATED:** 07/07/2018

**Re-certification**

An employer may, under certain circumstances, request that an employee “recertify” his or her serious health condition or the serious health condition of his/her family member within the same leave year. In general, an employer may request the employee provide a recertification no more often than every 30 days and only when the employee is actually absent or has requested to be absent.

In some instances, an employer must wait longer than 30 days to request recertification. If the initial certification indicates that the minimum duration of the serious health condition will be more than 30 days, an employer must generally wait until that minimum duration expires before requesting recertification. In all cases, an employer may request recertification every six months in connection with an absence. If the initial medical certification indicates that the employee will need intermittent or reduced schedule leave for longer than six months, including cases where the serious health condition has no anticipated end, the employer may request a recertification every six months, but only in connection with an absence by the employee.

**HR Liaison/Supervisor (if applicable) Responsibility:** If a recertification of an employee’s FMLA leave is requested, the HR Liaison must provide the employee with the necessary paperwork as they did during the initial request for FMLA leave (U.S. Department of Labor (DOL) – Notice of Eligibility and Rights and Responsibilities form (WH-381), U.S. Department of Labor (DOL) Fact Sheet #28, and a copy of the job description).

**Employee’s Responsibility:** The employee must provide the recertification no later than fifteen (15) calendar days after the request, unless it is not practicable to do so despite the employee's diligent efforts. If the DHR FMLA Coordinator has reason to doubt the authenticity of the certification or requires clarification or verification of information contained in the certification, he/she may contact the health care provider for purposes of clarification and authentication after notifying the employee using a Designation Notice Form WH-382 and allowing employee seven (7) calendar days to cure any deficiencies.

**DHR FMLA Coordinator Responsibility:** The DHR FMLA Coordinator may require the employee to obtain a second opinion (at the City’s expense) from a healthcare provider selected or approved by the City, if there is reason to doubt the validity or the medical certification, unless access to healthcare providers is extremely limited. If the second opinion differs from that in the employee’s certification, a third opinion (at the City’s expense) may be obtained from a healthcare provider selected or approved jointly by the City and the employee. The third opinion will be final and binding.

Recertification does not apply to leave taken for birth or bonding of a newborn child, a qualifying exigency, or to care for a covered military service member.

**C. Return-to-Duty**

**1. Rights on Returning to Duty**

After the end of an approved FMLA leave and the provision of any required return-to-duty certifications, the employee will be returned to the position he/she held immediately before the leave or to an equivalent position, with equivalent benefits, pay and other terms and conditions of employment.

Notwithstanding the above, the employee shall have no greater right to job restoration or to other benefits and conditions of employment than if the employee had been continuously at work and not taken FMLA (e.g., if the employee would have been laid off during the leave) or if the employee was hired for a specific term or only to work on a specific project and the term or project has ended.





## **Administrative Regulations Office of the Mayor**

**Title:** FAMILY MEDICAL LEAVE ACT (FMLA)

**A.R. Number:** 4.3 **Effective Date:** 07/01/2019 **Page** 10 of 16

**Supersedes:** Family Medical Leave Act (FMLA) **A.R.:** 4.3 **DATED:** 07/07/2018

The City can deny an employee's return-to-duty after FMLA leave in the following instances:

- a. When an employee fails to timely provide the required notifications and certification;
- b. If an employee gives unequivocal notice of intent not to return to work, the City's obligations under FMLA to maintain health benefits (subject to COBRA requirements) and to restore the employee to employment are no longer required; or
- c. If the employee is unable to perform the essential job functions of the position because of a physical or mental condition, including the continuation of a serious health condition. However, the employee may have rights for reasonable accommodation in accordance with the ADA/AADAA. The DHR ADA Coordinator will provide guidance to the employee and the department in determining the most appropriate course of action for the employee's return to duty. The DHR ADA Coordinator will be guided in its determination by the City's ADA Policy (Administrative Regulation 4.1) and Disability Procedures (Administrative Regulation 4.2).

### **2. Notification of Return-to-Duty**

**Employee's Responsibility:** An employee must provide the City two days' notice of his/her anticipated return to work date and any change in circumstances impacting the employee's return to work date, where feasible. If possible, the employee should provide as much notice as possible. If the employee has been out on continuous FMLA leave due to his/her own serious health condition, he/she must provide a release to return to duty to his/her supervisor who will forward copies to their agency's HR Liaison and to the DHR FMLA Coordinator.

### **3. Return-to-Duty (Fitness-for-Duty) Certification**

When an employee was on FMLA leave due to his/her own serious health condition, the employee is required to provide a return-to-duty certification from his/her healthcare provider. Such certification should address only the health condition that caused the need for FMLA leave and should state whether the employee is able to perform all of the essential functions of his/her job. If any restrictions are stated on the return-to-duty notification, the department must determine if any temporary accommodations can be made to the employee's position for the stated period of time until the employee is released to full and active duty. The cost of the return-to-duty certification shall be paid by the employee.

The DHR FMLA Coordinator may contact the employee's healthcare provider for purposes of clarifying and authenticating the return-to-duty certification. Clarification may be requested only for the serious health condition for which FMLA leave was taken. The City of Richmond may not delay the employee's return to duty while contact with the employee's healthcare provided is being made. Fitness-for-duty examinations must be job-related and consistent with business necessity.

### **D. Exhaustion of Family Medical Leave – Extended Leave Approval**

1. The employee will be provided with written notice when his/her continuous leave is exhausted or is about to exhaust from the DHR FMLA Coordinator. For intermittent leave, the departmental Timekeeper, or Supervisor (if applicable) is responsible for informing the DHR FMLA Coordinator if intermittent leave is exhausted or is about to be exhausted. If, after completing the twelve (12) workweeks of FMLA leave, or the twenty-six (26) workweeks of military caregiver FMLA leave, an employee still has an accrued balance of sick or vacation leave, or compensatory time, the Appointing Authority shall continue to approve leave provided certification documentation is furnished by the employee or the employee's representative.



## **Administrative Regulations Office of the Mayor**

**Title:** FAMILY MEDICAL LEAVE ACT (FMLA)

**A.R. Number:** 4.3 **Effective Date:** 07/01/2019 **Page** 11 of 16

**Supersedes:** Family Medical Leave Act (FMLA) **A.R.:** 4.3 **DATED:** 07/07/2018

2. Once an employee has exhausted all of his/her paid or unpaid FMLA sick or vacation leave, or compensatory time (if applicable), and all other available paid leave, it is at the discretion of the employee's Appointing Authority to approve leave without pay, in accordance with Personnel Rule 6.10 – Leave without Pay. The employee will need to submit a letter with supporting documentation to the Appointing Authority indicating the length of time still needed. In accordance with Personnel Rule - Section I - General Provisions – an employee in leave without pay status will not accrue vacation or sick leave during that period. When an employee returns from approved extended leave, he/she will start to accrue leave again.
3. Employees who fail to return to duty after exhausting all FMLA entitlement and/or who are medically released to return to work shall be subject to separation from City service.

### **E. Termination of Family Medical Leave**

1. FMLA leave and all of the employee's rights during or following FMLA leave under this policy will automatically terminate, if and as of the date, the employee notifies the immediate supervisor, agency HR Liaison or the DHR FMLA Coordinator of the employee's intent not to return to work.
2. If an employee fails to comply with the requirements of this policy (e.g., fails to provide any necessary medical certifications), the DHR FMLA Coordinator may delay, deny or terminate the employee's FMLA leave. In such cases, all of the employee's rights during or following FMLA leave under this policy will automatically terminate. The employee's position will no longer qualify as protected under FMLA and the employee may be subject to separation from the City.
3. If an employee on FMLA leave takes any actions which would entitle the City to terminate the employee's employment if he/she were an active employee (e.g. reduction-in-force), the City may terminate the employee's FMLA leave and employment. In such cases, all of the employee's rights during or following FMLA leave under this policy will automatically terminate. The employee's position will no longer qualify as protected under FMLA and the employee may be subject to separation from the City.

## **VII. Benefits and Pay During Family Medical Leave**

The taking of leave under this Regulation shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced, except paid leave taken under this regulation.

### **A. Health, Life, Dental and Retirement Benefits**

The employee's rights to benefits other than group health benefits during a period of FMLA leave is to be determined in accordance with the City's policy for providing such benefits when employees are on other forms of leave (i.e., vacation leave).

The employee is responsible for paying his/her share of premium costs for health insurance coverage and Defined Benefit Retirement Plan contributions while the employee is on a leave without pay (LWOP) status. If the employee's insurance coverage includes dependent family members, that coverage will remain in effect provided the employee maintains its share of the required premiums. Payment arrangements must be made with DHR. The employee's failure to pay his/her portion of the premiums while he or she is on FMLA leave may result in the cancellation of coverage.

The City will pay its share of the eligible employee's existing health insurance coverage, based upon its standard formula for paying any employee's health premiums, during the period of FMLA leave. The action is conditioned





**Administrative Regulations  
Office of the Mayor**

**Title:** FAMILY MEDICAL LEAVE ACT (FMLA)

**A.R. Number:** 4.3 **Effective Date:** 07/01/2019 **Page** 12 of 16

**Supersedes:** Family Medical Leave Act (FMLA) **A.R.:** 4.3 **DATED:** 07/07/2018

upon the employee returning to work for the City at the end of the leave period. The City will pay its share of retirement contributions (Defined Contribution) only if the employee is in a 'paid' status.

The City's obligations to maintain health insurance coverage ceases under FMLA leave if the employee's premium payment is more than thirty (30) days late, provided that the City will first mail written notice to the employee notifying the employee that the payment has not been received. Such notice shall be mailed to the employee at least fifteen (15) days before coverage is to cease.

If an employee does not return to work for the City for at least thirty (30) calendar days after completion of his/her FMLA leave, the City may recover its share of health plan premiums during a period of unpaid FMLA leave from an employee. No repayment will be required, however, if the failure to return to work was due to: the continuation, reoccurrence or onset of either a serious health condition of the employee or the employee's qualified family member; or a serious injury or illness of a covered service member; or other circumstances beyond the employee's control. Other circumstances beyond the employee's control mean that the employee is unable to work, he/she is disabled by a serious health condition, he/she is needed to care for a seriously ill qualified family member, or because the employee's circumstances suddenly and unexpectedly changed during the leave.

If an employee gives notice of his or her intent not to return to work, the City's obligations under the FMLA to maintain health benefits (subject to COBRA requirements) cease.

**B. Pay Status during Family Medical Leave**

**1. Use of Sick and Vacation Leave Accruals and Compensatory Time**

FMLA leave may be paid or unpaid. If sick or vacation accruals are available, the employee is required to use sick and vacation leave in conjunction with the FMLA leave. If compensatory time is available, the compensatory time is to be applied first. If the employee's sick and vacation accruals are exhausted, the FMLA leave shall be unpaid. City policy requires that employee's must use existing compensatory leave and/or shared leave donations before being placed in a LWOP status in Rapids.

Once an illness/injury has been designated as FMLA-qualifying, all leave taken for the treatment or recuperation for that condition must be recorded and deducted from the FMLA entitlement.

**2. Paid Parental**

Paid Parental leave will be used in conjunction with FMLA leave and shall be applied prior to using FMLA sick and FMLA vacation leave, FMLA compensatory time, or FMLA LWOP categories. Please see Administrative Regulation 4.3-A for information about the paid parental leave.

**VIII. Recordkeeping**

All requests for leave (approved and denied) must be documented within the City's timekeeping process and/or the City's Employee Self-Service System Rapids. In accordance with the law, medical certifications and any pertinent medical documentation must be kept in a separate confidential file and treated as confidential medical records. Because of the confidential nature of certification documents, these documents must be maintained in a confidential medical record by the DHR FMLA Coordinator.



**Administrative Regulations  
Office of the Mayor**

**Title:** FAMILY MEDICAL LEAVE ACT (FMLA)

**A.R. Number:** 4.3 **Effective Date:** 07/01/2019 **Page** 13 of 16

**Supersedes:** Family Medical Leave Act (FMLA) **A.R.:** 4.3 **DATED:** 07/07/2018

**IX. Miscellaneous**

- A. This policy shall provide no rights and imposes no obligations other than those required by the FMLA or its corresponding regulations. To the extent that any provision of this policy conflicts with the FMLA or its regulations, the FMLA and its regulations shall govern.
- B. The City has the authority to interpret and apply this policy.
- C. This policy may be modified or amended by the City at any time.
- D. If an employee exhausts all available FMLA leave without returning to work, the City reserves the right to terminate the employee's employment.

**X. Definitions**

**12-month period measured forward** – Under this policy, FMLA leave will be measured using a 12-month period measured forward method, starting from the first date an employee takes FMLA leave. The next 12-month period would begin the first time FMLA leave is taken after completion of the prior 12-month period.

**Covered Service-Member** - A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

**Employment Benefits** - All benefits provided or made available to employees by the City of Richmond, including group health insurance for the employee and his/her family, life insurance, dental insurance, sick leave, vacation leave, educational benefits, and retirement. Employees will not accrue leave or creditable service towards retirement during any period of leave without pay.

**Healthcare Provider** - The FMLA defines health care provider as:

(1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(2) Any other person determined by the Secretary to be capable of providing health care services; Others capable of providing health care services include only: (i) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law; (ii) Nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;

(3) Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employer that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement;

(4) Any health care provider from whom an employer or the employer's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and



## **Administrative Regulations Office of the Mayor**

**Title:** FAMILY MEDICAL LEAVE ACT (FMLA)

**A.R. Number:** 4.3 **Effective Date:** 07/01/2019 **Page** 14 of 16

**Supersedes:** Family Medical Leave Act (FMLA) **A.R.:** 4.3 **DATED:** 07/07/2018

**(5)** A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law: (i) The phrase authorized to practice in the State as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.

### **Immediate Family Member –**

**(1)** Spouse means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides.

**(2)** Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined in paragraph (d) of this section. This term does not include parents “in law.” For purposes of FMLA leave taken for birth or adoption, or to care for a family member with a serious health condition, son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

**In loco parentis** - Persons who are “in loco parentis” include those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

**Incapable of Self-Care** - Incapable of self-care means that the individual requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (ADLs) or instrumental activities of daily living (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

**Intermittent Leave** - Leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six (6) months, such as for chemotherapy.

**Needed to care for an Immediate Family Member** - Encompasses both physical and psychological care. Includes providing basic medical, hygienic, or nutritional needs, safety, transportation to medical treatment, filling in for others who are caring for the family member, as well as making arrangements for changes in care, such as transfer to a nursing home. This includes situations where the employee is needed intermittently when care responsibilities are shared with another family member or a third party.

**Serious Health Condition** – an illness, injury, impairment, or physical or mental condition that involves: 1) an inpatient care in a hospital, hospice, or residential medical care facility; or 2) continuing treatment by a healthcare provider. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Restorative dental or plastic surgery after an injury or removal of cancerous growths is serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions as defined by the FMLA are met.

### **Serious injury or illness –**

**(1)** In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered service-member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty



**Administrative Regulations  
Office of the Mayor**

**Title:** FAMILY MEDICAL LEAVE ACT (FMLA)

**A.R. Number:** 4.3 **Effective Date:** 07/01/2019 **Page** 15 of 16

**Supersedes:** Family Medical Leave Act (FMLA) **A.R.:** 4.3 **DATED:** 07/07/2018

in the Armed Forces and that may render the service-member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

(2) In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is: (i) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service-member unable to perform the duties of the service-member's office, grade, rank, or rating; or (ii) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, rank, or rating; or (ii) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or (iii) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers; or (iv) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

**XI. Regulation Update**

The Department of Human Resources shall be responsible for modifications and interpretation of this Policy.

RECOMMEND APPROVAL:

*Selenskyff* 6/24/19  
CHIEF ADMINISTRATIVE OFFICER

APPROVED:

*JMA*  
MAYOR



**Administrative Regulations**  
**Office of the Mayor**

**Title:** FAMILY MEDICAL LEAVE ACT (FMLA)

**A.R. Number:** 4.3 **Effective Date:** 07/01/2019 **Page** 16 of 16

**Supersedes:** Family Medical Leave Act (FMLA) **A.R.:** 4.3 **DATED:** 07/07/2018

***APPENDIX A***

***Forms***

1. Certification of Health Care Provider for Employee's Serious Health Condition – Form WH – 380E  
<http://www.dol.gov/whd/forms/WH-380-E.pdf>
2. Certification of Health Care Provider for Family Member's Serious Health Condition – Form WH – 380E  
<http://www.dol.gov/whd/forms/WH-380-F.pdf>
3. Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave – Form WH – 385-V  
<http://www.dol.gov/whd/forms/wh385V.pdf>
4. Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave – Form WH – 385  
<http://www.dol.gov/whd/forms/WH-385.pdf>
5. Certification of Qualifying Exigency for Military Family Leave – Form WH – 384  
<http://www.dol.gov/whd/forms/WH-384.pdf>
6. Designation Notice to Employees of FMLA Leave – Form WH – 382  
<http://www.dol.gov/whd/forms/WH-382.pdf>
7. Family Medical Leave Act (FMLA) Fact Sheet  
<http://www.dol.gov/whd/regs/compliance/whdfs28.pdf>
8. Notice of Eligibility and Rights & Responsibilities – Form WH – 381  
<http://www.dol.gov/whd/forms/WH-381.pdf>



## Administrative Regulations

### Office of the Mayor

**Title:** PAID PARENTAL LEAVE POLICY

**A.R. Number:** 4.3-A Effective **Date:** 4/8/2023 Page 1 of 6

**Supersedes:** Paid Parental Leave A.R.: 4.3-A DATED: 07/01/2019

#### I. Purpose

To optimize the health and well-being of parents and children, and to help employees balance work and family matters, the City of Richmond provides up to eight (8) workweeks of paid leave for the care of and bonding with a new child, and up to four (4) workweeks of paid leave for the care of a parent with a serious health condition.

Paid Parental Leave (PPL) is provided to city employees who meet the eligibility for leave under the Family and Medical Leave Act (FMLA) and works in conjunction with the City of Richmond's Family and Medical Leave Act Policy. The city reserves the right to modify or terminate this benefit, in whole or in part, in such manner as it shall determine.

The City of Richmond remains deeply committed to our working families and an inclusive culture that supports all employees in balancing work and family matters. This paid leave benefit is intended to enhance the city's efforts to retain and attract a diverse, skilled, and engaged workforce.

#### II. Policy

This policy provides leave benefits to eligible employees as follows:

##### 1. Paid Parental Leave – Bonding

PPL provides eligible employees up to eight (8) workweeks of paid leave in a twelve (12)-month period for the birth of a child and to care for the newborn child, or the new placement of a child for adoption or foster care and to care for the newly placed child.

##### 2. Paid Parental Leave – Parent with Serious Health Condition

PPL provides eligible employees up to four (4) weeks of paid sick parent leave within a twelve (12)-month period to care for a parent with a serious health condition as defined in Administrative Regulation 4.3, Family and Medical Leave Act (FMLA).<sup>1</sup>

PPL shall run concurrently with any leave taken under FMLA for the same qualifying event.

The city may take disciplinary action, up to and including termination, against an employee who uses PPL for purposes other than those described in this policy.

---

<sup>1</sup> See Administrative Regulation 4.3, Family and Medical Leave Act (FMLA):  
<https://www.rva.gov/sites/default/files/2019-12/AdminRegs4-03.pdf>



## **Administrative Regulations**

### **Office of the Mayor**

**Title:** PAID PARENTAL LEAVE POLICY

**A.R. Number:** 4.3-A Effective **Date:** 4/8/2023 Page 2 of 6

**Supersedes:** Paid Parental Leave A.R.: 4.3-A DATED: 07/01/2019

### **III. Eligibility**

To be eligible for PPL, city employees must meet ALL the eligibility criteria for FMLA as defined in Administrative Regulation 4.3, Family and Medical Leave Act (FMLA).

In addition, an employee must meet one of the following criteria:

1. Has given birth to or biologically fathered a healthy child.
2. Be a spouse of the birthing parent.
3. Has adopted a child or been placed with a foster child. An employee who adopts a spouse's child(ren) is not eligible for PPL.
4. Is caring for a sick parent with a serious health condition as defined in Administrative Regulation 4.3, Family and Medical Leave Act (FMLA).

All eligible part-time employees will receive PPL proportionate to the average number of hours worked per week during the past twelve (12) months (e.g., Employee A is working full-time, forty (40) hours per week and is eligible for forty (40) paid hours each week for the awarded weeks. Employee B is part-time working twenty (20) hours per week and is eligible for twenty (20) paid hours each week for awarded weeks).

### **IV. Workweek Determination**

Eligible employees will receive PPL in workweek increments and must be used within a twelve (12)-month period for the qualifying event.

A workweek of PPL is defined as follows:

1. For employees working a forty (40)-hour workweek, a workweek of PPL is forty (40) hours.
2. Firefighters who work one hundred twelve (112) hours bi-weekly shall be granted eight (8) workweeks (448 hours) of PPL.

### **V. Use of Leave**

1. PPL will be based on employee's base salary.
2. PPL must be used in conjunction with FMLA leave.
3. PPL shall run concurrently with FMLA leave.



## Administrative Regulations

### Office of the Mayor

Title: PAID PARENTAL LEAVE POLICY

**A.R. Number:** 4.3-A Effective **Date:** 4/8/2023 Page **3** of **6**

**Supersedes:** Paid Parental Leave A.R.: 4.3-A DATED: 07/01/2019

4. PPL shall be taken in weekly increments.
5. If a City of Richmond holiday occurs while the employee is on PPL, the holiday will be counted as part of the workweek of PPL and will not extend the total PPL time.
6. PPL may be taken intermittently. Intermittent weeks selected require departmental approval and must conclude within twelve (12) months after the qualifying event.
7. Once the employee's PPL has been exhausted, the employee is required to use any paid leave accruals (sick, vacation, or compensatory time) in conjunction with any remaining leave taken under FMLA. If the employee's paid leave accruals are exhausted, the remainder of any FMLA leave will be unpaid.
8. PPL will be based on the employee's FMLA eligibility balance. For example, if a full-time employee only has a remaining FMLA balance of three (3) weeks, the employee will only be eligible for three (3) weeks of paid parental leave.

#### VI. Special Cases / Restrictions

1. **Spouses who both work for the city.** Eligible spouses who both work for the City of Richmond are limited to a combined total of eight (8) workweeks of PPL – Bonding.
2. **Surrogacy.** A surrogate who gave birth is not eligible for PPL but may use FMLA, if eligible, for their care of their own serious health condition related to the pregnancy and birth of a child. However, an employee who is becoming a new parent because of a surrogacy is eligible to use PPL to bond with the new child.
3. **Multiple children.** A multiple birth, adoption, or placement (e.g., the birth of twins or adoption of siblings) does not increase the eight (8) workweek total amount of PPL granted for that event. In addition, in no case will an employee receive more than eight (8) workweeks of PPL in a twelve (12)-month period, regardless of whether more than one birth, adoption, or foster care placement event occurs within that twelve (12)-month period.
4. **Stillbirth.** In the unfortunate event of a stillborn birth, the birthing mother and non-birthing parent are eligible for two (2) workweeks of PPL and may request FMLA leave. Leave must be continuous. A stillbirth is defined as fetal death at or after twenty (20) weeks of pregnancy.
5. **Miscarriage.** In the unfortunate event of a miscarriage, the employee would not be eligible for paid leave but is eligible for up to three (3) consecutive days of Bereavement





## Administrative Regulations

### Office of the Mayor

**Title:** PAID PARENTAL LEAVE POLICY

**A.R. Number:** 4.3-A Effective **Date:** 4/8/2023 Page 4 of 6

**Supersedes:** Paid Parental Leave A.R.: 4.3-A DATED: 07/01/2019

Leave and may request FMLA leave. A miscarriage is defined as the loss of a fetus before the twentieth (20th) week of pregnancy.

#### VII. Procedures

1. Due to unique operational needs and service requirements, each department head or director is authorized to limit the number of employees using PPL during any period where there is limited staffing to maintain adequate staffing levels. Employees are expected to provide a thirty (30)-day notice of the request for PPL. However, if an employee experiences an unforeseeable birth, adoption, or placement during limited staffing periods, the employee is to inform the department of the emerging event to request consideration for PPL.
2. Employees must seek approval for use of PPL. Departments are expected to attempt to honor a PPL request for qualifying events that occur within four (4) weeks of the request. If that is not possible, the department is to work with the employee to determine alternative dates that can be approved.
3. The employee must complete contact the Department of Human Resources (HR) and provide all request forms and documentation as required by the HR department and their department/timekeeper.
4. PPL approval notifications will be sent to the HR department, the departmental Timekeeper, and the employee's supervisor by the HR FMLA point-of-contact so that the appropriate leave categories can be designated/tracked. This should be done within fifteen (15) business days.
5. PPL commences on the date specified on the PPL and FMLA request, or the date of the PPL/FMLA event if it occurs before the date specified on the PPL and FMLA request.
6. While on PPL, an employee is expected to not work another job during the same work hours that the employee would normally be at work for the City of Richmond.
7. Any unused PPL will be forfeited at the end of the twelve (12)-month time frame.
8. Upon separation of employment from the City of Richmond, the employee will not be paid for any unused PPL.



## **Administrative Regulations**

### **Office of the Mayor**

**Title:** PAID PARENTAL LEAVE POLICY

**A.R. Number:** 4.3-A Effective **Date:** 4/8/2023 Page 5 of 6

**Supersedes:** Paid Parental Leave A.R.: 4.3-A DATED: 07/01/2019

#### **VIII. Definitions**

**Child** – A person who is under eighteen (18) years of age.

**Parent** – A biological, adoptive, step, or foster father or mother, or any other individual who is standing in loco parentis of a child. This term does not include parents “in-law.”

**In Loco Parentis** – In loco parentis refers to the type of relationship in which a person has put themselves in the situation of a parent by assuming and discharging the obligations of a parent to a child.

**Spouse** – A husband or wife as defined or recognized in the state where the individual was married and includes individuals in a common law marriage or same-sex marriage.

**Miscarriage** – A loss of a fetus before the twentieth (20th) week of pregnancy.

**Stillbirth** – A fetal death at or after twenty (20) weeks of pregnancy.



**Administrative Regulations**

**Office of the Mayor**

**Title:** PAID PARENTAL LEAVE POLICY

**A.R. Number:** 4.3-A Effective **Date:** 4/8/2023 Page 6 of 6

**Supersedes:** Paid Parental Leave A.R.: 4.3-A DATED: 07/01/2019

**IX. REGULATION UPDATE**

The Office of the Mayor, the Chief Administrative Officer, and the Department of Human Resources shall be responsible for modification to this policy.

Approval

  
CHIEF ADMINISTRATIVE OFFICER

  
MAYOR



## **Administrative Regulations**

### **Office of the Mayor**

**Title:** Lactation Support Policy

**A.R. Number:** 4.3-B **Effective Date:** 03/01/2019 **Page** 1 of 2

#### **I. Purpose**

The City of Richmond recognizes the health benefits of breastfeeding for both parent and child. The purpose of the policy is to encourage a supportive work environment for City employees who are nursing to express milk during working hours.

#### **II. Policy**

This policy complies with employer lactation accommodation requirements in the Fair Labor Standards Act. The City recognizes that a supportive work environment for these employees will greatly benefit their health and welfare, strengthen their families, and therefore, benefit the City and the community.

##### **A. Work Breaks for Lactation:**

For as long as necessary, departments/agencies must allow employees to take reasonable breaks for lactation each time the employee has a need to express milk. Breastfeeding employees are allowed to breast feed or express milk during work hours using their normal breaks and meal time. Employees are entitled to use regular paid breaks, meal periods, and unpaid break time to express milk. For time that may be needed beyond the usual break times, employees may use personal leave or may make up the time, as negotiated with their supervisors. After a child's first year, departments/agencies should continue to provide reasonable lactation break times, if requested.

##### **B. Notification:**

An employee who plans to express milk during the workday shall notify the appropriate designated Human Resources staff member of her intention to use time at work to express milk at least one (1) week before she plans to return from maternity leave.

##### **C. A Place to Express Milk:**

A private room (not a toilet stall or a restroom) shall be available for employees to breastfeed or express milk. The room will be private, sanitary, and provide appropriate seating, with toiletries for cleaning hands and have an electrical outlet. If employees prefer, they must also breastfeed or express milk in their own private offices or in other comfortable locations agreed upon in consultation with their supervisor. Expressed milk can be stored in a designated refrigerator that may be provided in the lactation room or other location/in employees' personal cooler.

For those departments/agencies that lack appropriate lactation rooms, the department/agency head or designee shall contact the Director of Public Works or designee to arrange appropriate space in a City-owned or leased facility.

##### **D. Breastfeeding Equipment:**

Employees must provide their own breast pump and equipment for use.



**Administrative Regulations**

**Office of the Mayor**

**Title:** Lactation Support Policy

**A.R. Number:** 4.3-B **Effective Date:** 03/01/2019 **Page** 2 of 2

**E. Employee Responsibilities:**

- **Communication with Supervisors:**

Employees who wish to express milk during the work period should keep supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the City.

- **Maintenance of Milk Expression Areas:**

Breastfeeding employees are responsible for keeping milk expression areas clean and using anti-microbial wipes provided by the City and kept in the designated space. Employees are also responsible for keeping the general lactation room clean for the next user. This responsibility extends to both designated milk expression areas, as well as other areas where expressing milk will occur.

- **Milk Storage:**

Employees are responsible for the proper storage of their milk.

- **Use of Break Time to Express Milk:**

When more than one breastfeeding employee needs to use the designated lactation room, employees can use the sign-in log provided in/near the room to negotiate milk expression times that are most convenient or best meet their needs.

**III. Communication of Policy at Employee Orientation & Afterwards**

The City's lactation support policy shall be communicated to staff by Department of Human Resources staff at new employee orientation. Employees going out on leave for reasons related to their pregnancy shall be provided with a copy of this Administrative Regulation, prior to the time they go out on leave, by the appropriate designated human resources staff member. Employees returning from maternity leave or other leave related to pregnancy shall be reminded of the City's lactation policy.

**IV. Regulation Update**

The Department of Human Resources shall be responsible for modifications to this regulation.

RECOMMEND APPROVAL:

  
CHIEF ADMINISTRATIVE OFFICER

3/1/19

APPROVED:

  
MAYOR

3/1/17



**Administrative Regulations  
Office of the Mayor**

**Title: INSURANCE COVERAGE**

**A.R. Number: 4.4 Effective Date: 2/1/2007 Page: 1 of 2**

**Supersedes: Insurance Coverage A.R.: 4.4 DATED: 9/1/2000**

**I. POLICY**

The City of Richmond will continue insurance coverage for employees on leave, not in pay status and Consolidated Omnibus Budget Reduction Act (COBRA) beneficiaries, pursuant to the requirements of this policy.

**II. PROCEDURE**

**A. Health and Dental Insurance**

A check or money order, payable to the City of Richmond must be received no later than the first day of each month or coverage will lapse. Coverage shall be reinstated only during an open enrollment period with an effective date of the next contract period.

COBRA beneficiaries must complete a new application and submit the initial payment prior to initiating coverage. Although COBRA beneficiaries have 60 days from the date of qualifying for COBRA, to apply for this coverage the city will cancel coverage until an application and payment is received. Coverage will be reinstated retroactively to the cancellation date if an application and full payment is received prior to the 60-day decision period.

**B. Life Insurance**

A check or money order payable to the City of Richmond must be received no later than the first day of each month. If payments are not received by the end of each month, coverage will lapse. Coverage will automatically reinstate when the employee is in pay status.

Life insurance does not continue for COBRA beneficiaries. Service terminated employees may apply to convert coverage by completing a Virginia Retirement System application available in the Department of Human Resources.

**C. Payment Procedure**

Checks or money orders payable to the City of Richmond must be sent to the Department of Human Resources, Room 902, City Hall 900 East Broad Street, Richmond, Virginia 23219. Separate checks or money orders are required for each plan.

**III. RESPONSIBILITY**

**A. Employee**

1. The employee is required to remit timely payments if insurance coverage is desired while on leave and not in pay status.
2. The employee is required to advise Human Resources of divorce where the spouse is covered under the employee's health insurance so that the COBRA beneficiary may be advised of his/her rights and responsibilities.
3. The employee is required to complete a change form removing the divorced spouse from the plan.



**Administrative Regulations  
Office of the Mayor**

**Title: INSURANCE COVERAGE**

**A.R. Number: 4.4 Effective Date: 2/1/2007 Page: 2 of 2**

**Supersedes: Insurance Coverage A.R.: 4.4 DATED: 9/1/2000**

**B. COBRA Beneficiaries**

COBRA beneficiaries are required to complete an application and remit timely payments if insurance coverage is desired.

**C. Agency Director**

The agency director is required to establish a system whereby each employee who receives approved leave and who will not be in pay status is aware of this Administrative Policy.

**D. Human Resources**

1. Human Resources is required to process insurance payments and ensure that coverage continues.
2. Human Resources is required to advise COBRA beneficiaries of their rights and responsibilities.

**IV. REGULATION UPDATE**

The Office of the Mayor and the Department of Human Resources shall be responsible for modifications to this Policy.

**APPROVED:**

A handwritten signature in cursive script, reading "L. Douglas Wilkins".

**MAYOR**





## **Administrative Regulations**

### **Office of the Mayor**

**Title:** OVERTIME AND COMPENSATORY TIME

**A.R. Number:** 4.5 **Effective Date:** October 8, 2022 **Page 1 of 3**

**Supersedes:** Overtime, Compensatory Time, and Deduction in Pay for Exempt Employees Insurance Coverage

**A.R: 4.5 DATED:** February 1, 2007

#### **I. PURPOSE**

The purpose of this Policy is to ensure compliance with the Fair Labor Standards Act (FLSA), the Virginia Overtime Wage Act, and all other related laws and regulations.

#### **II. POLICY**

It is the policy of the City of Richmond (City) to ensure payment of wages and deductions from pay occur only in circumstances permitted by all applicable laws and regulations governing the pay of exempt and non- exempt employees.

#### **III. PROCEDURES**

1. Appointing Authorities or their designee may authorize overtime work when necessary to meet City emergencies or other operating requirements.
2. Exempt employees are not eligible for overtime compensation. However, Appointing Authorities or their designee may, at their discretion, grant excused time off where circumstances permit. Such excused time is not charged, not accrued, and shall not be transferable to other City agencies.
3. If overtime work is performed by a non-exempt employee, the employee shall receive overtime pay at a rate of not less than one and one-half times the employee's regular rate of pay for each hour worked over 40 hours in a workweek, unless otherwise provided by law. Vacation, sick, holiday, compensatory time, or other leave time are excluded as hours worked for the purposes of computing overtime. Non-exempt employees who are police officers or engaged in fire protection may be subject to different rules.
4. Non-exempt employees shall not work overtime without prior approval. Examples of overtime work include, but are not limited to:
  - Starting work prior to the beginning of the regularly scheduled work shift
  - Working through the lunch period
  - Working late and/or working beyond the regularly scheduled work hours

If a non-exempt employee works overtime with or without prior approval, the City shall pay any overtime earned for the extra work hours. Employees shall immediately notify their supervisor of any work outside their normally scheduled hours that has not been previously approved. If an employee works overtime without prior approval, the employee may be subject to disciplinary action, up to and including dismissal from City service. Actual time worked each day, including time outside an employee's scheduled work hours whether authorized or not, shall be reflected in the





## **Administrative Regulations**

### **Office of the Mayor**

**Title:** OVERTIME AND COMPENSATORY TIME

**A.R. Number:** 4.5 **Effective Date:** October 8, 2022 **Page 2 of 3**

**Supersedes:** Overtime, Compensatory Time, and Deduction in Pay for Exempt Employees Insurance Coverage

**A.R: 4.5 DATED:** February 1, 2007

payroll system. Employees should immediately advise the Department of Human Resources if they are told by anyone not to enter the actual hours worked.

5. The FLSA provides that employees engaged in fire protection or law enforcement may be paid overtime on a "work period" basis. A "work period" may be from seven (7) consecutive calendar days to twenty-eight (28) consecutive calendar days in length. Employees can work up to a 28-day overtime cycle but shall remain in compliance with the FLSA and State Code.
6. Departments shall monitor the amount of overtime to ensure that overtime claimed by employees is not fraudulent and that employees are compensated properly in accordance with the FLSA and Virginia Overtime Wage Act.
7. Department management may, at their discretion, adjust the work schedules of non-exempt employees when the employee has or will work hours outside of their regular schedule during that workweek.
8. Appointing Authorities or their designee may allow compensatory time off for eligible non-exempt employees at a rate of not less than one and one-half hours for each overtime hour worked. If an agreement concerning compensatory time off in lieu of overtime pay has been reached, law enforcement and fire protection employees may accrue up to 240 hours of compensatory time; all other non-exempt employees may accrue up to 120 hours per calendar year. The 240-hour limit on accrued compensatory time represents not more than 160 hours of actual overtime worked, and the 120-hour limit represents not more than 80 hours of actual overtime worked.

Compensatory time shall be monitored and used by December 31 of each year. Any remaining compensatory balances will be paid out on the first paycheck in January. Accrued compensatory time should be allowed to be used within a reasonable time of the request, as long as it does not unduly disrupt the operations of the agency.

9. Upon separation, any unused accrued compensatory time shall be paid in accordance with current FLSA regulations.
10. If an employee believes they have not been paid correctly, including not receiving overtime pay or an improper pay deduction has been made, the employee should immediately notify their supervisor and timekeeper. If it is determined that an employee was not paid correctly, their pay will be corrected, and the City will take any steps it deems appropriate to ensure proper compliance in the future.



**Administrative Regulations  
Office of the Mayor**

**Title:** OVERTIME AND COMPENSATORY TIME

**A.R. Number:** 4.5 **Effective Date:** October 8, 2022 **Page 3 of 3**

**Supersedes:** Overtime, Compensatory Time, and Deduction in Pay for Exempt Employees Insurance Coverage

**A.R: 4.5 DATED:** February 1, 2007

**IV. DEFINITIONS**

The following words, when used in conjunction with this Policy, shall have the following meaning:

**Compensatory time** - time off provided to non-exempt employees in lieu of monetary overtime compensation, calculated at one and one-half hours for each overtime hour worked.

**Exempt** - a position that is not subject to the overtime provisions of the FLSA.

**Non-exempt** - a position that is subject to the overtime provisions of the FLSA. Employees work and are compensated on an hourly basis. Employees are not classified as "salaried" non-exempt.

**Overtime** - hours worked in excess of 40 hours during a standard workweek. The FLSA also provides for a longer "work period" for law enforcement and fire protection personnel.

**Workweek** - the standard workweek begins at 12:00 a.m. Saturday morning and ends at 11:59:59 on the following Friday.

**V. AUTHORITY**

Fair Labor Standards Act  
The Virginia Overtime Wage Act

**VI. REGULATION UPDATE**

The Department of Human Resources shall be responsible for modifications to this Policy.

**RECOMMEND APPROVAL:**

**CHIEF ADMINISTRATIVE OFFICER/DESIGNEE**

**APPROVED:**

**MAYOR**



## Administrative Regulations

### Office of the Mayor

#### Title: ANTI-HARASSMENT

**A.R. Number:** 4.6 **Effective Date:** February 24, 2021 **Page:** 1 of 3

**Supersedes:** Anti-Harassment A.R.: 4.6 **DATED:** October 1, 2011

## I. PURPOSE

The purpose of this policy is to ensure the City of Richmond (City) maintains a workplace in which all employees are treated with respect and dignity.

## II. POLICY

The City is committed to providing a work environment free from harassment and will not tolerate any form of harassment, whether the harassment is based on: race, and on the basis of race, including traits historically associated with race, including hair texture, hair type, and protective hairstyles such as braids, locks, and twists; color; religion; sex; age; pregnancy, childbirth, or related medical conditions, including lactation; sexual orientation, gender identity, national origin, citizenship status, disability, genetic information, veteran status, or membership in any other protected group (*protected categories*).

The City will not discharge or otherwise discriminate against an employee because such employee has filed any complaint or instituted or caused to institute any proceeding related to the failure to pay wages, or has testified, or is about to testify, in any such proceeding.

In addition, the City will not tolerate any form of retaliation directed against an employee who either complains about harassment or who participates in any investigation process related to workplace harassment complaints.

## III. PROCEDURES

### A. Unacceptable Behaviors or Conduct

Unlawful harassment is a serious offense. Any employee who engages in such conduct or encourages such behavior by others shall be subject to disciplinary action, including possible dismissal from the City service. Harassment may take many forms, including, but not limited to:

- 1. Verbal Harassment:** For example, epithets, derogatory comments or slurs on the basis of the *protected categories* referenced in section II. Policy. Verbal harassment may also include sexual remarks or well-intentioned compliments about a person's clothing, body, sexual activities; jokes targeting a protected group, as well as jokes or comments of a sexual nature;
- 2. Physical Harassment:** For example, assault, unwelcome touching, impeding or blocking body movement, and/or any physical interference with normal work or movement when directed at an individual on the basis of the *protected categories* referenced in section II. Policy.
- 3. Visual Harassment:** For example, derogatory posters, notices, bulletins, cartoons, drawings, or other advertisements on the basis of the *protected categories* referenced in section II Policy. This includes, but is not limited to: posters, magazines, videos, Internet sites, or other electronic media of a sexual nature.



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: ANTI-HARASSMENT**

**A.R. Number:** 4.6 **Effective Date:** February 24, 2021 **Page:** 2 of 3

**Supersedes:** Anti-Harassment A.R.: 4.6 **DATED:** October 1, 2011

4. **Sexual Harassment:** Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature which are implicitly or explicitly a term or condition of an employee's employment, are used as a basis for employment decisions, or affect or interfere with the employee's work performance.
5. **Hostile Environment:** Conduct, including the above-referenced behaviors, which has the purpose of effect of creating an intimidating, hostile, or offensive work environment.

#### **B. Reporting Procedures**

In addition to the avenues of redress available through the U.S. Equal Employment Opportunity Commission (EEOC), effective relief may also be available within City government through the Department of Human Resources' (HR) Equal Employment Opportunity (EEO) Coordinator. Classified City employees may also participate in the City's grievance process.

When appropriate, informal means to resolve discrimination complaints will be taken, to include, but not limited to, mediation, conflict resolution, etc.

When a discrimination complaint cannot be resolved informally, please refer to *Administrative Regulation 4.23 – Investigation (Complaint) Process* for detailed procedures on filing a complaint and the respective investigation process.

### **IV. RESPONSIBILITIES**

The City and its agents have a duty to promptly investigate allegations of unlawful harassment and, when appropriate, take corrective actions.

#### **A. Responsibilities of Management**

1. Management who allow unlawful harassment to continue or who fail to take appropriate corrective action shall be considered a party to the act or behavior, although they may not behave in such a manner. Such management shall be subject to corrective action. Depending upon the circumstances, such corrective measures may result in demotion from a supervisory position or dismissal from City service.
2. In an effort to avoid and eliminate harassment, the management of each agency shall take affirmative steps to sensitize all of its employees to the nature of any form of unlawful harassment and express strong disapproval of such conduct. These efforts are subject to the approval of the Department of HR. These steps shall include, but are not limited to:
  - a. The communication and distribution of this official City policy to all City employees.
  - b. Monitoring the workplace for potential incidents of harassment or discrimination.



**Administrative Regulations**

**Office of the Mayor**

**Title: ANTI-HARASSMENT**

**A.R. Number: 4.6 Effective Date: February 24, 2021 Page: 3 of 3**

**Supersedes: Anti-Harassment A.R.: 4.6 DATED: October 1, 2011**

**B. Responsibilities of the Department of Human Resources**

The Department of HR shall be responsible for updating and providing oversight-policy; the development and implementation of on-going training, education programs, and providing resources to ensure that all City employees clearly understand that unlawful harassment in the workplace will not be tolerated.

**V. AUTHORITY**

Title VII, Civil Rights Act, as amended  
Age Discrimination Employment Act, as amended  
Americans with Disabilities Act, as amended  
Equal Pay Act  
Immigration Reform & Control Act  
Civil Rights Act of 1866  
Genetic Information Nondiscrimination Act  
§VA2.2-3901  
§VA2.2-3903  
§VA2.2-3904

In situations where this policy is at variance with Federal or State laws or regulations, the Federal or State laws or regulations will prevail.

**VI. REGULATION UPDATE**

The Department of Human Resources shall be responsible for modifications to this Policy.

**RECOMMEND APPROVAL:**

**CHIEF ADMINISTRATIVE OFFICER/DESIGNEE**

2-24-21

**APPROVED:**

**MAYOR**

2/24/2021



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: ON-CALL DUTY**

**A.R. Number: 4.7 Effective Date: July 2, 2022 Page 1 of 3**

**Supersedes: On-Call Duty A.R.: 4.7 DATED: February 1, 2007**

#### **I. PURPOSE**

The purpose of this policy is to establish guidelines for employees who work on-call assignments.

#### **II. POLICY**

It is the policy of the City of Richmond (City) to comply with the Fair Labor Standards Act (FLSA) and applicable law. In addition, the City will compensate non-exempt employees for on-call duty assignments. Exempt employees are not eligible to receive compensation for on-call duty assignments. An exempt employee, due to professional, executive or administrative status, or any combination thereof, is not eligible for on-call pay.

This policy outlines the more particular requirements in the succeeding paragraphs. This policy is intended to be guidance in enforcing the FLSA requirements and not meant to establish any rights for employees in regard to on-call time that are greater than established by the law. Violations of this policy may result in disciplinary action, up to and including dismissal from City service.

#### **III. PROCEDURES**

The following procedures shall be observed for on-call duty assignments:

- a. On-call duty assignments apply to all hours other than an employee's regularly scheduled work hours on weekdays and weekends. An employee scheduled for an on-call duty assignment who is on approved sick leave an entire day shall not be eligible for on-call duty on that day. For approved vacation leave, eligibility for on-call duty will be in accordance with the employee's department's SOP.
- b. Employees shall be notified in writing if their position may require on-call duty assignment.
- c. On-call duty assignments shall be determined by the Appointing Authority or designee and be given on a rotating basis, when possible.
- d. Where applicable, each City department shall develop a Standard Operating Procedure (SOP) utilizing a template provided by the Department of Human Resources (DHR) to include the position(s) requiring an on-call duty assignment, procedures for scheduling, and other departmental guidelines. The SOP shall be approved by the DHR prior to implementing.

#### **IV. EMPLOYEE RULES OF CONDUCT**

An employee on an on-call duty assignment shall abide by the following rules of conduct:

- a. Remain in a "waiting to be engaged" status to be available to respond to situations outside of the regularly scheduled shift. During an on-call duty assignment while "waiting to be



## Administrative Regulations

### Office of the Mayor

#### Title: ON-CALL DUTY

A.R. Number: 4.7 Effective Date: July 2, 2022 Page 2 of 3

Supersedes: On-Call Duty A.R.: 4.7 DATED: February 1, 2007

engaged,” an employee is allowed to engage in personal activities and are relieved of all work duties, but required to be accessible by phone or other means established by the department.

- b. Respond to the department and/or report to the worksite within the timeframe specified in the department’s SOP with no impairment from alcohol or any drugs in accordance with the City’s Substance Abuse Policy.
- c. Document all work requests received based on the department’s SOP.
- d. Failure to adhere to the policy and department’s SOP may result in disciplinary action, up to and including dismissal from City service.

## V. COMPENSATION

If a non-exempt employee is immediately called back to work, in person or remotely, within 30 minutes after their regular shift ended and regardless of their on-call duty assignment, the employee will receive their regular pay rate and overtime pay, when applicable.

Non-exempt employees in a “waiting to be engaged” status and whose positions are approved by DHR for additional compensation for serving in an on-call duty assignment will be paid, in addition to their regular pay rates, according to one, and only one, of the following:

- a. A flat rate for each full **weekly** period of assigned on-call duty;
- b. A flat rate for each full **weekly** period of an on-call duty assignment, if a designated City holiday(s) occurs within that week;
- c. A flat rate for each **day** of regularly scheduled work hours on-call duty; **or**
- d. A flat rate for **any** designated City holiday(s) based on the regularly scheduled work hours.

The flat rate amounts will be calculated and published by the DHR at the beginning of each calendar year by reviewing the average hourly rate of salaries and other cost analysis.

## VI. AUTHORITY

Fair Labor Standards Act and any applicable law.

## VII. REGULATION UPDATE

The Department of Human Resources in consultation with the Chief Administrative Officer shall be responsible for modifications to this Policy.

**RECOMMEND APPROVAL:**

**CHIEF ADMINISTRATIVE OFFICER/DESIGNEE**





**Administrative Regulations**

**Office of the Mayor**

**Title: ON-CALL DUTY**

**A.R. Number: 4.7 Effective Date: July 2, 2022 Page 3 of 3**

**Supersedes: On-Call Duty A.R.: 4.7 DATED: February 1, 2007**

**APPROVED:**



**MAYOR**



**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 1 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

## **I. PURPOSE**

The City of Richmond values employee wellbeing and encourages professional success, health and wellness, and work-life balance. In support of this goal, the city offers a variety of leave benefits to all employees. The purpose of this policy is to describe the city's types and uses of leave.

## **II. POLICY**

This policy provides leave benefits to eligible employees as defined in the procedures below.

All requests for leave should be submitted and approved in advance of any absence from work. It is recognized that city departments may have established departmental leave policies related to leave utilization which are unique and are designed to meet organizational needs. Employees are required to adhere to established departmental leave policies.

Leave is approved at the discretion of the appointing authority/department head or designee and may be denied depending upon operational need, insufficient justification, or misuse. Employees should not presume leave will be approved solely because accumulated leave is available. Documentation to support any absence may be required.

## **III. PROCEDURE**

### **A. Vacation Leave**

Vacation leave provides employees an opportunity for rest and relaxation and for returning to work refreshed. Employees may take several consecutive days for vacation leave. Vacation leave may also be used when it is necessary to be absent from work for other personal reasons such as extended illness (after expiration of sick leave) or for personal reasons. Use of vacation leaves requires approval of the employee's appointing authority or designee.

#### **1. Vacation accrual rates**

##### **a. Classified service employees**

Classified employees who occupy permanent positions accrue vacation leave hours on a biweekly basis in accordance with the city's established pay period. The vacation leave

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 2 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

accrual period for classified service operates on a calendar year. Accruals are not prorated for employees who start or separate from service in the middle of a pay period.

Except as provided for in the Administrative Regulations, employees who occupy permanent positions in the city service shall earn vacation hours at the following rates:

**i. General Employees**

<b>Years of Service</b>	<b>Bi-weekly Earning Rate (Hours)</b>	<b>Maximum Carryforward (Hours)</b>
Less than five	3.7	192.0
Five up to ten	4.6	240.0
Ten up to fifteen	5.5	288.0
Fifteen up to twenty	6.6	336.0
Twenty and above	7.4	384.0

**ii. Shift Fire Personnel\* employed on or after October 5, 1991**

<b>Years of Service</b>	<b>Bi-weekly Earning Rate (Hours)</b>	<b>Maximum Carryforward (Hours)</b>
Less than five	5.2	268.8
Five up to ten	6.5	336.0
Ten up to fifteen	7.8	403.2

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



Fifteen up to twenty	9.0	470.4
Twenty and above	10.3	537.6

**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 3 of 17**

**Supersedes:** ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY

**A.R.:** 4.8, 4.9 **DATED:** 8/1/2008, 2/1/2012

iii. **Shift Fire Personnel\* employed prior to October 5, 1991.** Shift Fire employees who have more than twenty (20) years of service earn 11.1 per biweekly earning period and have a maximum carryforward of 576.0 hours.

\*Shift Fire Personnel are those persons who work on a one-hundred and twelve (112)hour bi-weekly system.

**b. Unclassified and executive service employees**

Unclassified and executive employees who occupy permanent positions accrue vacation leave hours on a biweekly basis in accordance with the city's established pay period. The vacation leave accrual period for unclassified and executive service is provided on a fiscal basis. Employees in these service classes accrue vacation leave on July 1 as a lump sum. The accrual amount for both unclassified and executive service is as follows:

<b>Years of Service</b>	<b>Annual Allotment (Hours)</b>	<b>Maximum Carryforward (Hours)</b>
Less than five	120	240
Five up to ten	160	320
Ten and above	200	400

The change in the vacation leave accrual rate on year five (5) and year ten (10) will occur on the month following the employees' employment anniversary date. (For example, an employee receives one-hundred and twenty (120) hours of vacation on July 1. The

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



employee reaches five (5) years of service on October 10. The employee is entitled to the additional prorated amount of accruals for the five (5)-year rate effective November 1).

An employee must be in active pay status to be eligible to accrue vacation leave. No vacation hours shall accrue if an employee is in inactive pay status. Examples of inactive pay statuses: absent without leave, suspension, approved unpaid leave of absence.

**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 4 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

## **2. Vacation leave use**

Accrued vacation hours may be carried forward at the end of the vacation accrual period, not to exceed the maximum carryforward amount listed above for each service class. Vacation leave amounts exceeding the maximums listed in the carryforward columns may be accrued during a calendar year but may not be carried over beyond the last day of the vacation leave period. Any accrued vacation leave exceeding the maximum carryforward will be forfeited at the end of the first pay period of the following year.

Vacation leave credits shall be audited annually as of the last day of the annual accrual period, determined by service class, or as of the date of employee separation. Vacation leave shall not be charged in less than fifteen (15) minute units. If a paid holiday occurs during an employee's approved vacation leave period, leave will not be applied to cover the holiday (i.e., the holiday will not count against the employee's vacation leave balance).

Unclassified and executive employees hired before July 1, 2023, and have vacation accrual balances in excess of the carryforward limit will have five (5) years beginning July 1, 2023, to use or donate their excess vacation hours. On July 1, 2028, all vacation hours in excess of the carryforward limit will expire.

The maximum credits specified are for employees working full time. Employees employed on a tenured part-time basis in a permanent position shall receive vacation leave in proportion to their actual hours worked.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



**3. Vacation leave accrual payout upon separation from city service**

The city shall deduct from any lump sum payment amount appropriate federal and state taxes, and deductions for amounts owed to the city as an employee, and any other amounts required by law.

**a. Classified employees**

Classified employees shall receive a lump sum payment of their accrued vacation hours not to exceed the annual carryforward maximum upon separation from city employment.

**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 5 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

**b. Unclassified and executive employees**

Unclassified and executive employees shall receive a lump sum payment of the sum of accrued vacation hours carried over into year of separation and shall only be paid for the prorated share of the vacation accrual of the respective year of separation, the total of which cannot exceed the annual carryforward maximum.

**B. SICK LEAVE**

Leave under this section may need to be coordinated with the Family and Medical Leave Act (FMLA).

The sick leave accrual period shall operate on a calendar year for all employees.

**1. Sick leave accrual rates**

Employees in the classified general, unclassified, and executive service accrue sick leave at the rate of three point seven (3.7) hours for each bi-weekly cycle of service. Sick leave is accrued in accordance with the city's established biweekly pay period.

Shift employees of the Fire service (112-hour biweekly) who were employed prior to October 5, 1991, shall earn sick leave at the rate of seven point four (7.4) hours for each biweekly cycle of service. Shift employees of the Fire service (112-hour biweekly) who were employed on or

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



after October 5, 1991, shall earn sick leave at the rate of five point two (5.2) hours for each biweekly cycle of service.

An employee must be in active pay status to be eligible to accrue sick leave. No sick hours shall accrue if an employee is in inactive pay status. Examples of inactive pay statuses: absent without leave, suspension, approved unpaid leave of absence.

**2. Sick leave use**

Sick leave may be used for authorized absences necessitated by reason of:

- a. Personal illness.
- b. Bodily injury or disease.

**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 6 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

- c. To keep a medical appointment.
- d. Immediate family illness.

If a paid holiday occurs when an employee is absent on approved sick leave, leave will not be applied to cover the holiday (i.e., the holiday will not count against the employee's sick leave balance). Sick leave will not be charged in less than fifteen (15) minute units.

Use of sick leave requires approval of the employee's appointing authority/department head or designee in accordance with established procedures. Such procedures may be suited to the agency's needs, as long as they are consistent with the guidance provided in this policy.

An employee who is unable to work due to illness shall contact his or her immediate supervisor as soon as possible, but prior to the beginning of the scheduled work day; unless because of the nature of work, such procedures are otherwise dictated by the appointing authority/department head or designee.

If an employee requests more than three consecutive workdays of sick leave, that employee shall be required to provide the city a certification from a health care provider that verifies that the absence was due to a medical condition and states when the employee is expected to return to work. If an employee does not provide this certification within ten (10) working

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



days of their return to work, the employee may be charged with leave without pay and/or be subject to disciplinary action. All medical information will be considered confidential and will be made a part of the employee's medical records.

Sick leave is granted at the discretion of the appointing authority/department head or designee. Use of sick leave may be denied if it appears to not be justified or is being wrongfully used. An employee should not assume sick leave will be approved simply because he or she has an accumulated sick leave balance. Sick leave is a benefit and not an entitlement.

**3. Sick leave maximum carryforward**

Sick leave hours shall be audited annually on a calendar year or as of the date of separation. Accrued sick leave hours may be carried forward at the end of the calendar year, not to exceed the maximum carryforward amounts as follows:

**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 7 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

- a. City employees who were hired on or after July 1, 2023, shall carryforward a maximum of one-hundred and twenty (120) hours of sick leave.

**4. Sick leave accrual payout upon separation from city service**

Upon separation from city service all sick leave hours expire. There is no payout of sick leave.

**C. MENTAL HEALTH / WELLNESS DAYS**

Employees are allotted two (2) mental health/wellness days per calendar year. Mental health/wellness days may be observed on any regular scheduled workday mutually agreed upon by the employee and appointing authority/department head during that calendar year. Except for 56-hour Shift Fire Personnel, mental health/wellness days must be taken in a full eight (8) hour day increment, subject to supervisor approval. Mental health/wellness days do not carryforward and shall not be paid out upon separation or count toward calculation of creditable service for retirement. Any unused mental health days will expire at the end of each calendar year.

**D. EMPLOYER SPONSORED HEALTH CLINIC LEAVE**

Employees are encouraged to utilize the City of Richmond sponsored health clinics. Employees accessing clinic services on city time shall utilize the clinic closest to their worksite.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



Any appointment pertaining to wellness may be completed on regular time. Approval from the employee's supervisor may be required prior to scheduling a wellness appointment.

Employees are granted six (6) hours of paid leave for sick visits to the clinic per calendar year.

The Department of HR shall promulgate standard operating procedures for visiting or receiving services from the clinics.

**E. UNPAID MEDICAL DONOR LEAVE**

Eligible employees may take unpaid medical donor leave where there is medical necessity for donation. Employees are allotted up to sixty (60) business days of unpaid leave in any twelve (12) month period to serve as organ donors, and thirty (30) business days of unpaid leave in any twelve (12)-month period to serve as bone marrow donors.

**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 8 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

To be eligible for unpaid medical donor leave employees must have worked for the City of Richmond for at least twelve (12) months prior to the start of the leave and worked at least one thousand two hundred and fifty (1,250) hours in the preceding twelve (12) months.

Employees may not take medical donor leave concurrently with leave under FMLA.

**F. SHARED LEAVE PROVISION**

All employees, after twelve (12) consecutive months of employment with the city (employee does not have to be tenured), shall be eligible to receive or to donate vacation leave as provided by this policy.

Shared leave may be granted to an eligible employee if the employee experiences a catastrophic illness (as defined by the city's employee medical service provider), including but not limited to; cancer, major surgery, serious accident, or heart attack, that:

1. Poses a threat to life or requires in-patient care, hospice care, or home health care.
2. Keeps the employee from performing any portion of his or her regular work duties in accordance with a serious health condition as defined under the FMLA.



**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



An employee shall be eligible to receive shared leave if the employee has exhausted all accumulated vacation, sick and compensatory time credits.

If the appointing authority/department head or designee determines that the employee meets the initial eligibility requirements of this policy, they shall provide a written recommendation to the Director of Human Resources or designee. The decision by the Director of Human Resources or designee to approve or deny the request shall be final and not subject to appeal to the Personnel Board.

When requesting shared leave, or at any time during the use of shared leave, an employee shall be required by the Director of Human Resources or designee to undergo a medical review and/or examination by the city's Employee Medical Service Provider to establish that the illness or injury is of a serious nature and keeps the employee from performing any portion of his or her regular work duties. If the employee fails to comply with the medical review and/or examination or if the city's Employee Medical Service Provider fails to establish that a serious illness or injury exists, the

**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 9 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

use of shared leave shall be automatically denied or terminated by the Director of Human Resources or designee.

Common illness or minor injury that is not serious or life threatening.

Once a request for shared leave has been approved by the Director of Human Resources or designee, all city employees will be notified that a recipient is in need of donations for shared leave. The shared leave program is voluntary, and no employee shall be coerced, threatened, intimidated, or financially induced into donating leave for purposes of this program.

Shared leave shall be applied retroactively to the date the employee depletes all forms of paid leave because of the current illness or injury.

While receiving shared leave the recipient shall not earn holidays, vacation, sick or employment service credits.

Shared leave may be used only for the duration of the current serious illness or injury for which it was collected, up to a maximum of one year from the date the employee began using the shared leave.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



If the serious illness or injury improves so that the employee is no longer prevented from performing his or her regular work duties or the recipient separates from city service or retires, all unused portions of the shared leave shall be forfeited to a general pool. Leave time in this pool shall be administered by the Department of Human Resources. Such leave time in this pool shall only be used to:

1. Make up solicitation shortfalls.
2. Be applied to the original recipient in the case of a relapse within a one-hundred sixty (160) work hour time period. When the employee has returned to work for one-hundred sixty (160) consecutive, normal work hours, it shall be determined that they are no longer prevented from performing their regular work duties.

An employee shall be eligible to donate only vacation credits to another employee if the donation of vacation does not cause the accumulated vacation leave balance of the donating employee to be less than eighty (80) hours.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 10 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

Shared leave shall be paid according to the receiving employee's regular rate of pay. The rate of pay of the donating employee shall not be used in computing the amount of shared leave the requesting employee receives.

Shared leave shall be donated and taken in full-hour increments.

Employees terminating service from the city may be allowed to donate any vacation leave balances under this program.

#### **G. MILITARY LEAVE**

The city administers its military leave policy in accordance with applicable law, including the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the Code of Virginia. The Chief Administrative Officer may authorize benefits that are more generous than those afforded by law.

#### **H. CIVIL LEAVE**

Civil leave (time off without loss of pay) may be granted for the following:

1. Service on a jury.
2. Attending court when subpoenaed or requested to appear before a court, public body or commission except when the employee is a party to the suit.
3. When performing emergency civilian duty in connection with national defense.
4. For the purpose of voting.
5. For attending worker's compensation hearing.

For leave pursuant to this section, the employee will not be charged compensatory, annual, or sick leave. Such employees are entitled to keep any jury or witness fee awarded by the Court in addition to regular salary. The employee is not required to report to work on that day.

Leave for the purposes of voting shall only be granted when the employee's work schedule prohibits voting before or after duty hours.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 11 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

Any person who serves as an officer of election as defined in § 24.2-101 of the Code of Virginia as amended shall neither be discharged from employment, nor have any adverse personnel action taken against them, nor shall they be required to use sick or vacation time, as a result of their absence from employment due to such service, provided they gave reasonable notice to the appointing authority/department head or designee of such service pursuant to §24.2-118.1 of the Code of Virginia as amended.

Work related hearing - If an employee must appear in court or at an administrative hearing either as a witness or a party, due to his employment with the city, such time shall be considered as hours of work.

**I. BEREAVEMENT LEAVE**

Any employee who has had a death in their immediate family shall be granted, upon request, bereavement leave for a maximum of three (3) consecutive working days taken immediately prior and/or subsequent to the day of burial service (or equivalent).

Any employee who has had a death in their non-immediate family or of a friend shall be granted, upon request, bereavement leave for a maximum of eight (8) consecutive hours, to attend a burial service (or equivalent).

Bereavement leave is with pay and is granted by the appointing authority/department head or designee. Any additional leave required may be charged to vacation or compensatory time.

Immediate family is defined as parent, a person standing in loco parentis to the employee, spouse, child, sibling, legal ward, grandparents, and grandchildren of the employee or the employee's spouse; or any other relative of the employee or spouse who lives in the employee's household.

**J. EDUCATIONAL LEAVE**

In order to assist tenured status employees working full time in obtaining and/or completing high school, undergraduate, or graduate courses; and to promote the highest quality of professional life; the city may grant educational leave, subject to the following provisions:

1. With Full Pay - Educational leave with full pay may be granted upon the recommendation of the appointing authority/department head or designee and Director of Human Resources or

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 12 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

designee and the approval of the Chief Administrative Officer or designee for a course of study that is directly and clearly related to the employee's present occupational field. Whenever educational leave with full pay is granted, the employee shall be contractually bound to return to the city service for a period equal to three (3) times the length of time for which the leave is granted. Whenever an employee's position is abolished or reallocated during their absence and there is no job available in the same or higher class, the employee shall not be required to accept a position in a lower class or to refund the city's investment. Whenever an agreement cannot be fulfilled because of major injury, illness, or other reasons clearly beyond the control of the employee and substantiated by appropriate documentation, the contract may be nullified by the Director of Human Resources. Whenever, for any reason other than those mentioned, such an agreement cannot be fulfilled, the employee shall be bound by the provisions of the contract.

2. With Partial Pay - Educational leave with partial pay may be granted upon the recommendation of the appointing authority/department head or designee and Director of Human Resources or designee and the approval of the Chief Administrative Officer or designee for a course of study that is determined to be beneficial to both the city and the employee. Whenever such leave is granted, the employee shall be contractually bound to return to the city service for a period equal to two (2) times the length of time for which the leave is granted. The remaining provisions of this policy apply.
3. Without Pay - Educational leave without pay may be granted upon the recommendation of the appointing authority/department head or designee and the approval of the Director of Human Resources or designee for any approved educational plan that will benefit the employee.

Educational leave with or without pay may not exceed one-hundred and twenty (120) calendar days.

**K. LEAVE WITHOUT PAY**

The appointing authority/department head or designee may impose leave without pay pending disciplinary review or investigation for up to ten (10) working days. Leave without pay pending disciplinary review or investigation greater than ten (10) working days (fifty-six (56)-hour Fire shift

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 13 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

personnel equivalent shall be five (5) working days) must be approved by the Director of Human Resources or designee.

Leave without pay may also be granted by the appointing authority/department head or designee for personal reasons, for a period beyond those allowable with pay, provided the appointing authority/department head or designee is willing either to allow the position from which leave is taken to remain vacant or to fill on a short-term temporary basis until the expiration of such leave. Leave without pay for personal reasons shall not be granted for more than thirty (30) calendar days except for educational leave military leave, Family Medical Leave (FMLA) or any Americans with Disability Act (ADA) accommodations. Additional leave without pay beyond thirty (30) calendar days must be approved by the Director of Human Resources or designee. If any employee's position is abolished while on leave without pay except as otherwise noted in this policy, reduction-in-force procedures shall apply.

An employee shall not earn vacation or sick time while on leave without pay. Failure on the part of the employee to report to work promptly at the expiration of a leave without pay may be grounds for dismissal.

**L. LEAVE FOR VICTIMS OF A CRIME**

In accordance with Virginia Code 40.1-28.7:2, the appointing authority/department head or designee is not required to compensate the employee but is required to grant leave when the employee requests leave to attend criminal proceedings provided the employee is a victim to the crime. The employee may elect to use vacation leave or any compensatory time accumulated.

In this instance victim is defined as the following:

1. A person who has suffered physical, psychological, or economic harm as a direct result of the commission of a felony or of assault and battery in violation of § 18.2-57 or § 18.2-57.2, stalking in violation of § 18.2-60.3, sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of § 18.2-67.5, maiming or driving while intoxicated in violation of § 18.2-51.4 or § 18.2-266.
2. A spouse or child of such a person.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



3. A parent or legal guardian of such a person who is a minor.

**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 14 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

4. For the purposes this section only, a current or former foster parent or other person who has or has had physical custody of such a person who is a minor, for six months or more or for the majority of the minor's life.
5. A spouse, parent, sibling, or legal guardian of such a person who is physically or mentally incapacitated or was the victim of a homicide; however, "victim" does not mean a parent, child, spouse, sibling, or legal guardian who commits a felony or other enumerated criminal offense against a victim as defined in clause (1).

#### **M. ADMINISTRATIVE LEAVE**

Administrative leave with pay may be granted to an employee at the discretion of the appointing authority/department head in special situations or circumstances.

Exempt staff shall not be awarded overtime pay or compensatory leave. Administrative leave shall not be rewarded to exempt staff as a substitute for overtime pay or compensatory leave.

Employees may request administrative leave from the supervisor in special situations or circumstances. The supervisor may request administrative leave on behalf of the employee in instances of special circumstance.

The request for administrative leave must be submitted at least one week prior to the date(s) requested off, except in emergency situations.

The appointing authority/department head or designee may approve administrative leave with pay for up to ten (10) working days (eighty (80) work hours) (fifty-six hour (56)-hour Fire shift personnel equivalent shall be five (5) working days or 120 hours). The approval of the Director of Human Resources or designee is required for administrative leave exceeding ten (10) working days (56-hour Fire shift personnel equivalent shall be five (5) working days).

Administrative leave is subject to supervisory discretion; and requires approval by the appointing authority/department head or designee. The City of Richmond is not obligated to award administrative leave; administrative leave is not an entitlement. As such, administrative leave

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



does not accrue, and thus, shall not be paid upon separation or transfer. Therefore, administrative leave is to be taken as soon as possible upon the granting of such time.

**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 15 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

In the situation where an employee is not able to complete a leave form, the supervisor may complete the form for the employee and note "employee unavailable to sign due to emergency" on the employee signature line. The supervisor should initial the statement.

#### **N. UNAUTHORIZED ABSENCE**

An unauthorized absence from duty during required hours of attendance may be treated as a leave without pay. Such absence may be the grounds for disciplinary action including dismissal, in accordance with the city's Discipline Policy. Where there are extenuating circumstances for the unauthorized absence, the appointing authority/department head or designee, has the discretion to authorize the absence with a later grant of leave.

Failure of an employee to return to work at the expiration of an authorized leave or to request an extension of such leave shall be considered an unauthorized absence. An employee who is considered on an unauthorized absence for three (3) consecutive workdays, or, in the Fire Department (for members who work 24-hour duty tours) two (2) consecutive twenty-four (24) hour work tours, shall be dismissed.

#### **O. ABSENCE DUE TO ARREST OR INCARCERATION**

Employees who are unable to report to work due to arrest or incarceration may not be paid for the days they are absent from work and may be subject to dismissal unless authorized by the Chief Administrative Officer or designee, upon written request by the employee, to use vacation leave or administrative leave.

#### **IV. RESPONSIBILITY**

**Department of Human Resources (HR)** – HR is responsible for oversight and administration of this policy. HR is the central repository for all personnel files and information, including leave accrual status. HR shall make available all necessary procedures and forms to departments and employees and provide guidance when questions arise.



**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



**Appointing Authorities and/or Department Heads** – Appointing authorities/department heads or designee are responsible for ensuring that the agency/department balance staffing needs while considering the work-life balance of employees. Appointing authorities/department heads or designee shall notify HR of staffing needs and leave requests.

**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 16 of 17**

**Supersedes:** ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

**Supervisors** – Supervisors are responsible for managing leave requests. This includes approval/disapproval of leave requests.

**Employees** – Employees are responsible for abiding by the requirements and processes of this policy. Employees shall not request leave for which they do not have available leave accrual balance to cover without written consent of the appointing authority/department head or designee.

#### **V. DEFINITIONS**

Words and phrases contained within this policy are interpreted by the Director of Human Resources and can be made available upon request.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LEAVE POLICY**



**A.R. Number: 4.8 Effective Date: 7/1/2023 Page: 17 of 17**

**Supersedes: ADMINISTRATIVE LEAVE FOR EMPLOYEES, BENEFITS AND COMPENSATION  
PROGRAM FOR EXECUTIVE AND UNCLASSIFIED EMPLOYEES OF THE CITY**

**A.R.: 4.8, 4.9 DATED: 8/1/2008, 2/1/2012**

**VII. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

**CHIEF ADMINISTRATIVE OFFICER**

**MAYOR**



## Administrative Regulations Office of the Mayor

**Title:** CITY FACILITIES IDENTIFICATION CARD and SECURITY PROCEDURES

**A.R. Number:** 4.12 **Effective Date:** 2/1/2007 **Page:** 1 of 3

**Supersedes:** City Facilities Security and Identification Card Procedures **A.R.:** 4.13 **DATED:** 9/1/2004

### I. POLICY & PURPOSE

In an effort to maintain safe and secure conditions at City facilities for both employees and the public, the following operating procedures are mandatory. All City employees (including vendors, contractors, and constitutionals) are expected to fully cooperate and comply with this Regulation.

### II. PROCEDURE

#### A. City Identification Card

All City employees are required to have and clearly display valid City IDs while on City property. City IDs must be worn on either a neck loop or pocket clip. IDs must be worn at either chest or waist level for easy identification. IDs must be plainly visible at all times while on City premises, whether during normal working hours or on weekends. Employees who have been issued an employment ID card, but do not wear it as indicated above, are subject to disciplinary actions. All School employees working in or entering City Hall must meet the same requirements as City employees in this regard. All non-City employees (i.e. Padows, Credit Union employees, etc.) are required to display valid vendor or contractor IDs.

#### A. Reporting a Crime or Emergency

Employees are to report a crime or an emergency by calling 911 if:

1. Someone is injured or ill;
2. You see or smell fire or smoke;
3. You see someone being hurt;
4. You see a crime in progress such as stealing or causing damage;
5. You see something or someone suspicious.

Employees are not to assume that someone else has made or will make the call.

#### C. Building Operating Hours

Normal operating hours will be established for each building by the Agency Head and approved by the Chief Administrative Officer. There should be someone from the user agency in the building who is responsible for control of the building during all normal operating hours. Supervisory personnel are accountable for the security of buildings and equipment within their areas of responsibility during normal operating hours.

Hours of operation will be posted at the front and rear entrances or the two most used entrances.

Exterior doors will be locked and the building secure at all times other than normal operating hours with the following exception:

- When employees are in the building for special activities or events and will be responsible for the security of the facility during the event and securing the facility after the event.



## **Administrative Regulations Office of the Mayor**

**Title:** CITY IDENTIFICATION CARD and SECURITY PROCEDURES

**A.R. Number:** 4.12 **Effective Date:** 2/1/2007 **Page:** 2 of 3

**Supersedes:** City Facilities Security and Identification Card Procedures **A.R.:** 4.13 **DATED:** 9/1/2004

As a general rule, the Department of Public Works, Facilities Management Division, will not open rooms within the building since any room may house sensitive equipment/property for which the department or an individual is responsible. Only in an emergency will Facilities Management open a room during or after normal operating hours.

During normal operating hours, each department will establish procedures for opening and closing rooms.

An authorized employee entering or leaving a locked building will be responsible for securing the area and may be held responsible for any loss or damage to City property resulting from failure to do so.

All persons authorized to use the underground parking decks at City Hall must have a valid City ID and a valid City parking hangtag. Persons who have been issued a valid hangtag shall not lend or otherwise authorize use to anyone other than whom the hangtag is registered.

All vendors, contractors and delivery persons utilizing the loading dock ("G" Level) underneath City Hall must obtain prior authorization to use the loading dock and must have the acceptable forms of identification for entry.

### **III. RESPONSIBILITY**

- a. All officers, employees and representatives of the City are responsible for insuring compliance with this Administrative Regulation. This Regulation is applicable to unclassified and classified employees.
- b. The Department of Human Resources shall be responsible for the issuance of all City Identification cards and for maintenance and control of the City identification system database and interface systems.
- c. All Agency/Department payroll representatives are responsible for contacting the Department of Human Resources to schedule an appointment for all new employees to receive a City ID prior to their employment with the City.
- d. All Agency/Department Heads and supervisors are responsible for verifying and approving the Security Access Card Application before a City employee or non-city employee receives a City ID.
- e. Each Agency/Department Head shall be responsible for designating what access their respective employees have to their designated facilities on the Security Access Card Application (i.e. Employee is to be given access to Marshall Street Plaza from 8 a.m. – 5 p.m. Monday through Friday or employee is to be given access to City Hall, 24 hours per day).
- f. All officers, employees, and representatives of the City are responsible for their City ID. If the card is lost, stolen, or misplaced, the cardholder must notify the Department of Human Resources immediately.
- g. All Agency/Department Heads are responsible for collecting and returning City employees (including constitutional employees) and non-city employees (i.e. vendors, contractors, schools, board/commission members, etc.) City IDs at the end of employment, service appointment, separation, or status change within the City.
- h. The Department of Public Works shall be responsible for the assignment of parking at all City facilities and for opening and closing of City Hall for normal working hours.



**Administrative Regulations  
Office of the Mayor**

**Title:** CITY IDENTIFICATION CARD and SECURITY PROCEDURES

**A.R. Number:** 4.12 **Effective Date:** 2/1/2007 **Page:** 2 of 3

**Supersedes:** City Facilities Security and Identification Card Procedures **A.R.:** 4.13 **DATED:** 9/1/2004

**IV. REGULATION UPDATE**

The Office of the Mayor and the Department of Human Resources shall be responsible for updates and modifications to this Regulation.

**APPROVED:**

**MAYOR**



---

**TO BE COMPLETED BY CARD APPLICANT'S SUPERVISOR/MANAGER**

---

**Access Level Description (i.e. Employee is to be given access to Marshall Street Plaza from 8 am - 5 pm, Monday thru Friday or Employee is to be given access to City Hall, 24 hours/day). Please be detailed in your description and include specific buildings, times of access, specific offices (if applicable), etc.**

---

---

---

---

---

---

---

---

**I (Supervisor and Director) certify that the above-listed card applicant has a legitimate business need for a City of Richmond Security Access card that I have reviewed the information on this application and it is true to the best of my knowledge.**

\_\_\_\_\_  
Supervisor's Signature/Date

\_\_\_\_\_  
Supervisor's Printed Name

\_\_\_\_\_  
Director's Signature/Date

\_\_\_\_\_  
Director's Printed Name

**FOR CARD ISSUER USE ONLY**

---

Information Verified: \_\_\_\_\_  
Signature & Date

Access Level Given: \_\_\_\_\_

Date Issued: \_\_\_\_\_ Card Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

\_\_\_\_\_  
Card received by:          Printed Name          Signature          Date

Note – This document is to be filed in the Employee's personnel file or Contractor's file.



**Administrative Regulations  
Office of the Mayor**

**Title: VIOLENCE IN THE WORKPLACE**

**A.R. Number: 4.13 Effective Date: 2/1/2011 Page: 1 of 11**

**Supersedes: Violence in the Workplace A.R.: 4.13 DATED: 2/1/2007**

**I. PURPOSE**

The safety and security of all employees are of primary importance at the City of Richmond. The City has zero tolerance for any acts or threats of violence committed by or against an employee. It is the policy of the City to promote and maintain a work environment free from violence, threats of violence, verbal abuse, harassment, intimidation, and other disruptive behavior by establishing preventive measures, by holding perpetrators of violence accountable and by providing assistance and support to victims. Workplace violence is defined as any action that may threaten the safety and security of an employee, impact the employee's physical and/or psychological well-being or cause damage to City property. Intimidation, threats, physical attack or property damage, the use or possession of an unauthorized weapon or acts of violence, or abusive behavior against employees, visitors, customers, clients, or other individuals by anyone on City property will not be tolerated. The City reserves the right to take any necessary legal action to protect its employees and citizens. A violation of this policy may lead to disciplinary action up to and including separation from City service.

**II. SCOPE**

In addition to City premises, this policy applies to employees conducting City business off City premises and at City events or under any circumstances that may affect the safety of an employee and/or the safety of citizens. This policy applies to any individual who performs services for and under the control or direction of the City for wages or other compensation/reward and includes volunteers, interns, temporary workers, or independent contractors as well as all City full-time and part-time employees with permanent, probationary, short-term, seasonal, emergency, grant-funded, time-limited permanent or temporary appointments. This policy applies to the conduct of an employee while functioning in the course and scope of employment as well as off-duty violent conduct that has a potential adverse impact on a City employee's ability to maintain citizen confidence and/or perform the assigned duties and responsibilities.

**A. Prohibited Activities and Behaviors**

By way of illustration, but not limitation, the City specifically prohibits the following conduct and may discipline an employee up to and including dismissal for engaging in any of the following:

1. Threatening to use a weapon or threatening to use a weapon on City property.
2. Use, possession, or sale of any firearm or weapon on City property (including City parking lots).
3. Storing any firearm or weapon in, including but not limited to, lockers, furniture, containers, drawers, equipment or other facilities, lunch boxes, briefcases, purses, personal bags, personal toolboxes or tool kits, parking lots, City vehicles and other vehicles on City owned or occupied premises.
4. Refusing to allow inspection of storage areas specified above.
5. Conviction under any criminal statute for the illegal use or possession of a weapon or for committing a violent act against the person or property of another.
6. Refusing to cooperate in an investigation about allegations or suspicion that violence or threats of violence have or is likely to occur, or an investigation about the possession of a firearm or weapon by the employee or a co-employee.
7. Engaging in violence (i.e. assaulting or physically attacking another person) or verbal or written threats of violence.





**Administrative Regulations  
Office of the Mayor**

**Title: VIOLENCE IN THE WORKPLACE**

**A.R. Number: 4.13 Effective Date: 2/1/2011 Page: 2 of 11**

**Supersedes: Violence in the Workplace A.R.: 4.13 DATED: 2/1/2007**

8. Violation of a restraining order.
9. Destroying or damaging City property, computer files, and/or other acts or workplace sabotage.

**B. Authorized Exceptions to Policy**

Despite laws which provide for permits allowing individuals to carry concealed handguns, it is the policy of the City to prohibit its employees to possess weapons, including handguns, on property owned, operated or under the control of the City. The only exceptions to this prohibition are as follows:

1. Possession of a handgun by an employee who is a certified law enforcement officer,
2. Possession of a handgun that is required as part of the employee's job duties with the City of Richmond.

**NOTE – Virginia law allows localities to adopt workplace rules and regulations relating to terms and conditions of employment of the workforce. The City of Richmond therefore, expressly prohibits employees from possessing, carrying, housing, or any usage of a firearm or weapon, either concealed or in plain view and either legally or illegally, while on City property (including City buildings, parks, parking lots, vehicles, etc.). Nothing in this Policy shall prohibit a law-enforcement officer, as defined in Virginia General Statutes § 9.1-101 from acting within the scope of his/her duties.**

**C. Property Search**

The City has the right to search any area on City premises for firearms and/or weapons including, but not limited to, lockers, furniture, containers, drawers, equipment or other facilities, lunch boxes, briefcases, purses, personal bags, personal toolboxes or tool kits, parking lots, City vehicles and other vehicles on City owned or occupied premises. Such searches will be based on a reasonable suspicion that a firearm or weapon will be found (defined as having a specific and objective basis for the search that the person conducting the search could articulate).

**D. Medical/Psychological Evaluations**

When a workplace violence threat has been reported or management determines that a potential for violence exists, management may, but is not required to allow an employee to undergo an assessment to determine the risk of danger. The Richmond Employees' Assistance Program (REAP) will assist agencies by facilitating a referral to an appropriate resource for this assessment. REAP will maintain a network of appropriate professionals trained to conduct a risk assessment.

**E. Limitation on Workers' Compensation Benefits**

If an employee is injured while participating in a fight or after instigating a fight, then entitlement to workers' compensation benefits may be denied, as consistent with Virginia law.



**Administrative Regulations  
Office of the Mayor**

**Title: VIOLENCE IN THE WORKPLACE**

**A.R. Number: 4.13 Effective Date: 2/1/2011 Page: 3 of 11**

**Supersedes: Violence in the Workplace A.R.: 4.13 DATED: 2/1/2007**

**F. Reporting Responsibilities**

All employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, customers, visitors and citizens. Additionally, the City mandates that any employee who feels he or she has been subjected to any disruptive, threatening or violent behavior or has witnessed or learned of such behavior by another employee must report the incident to his or her supervisor, Human Resources or other person of authority immediately. In emergency situations in which serious injury occurs, emergency responders such as Police, Sheriff, Fire, or Ambulance personnel should be immediately notified. Any report of workplace violence is to be handled in a confidential manner, with information released only on a need-to-know basis. Complaints will be fully investigated and, if warranted by the facts, appropriate actions will be taken against the offender, including referral to counseling, criminal prosecution or disciplinary action up to and including termination.

**G. Non-Retaliation**

This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Any employee bringing a complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment, discriminated against or discharged solely on the basis of the complaint.

Furthermore, every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about weapons possession, a threat or an act of violence.

**III. RESPONSIBILITY**

**A. Responsibility of Employees**

1. Complying with safety and security procedures;
2. Report all non-emergency incidents, threats and harassment to supervisor and Human Resources within 24 hours of incident or if incident occurs on Friday after business hours, employee shall report incident on Monday (within 48 hours);
3. Immediately report all emergency situations to emergency responders such as Police, Sheriff, Fire or Ambulance personnel, City Safety Office, supervisor, and Human Resources.

**B. Responsibility of Supervisors**

1. Communicate and distribute this official City policy to all City employees;
2. Immediately notify Appointing Authority, Human Resources and City Safety Office of any workplace violence incidents, including suspicion;
3. Document all workplace violence incidences;
4. Act as a mediator when a threat occurs;
5. Support policy and procedures, both in words and action;
6. Enforce disciplinary action when appropriate;



**Administrative Regulations**

**Office of the Mayor**

**Title: VIOLENCE IN THE WORKPLACE**

**A.R. Number: 4.13 Effective Date: 2/1/2011 Page: 4 of 11**

**Supersedes: Violence in the Workplace A.R.: 4.13 DATED: 2/1/2007**

7. Determine reasonable suspicion; and
8. Develop and implement on-going training and education programs to ensure that all managers, supervisors and employees clearly understand that violence in the workplace will not be tolerated.

**C. Responsibility of Human Resources**

1. Conduct investigation of workplace violence incident;
2. Document all research and correspondence;
3. Report results and findings to the Department supervisor and Appointing Authority;
4. Update and provide oversight to Agencies in the implementation of this policy;
5. Support policy and procedures, both in words and action;
6. Respond promptly and supportively to worker complaints;
7. Provide violence prevention training; and
8. Enforce disciplinary action when appropriate.

**D. Responsibility of the City Safety Office**

1. Respond and investigate in cases of criminal activity;
2. Ensure the future safety of team members; and
3. Coordinate with Human Resources to implement violence prevention training.

**E. Responsibility of Appointing Authorities**

1. Determine appropriate disciplinary action to be taken based on the results and findings of the investigation; and
2. Support policy and procedures, both in words and action.
3. Develop internal procedures as needed for your specific department mission.

**IV. REGULATIONS UPDATE**

The Department of Human Resources, Department of Information Technology (Telecom) and the Office of Risk Management shall be responsible for modifications to this Regulation.

**RECOMMEND APPROVAL:**

*Byron C. Marshall*  
**CHIEF ADMINISTRATIVE OFFICER**

**APPROVED:**

*D. W. Jones*  
**MAYOR**



**Administrative Regulations**  
**Office of the Mayor**  
**Title: VIOLENCE IN THE WORKPLACE**  
**A.R. Number: 4.13 Effective Date: 2/1/2011 Page: 5 of 11**  
**Supersedes: Violence in the Workplace A.R.: 4.13 DATED: 2/1/2007**

**APPENDIX A**  
**VIOLENCE REPORT FORM**

Today's Date: \_\_\_\_\_

Name of the person filing the report \_\_\_\_\_

Name(s) of the victim (for more than six, list on back):

- 1. \_\_\_\_\_ 4. \_\_\_\_\_
- 2. \_\_\_\_\_ 5. \_\_\_\_\_
- 3. \_\_\_\_\_ 6. \_\_\_\_\_

Name of the alleged perpetrator (for more than six, list on back):

- 1. \_\_\_\_\_ 4. \_\_\_\_\_
- 2. \_\_\_\_\_ 5. \_\_\_\_\_
- 3. \_\_\_\_\_ 6. \_\_\_\_\_

Describe in detail what happened:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List the time(s) and date(s) that it occurred:

\_\_\_\_\_  
\_\_\_\_\_

Where did it happen?

\_\_\_\_\_  
\_\_\_\_\_

Was a verbal threat made, either direct, indirect, or hidden? If so, what was said?

\_\_\_\_\_  
\_\_\_\_\_

Was there any physical violence? If so, what happened?

\_\_\_\_\_  
\_\_\_\_\_

Please forward form to: Human Resources  
Attn: Employee Relations Division  
900 East Broad Street, Room 902  
Richmond, VA 23219  
(804) 646-6856 (fax)



**Administrative Regulations**

**Office of the Mayor**

**Title: VIOLENCE IN THE WORKPLACE**

**A.R. Number: 4.13 Effective Date: 2/1/2011 Page: 6 of 11**

**Supersedes: Violence in the Workplace A.R.: 4.13 DATED: 2/1/2007**

**APPENDIX B  
THREATENING CALL PROCEDURES**

The purpose of Appendix B is to define the process by which any employee can report a threatening call. Please check with your supervisor for any additional reporting procedures required by your department.

**I. Procedures**

**A. If you receive a threatening call:**

1. For IP telephones:
  - a. Press the Malicious Call Identification (MCID) button on the first screen of your IP telephone.

This option is on the first screen of your IP telephone.
  - b. You should hear a beep and a message should come on the bottom of your screen as follows:

“MCID successful”
2. For ISDN or analog touch tone telephones:
  - a. Dial \*57 on the same line on which you received the threatening call
  - b. A message will be played back stating the last incoming call has been traced. A phone number will be provided for you to give to Law enforcement to call for the information.

**B. Call 646-5101 (Division of Emergency Communications (DEC) - Non-Emergency Number) to report the incident. Give them the following information:**

1. Name of the person reporting the threatening call
2. Time and date of the call
3. Telephone number receiving the call
4. Address where call was received
5. Specific information about the call

The data will be entered into the CAD system, and referred to the Richmond Police Department's "Differential Police Response (DPR)". A Police Employee will call the victim within 45 minutes to compile a report and provide the victim with a Police Report Number.

**C. Notify the City of Richmond's Risk Management Office at 804-646-5604 and Department of Human Resources at 804-646-7050.**

**II. Responsibility**

It shall be the responsibility of the Appointing Authority of the reporting Agency to determine if they intend to proceed on the complaint, and to pursue any legal action(s) required.

If a suspect(s) can be identified, the information will be provided to the Reporting Party, and the Victim and/or the Agency's representative may elect to report to the Magistrate's Office, located at Police Headquarters (200 W. Grace Street) to obtain an arrest warrant(s).



**Administrative Regulations**

**Office of the Mayor**

**Title: VIOLENCE IN THE WORKPLACE**

**A.R. Number: 4.13 Effective Date: 2/1/2011 Page: 7 of 11**

**Supersedes: Violence in the Workplace A.R.: 4.13 DATED: 2/1/2007**

**APPENDIX B (continuation)**

**III. Definitions**

COR – City of Richmond

DIT – Department of Information Technology

DEC – Division of Emergency Communications

DPR – Differential Police Response

**Harassing calls** – The laws of the State of Virginia provide that, “any person who, without intent to converse but with intent to annoy any other person, causes any telephone not his own to ring, and any person who permits or condones the use of any telephone under his control for such purposes shall be guilty of a class 3 misdemeanor.

**Threatening or Profane Calls** - The laws of the State of Virginia further provides that, “ if any person shall use obscene, vulgar, profane, lewd, lascivious or indecent language, or make any suggestions or proposal of an obscene nature or threaten any illegal or immoral act with the intent to coerce, intimidate, or harass any person over any telephone in this State, he shall be guilty of a Class 1 misdemeanor.

**Erroneous Information Calls** - State law also provides that, “ if any person maliciously advises or informs another over any telephone in this State of the death or, accident to, injury to, illness of, or disappearance of some third party, knowing the same to be false, he shall be guilty of a Class 1 misdemeanor”.

**§ 18.2-429. Causing telephone to ring with intent to annoy.**

Any person who, with or without intent to communicate but with intent to annoy any other person, causes any telephone or digital pager, not his own, to ring or to otherwise signal, and any person who permits or condones the use of any telephone under his control for such purpose shall be guilty of a Class 3 misdemeanor. \*

**§ 18.2-427. Use of profane, threatening or indecent language over public airways.**

If any person shall use obscene, vulgar, profane, lewd, lascivious, or indecent language, or make any suggestion or proposal of an obscene nature, or threaten any illegal or immoral act with the intent to coerce, intimidate, or harass any person, over any telephone or citizens band radio, in this Commonwealth, he shall be guilty of a Class 1 misdemeanor. \*\*



**Administrative Regulations**

**Office of the Mayor**

**Title: VIOLENCE IN THE WORKPLACE**

**A.R. Number: 4.13 Effective Date: 2/1/2011 Page: 8 of 11**

**Supersedes: Violence in the Workplace A.R.: 4.13 DATED: 2/1/2007**

**§ 18.2-428. Giving certain false information to another by telephone.**

If any person maliciously advises or informs another over any telephone in this Commonwealth of the death of, accident to, injury to, illness of, or disappearance of some third party, knowing the same to be false, he shall be guilty of a Class 1 misdemeanor. \*\*

**Notes:**

\* A Class 3 misdemeanor is only punishable by a fine, not to exceed \$500.00

\*\* A Class 1 misdemeanor is punishable by a jail sentence of not more than 12 months, and/or a fine not to exceed \$2,500.00.



**Administrative Regulations**  
**Office of the Mayor**  
**Title: VIOLENCE IN THE WORKPLACE**  
**A.R. Number: 4.13 Effective Date: 2/1/2011 Page: 9 of 11**  
**Supersedes: Violence in the Workplace A.R.: 4.13 DATED: 2/1/2007**

**APPENDIX C**  
**THREATENING CALL REPORT FORM**

Today's Date: \_\_\_\_\_

Name of Person reporting the threatening call: \_\_\_\_\_

Time and date of call: \_\_\_\_\_

Telephone number receiving the call: \_\_\_\_\_

Address where call was received: \_\_\_\_\_

Specific information about the call:  
(Was a verbal threat made, either direct, indirect, or hidden? If so, what was said?)

**Caller's Exact Words:**

Male \_\_\_\_\_ Female \_\_\_\_\_

**Try to estimate the following while speaking to the caller:**

Adult \_\_\_\_\_ Teen \_\_\_\_\_ Child \_\_\_\_\_ Approx. Age. \_\_\_\_\_

**Circle any and all characteristics that apply to the caller:**

**Voice:**

Loud

Highly pitched

Raspy

Soft

Deep

Pleasant

Monotone





**Administrative Regulations**  
**Office of the Mayor**  
**Title: VIOLENCE IN THE WORKPLACE**  
**A.R. Number: 4.13 Effective Date: 2/1/2011 Page: 10 of 11**  
**Supersedes: Violence in the Workplace A.R.: 4.13 DATED: 2/1/2007**

**APPENDIX C (continued)**

**Speech:**

Fast

Distinct

Stutter

Slurred

Slow

Distorted

Nasal

Lisp

**Accent:**

Local

Foreign

**Word Choice:**

Average

Poor

Foul

Other \_\_\_\_\_

**Manner:**

Calm

Rational

Coherent

Deliberate

Angry

Irrational

Incoherent

Laughing

Crying



**Administrative Regulations**  
**Office of the Mayor**  
**Title: VIOLENCE IN THE WORKPLACE**  
**A.R. Number: 4.13 Effective Date: 2/1/2011 Page: 11 of 11**  
**Supersedes: Violence in the Workplace A.R.: 4.13 DATED: 2/1/2007**  
**APPENDIX C (continued)**

**Background Noise:**

Talking

Laughing

Music (describe- \_\_\_\_\_)

Machinery

Typing

Traffic

Trains

Quiet

---

---

---

---

Please forward this form to:

Human Resources  
Attn: Employee Relations Division  
900 East Broad Street, Room 902  
Richmond, VA 23219  
(804) 646-6856 (fax)



**Administrative Regulations  
Office of the Mayor**

**Title:** BACKGROUND INVESTIGATIONS POLICY

**A.R. Number:** 4.14 **Effective Date:** 5/15/2023 Page 1 of 5

**Supersedes:** BACKGROUND INVESTIGATIONS **A.R.:** 4.14 **DATED:** 3/26/2021

**I. PURPOSE**

Background investigations ensure that applicants seeking employment with the City of Richmond do not pose a threat to themselves, other employees, or the public. For new hires and certain positions, the city conducts background investigations on candidates for employment.

This policy does not replace or control background investigation procedures already in effect for agencies/departments which have background check requirements that exceed the requirements of this policy or that may otherwise be required by law.

**II. POLICY**

The city complies with all state and federal laws and the Department of Human Resources (HR) shall provide specific Standard Operating Procedures (SOPs) relating to background investigations including, but not limited to:

1. Employment verifications, professional references, licensing and educational verifications, credit history, child abuse and sex offender registry checks, commercial (CDL) and other driver's licenses record verifications, criminal records search, and other pre-employment verifications required by the U.S. Department of Transportation (DOT) for those to be employed in positions under the Federal Motor Carrier Safety Administration (FMCSA) and the Pipeline & Hazardous Material Safety Administration (PHMSA).
2. Criminal conviction records and consumer credit reports shall be considered only as one aspect of the total assessment process except when the position, because of the nature of the work to be performed, must be limited to persons who have no past criminal records or have not been convicted of any related crime.
3. Background credit history reports through a consumer reporting agency, must comply with the Fair Credit Reporting Act (FCRA) of 1996.
4. The city is prohibited from requiring an applicant to disclose information concerning any arrests, criminal charges, or convictions related to now legalized marijuana offenses.
5. The city will not ask a question inquiring whether the applicant has ever been charged with, convicted, or arrested of any crime unless the inquiry takes place during or after a staff

**Administrative Regulations  
Office of the Mayor**



interview of the prospective employee. This clause does not apply for positions related to law enforcement agencies.

**Title:** BACKGROUND INVESTIGATIONS POLICY

**A.R. Number:** 4.14 **Effective Date:** 5/15/2023 Page 2 of 5

**Supersedes:** BACKGROUND INVESTIGATIONS **A.R.:** 4.14 **DATED:** 3/26/2021

Criminal background investigations will not be conducted on youth participants in the Mayor's Youth Academy Programs.

**A. Mandatory background investigations**

The following checks shall be required for new hire finalists identified in the selection and placement process for all departments that report to the Chief Administrative Officer and City Council, in addition to other departments that utilize the City's recruitment services:

1. Criminal history record checks.
2. Motor and/or CDL vehicle checks for those driving a city vehicle or requiring a CDL.
3. Pre-employment verifications for FMCSA positions for previous DOT covered employment within the last three (3) years with the completion of the *Safety Performance History Records Request* form.
4. Pre-employment inquiries for PHMSA positions to comply with all required DOT substance abuse regulations with completion of the *PHMSA Release of Information Form 49 CFR Part 40 Drug and Alcohol Testing*.

Employees who are promoted, reassigned, or transferred to certain positions may be subject to additional background investigations after initial hire.

**B. Child Protective Registry (CPS) and Sex Offender Registry checks**

The applicant may be subject to CPS and Sex Offender Registry checks when the position involves the performance of duties in the following categories:

1. Access (supervised or unsupervised) to children, the elderly, or disabled persons.
2. Homes for adults, licensed district homes for adults, and licensed adult daycare centers.
3. Residential facilities for juveniles regulated or operated by the Department of Justice Services and/or the Virginia Department of Juvenile Justice Services.

**Administrative Regulations  
Office of the Mayor**



**Title:** BACKGROUND INVESTIGATIONS POLICY

**A.R. Number:** 4.14 **Effective Date:** 5/15/2023 Page 3 of 5

**Supersedes:** BACKGROUND INVESTIGATIONS **A.R.:** 4.14 **DATED:** 3/26/2021

**C. Additional background checks**

Each agency/department has the discretion to conduct additional background investigations that are deemed job-related or required by law. All departments shall be responsible for the individual costs of the background check report(s).

- D. Employees are required to inform their appointing authority/department head of changes that impact their background check status. Failure to do so may result in disciplinary action.

**III. PROCEDURE**

All employment offer letters may include the notation that the offer is contingent upon the successful completion of those necessary pre-employment checks as it relates to the specific position. The criminal records check, and other required checks shall occur once the selected applicant has accepted the contingent offer for the position.

HR shall receive all background investigation reports. It is HR's duty to determine eligibility for hire based on all the information obtained in the application and pre-employment process. The assigned departmental HR representative will be notified of the employment eligibility determination.

**A. Criminal Background Check**

Each applicant offered contingent employment shall be required to submit to fingerprinting and to execute a completed Release of Information form to be forwarded through the Virginia State Police/Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such applicant. An applicant's failure to submit a completed form or complete all information truthfully shall result in the applicant being ineligible for employment.

**B. Credit History Check**

The applicant must complete an Applicant Release and Authorization form when a credit history report is required authorizing the city to obtain a consumer report for employment purposes.

All background investigation information shall be maintained in accordance with applicable retention laws and with the strictest level of confidentiality. The assigned departmental HR representative and

**Administrative Regulations  
Office of the Mayor**



management shall not be provided with copies of the background investigation unless needed to support a grievance or legal action.

**Title:** BACKGROUND INVESTIGATIONS POLICY

**A.R. Number:** 4.14 **Effective Date:** 5/15/2023 Page 4 of 5

**Supersedes:** BACKGROUND INVESTIGATIONS **A.R.:** 4.14 **DATED:** 3/26/2021

#### **IV. RESPONSIBILITY**

**Department of Human Resources (HR)** – HR is responsible for oversight and administration of this policy. HR is the central repository for all personnel files and information. HR shall make available all necessary procedures and forms to departments and employees and provide guidance when questions arise.

**Appointing Authority / Department Head** – Appointing authority/department head or designee is responsible for conducting applicable background investigations that exceed the requirements of this policy, and for informing HR of any and all background investigation information for all employees.

**Employee** – Employees are responsible for abiding by the requirements and processes of this policy. Employees are responsible of notifying the employer of changes that impact their background check status. Failure to do so may result in disciplinary action.

#### **V. DEFINITIONS**

**Applicants** - Individuals applying for employment directly with the city, through a temporary employment agency or through the job-readiness program with the Office of Community Wealth Building. Volunteers, unpaid interns, and current employees who apply to a position resulting in a lateral transfer or promotion are also considered as applicants for the purpose of this policy.

**Child Care Services** – Child protective services (including the investigation of child abuse and neglect reports), social services, health and mental health care, child (day) care, education (whether or not directly involved in teaching), foster care, residential care, recreational or rehabilitative programs, and detention, correctional, or treatment services. (42 U.S.C. §13041 (a) (2))

**Consumer Reporting Agency** – Any person or entity, which for fees, dues, or on a cooperative nonprofit basis, regularly assembles or evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. (15 U.S.C. §1681 a (f))

**Administrative Regulations  
Office of the Mayor**



**Title:** BACKGROUND INVESTIGATIONS POLICY  
**A.R. Number:** 4.14 **Effective Date:** 5/15/2023 **Page 5 of 5**  
**Supersedes:** BACKGROUND INVESTIGATIONS **A.R.:** 4.14 **DATED:** 3/26/2021

**VII. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

  
CHIEF ADMINISTRATIVE OFFICER

  
MAYOR



## **Administrative Regulations Office of the Mayor**

**Title:** LEAVE STATUS PENDING DISCIPLINARY REVIEW AND/OR INVESTIGATION

**A.R. Number:** 4.15 **Effective Date:** 2/1/2007 **Page:** 1 of 1

**Supersedes:** Leave Status Pending Disciplinary Review and/or Investigation **A.R.:** 4.14 **DATED:** 8/3/2006

### **I. POLICY**

It is the policy of the City of Richmond to address the behavior problems of employees when the unacceptable behavior violates a City Rule, Policy, Regulation, Ordinance, or Law; or when the behavior disrupts, or adversely affects the conduct of City business. This policy addresses the employee status pending a disciplinary review and/or investigation.

### **II. PROCEDURE**

Pending the resolution of a disciplinary review, the Appointing Authority shall place the employee on leave without pay if:

1. The employee's presence is determined to be a threat to the City, his supervisor or fellow employees.
2. The employee is alleged to be in violation of the City's Substance Abuse Policy.
3. There are allegations of workplace violence or unlawful harassment.
4. There are allegations of theft, fraud, or embezzlement of City property or services (this shall include property leased to the City or otherwise in the possession of the City.)
5. The employee is charged with a misdemeanor or felony involving possession of marijuana or any controlled substance.

Notwithstanding the aforementioned categories, nothing herein shall limit an Appointing Authority's discretion to place any employee on leave without pay pending disciplinary actions. However, if the behavior of the employee does not fall in one of the aforementioned categories the Appointing Authority at his discretion may place the employee on leave with pay or allow the employee to remain in his or a modified position. The approval of the Director of Human Resources is required for leave with pay exceeding ten (10) working days (Personnel Rule 6.11).

As required by the Fair Labor Standards Act, non-exempt employees shall be suspended in hourly increments. Exempt employees shall be suspended in weekly increments; however, if the behavior of an exempt employee falls into one of the aforementioned categories, the exempt employee shall be suspended in increments of a full work day.

### **III. RESPONSIBILITY**

It is the responsibility of each Department/Agency Director to ensure that each employee is aware of, and understands the content and effect of this policy. Particular attention should be given to communicating all aspects of this policy to new and prospective employees.

### **IV. REGULATION UPDATE**

The Office of the Mayor and the Department of Human Resources shall be responsible for modifications to this Policy.

**APPROVED:**

**MAYOR**





**Administrative Regulations  
Office of the Mayor**

**Title: VOLUNTEER WORKER APPLICANT PROCESS  
A.R. Number: 4.16 Effective Date: 11/1/2007 Page: 1 of 3  
Supersedes: N/A A.R.: N/A DATED: N/A**

**I. PURPOSE**

The purpose of this administrative regulation is to provide overall guidance and direction to employees engaged in management activities or providing direct or indirect services on the use of volunteer workers in City departments or agencies. This policy also informs volunteers about their responsibilities and expectations while occupying positions of trust in local government.

The volunteer program is designed to provide opportunities for individuals to become involved in City efforts and to assist citizens with various services and needs. The desired result is the proper use and deployment of volunteer workers assisting employees in providing excellent customer services.

**II. PROCEDURE**

**A. General Procedures**

Departments and agencies are encouraged to embrace and operate a volunteer program that includes, but is not limited to, the following procedures:

1. Departments or agencies will submit to the Department of Human Resources (DHR) a volunteer position description including a position title, length of the assignment and other relevant information.
2. The Appointing Authority will designate a City employee as Coordinator of Volunteer Services to coordinate, manage and monitor the Volunteer Program.
3. Prepare and maintain signed statements of understanding from volunteer workers agreeing to abide by all relevant City policies, regulations and procedures including those pertinent to the security and non-disclosure of confidential information contained in governmental and citizen records.
4. Develop procedures for ensuring accurate volunteer worker identification and building access and security information.
5. Develop procedures for the appropriate licensure and/or certification of volunteer workers to perform certain professional services, as needed.

**B. Volunteer Worker Eligibility Criteria**

1. Any person who is at least 18 years of age, without regard to race, color, creed, age, religion, sex, national or ethnic origin, veteran status, or physical or mental disability, with or without accommodation, may apply as a volunteer with the City of Richmond.
2. An applicant must be a citizen of the United States of America (USA) or have obtained a permanent visa for residence in the USA.
3. Individuals who are age 13 or older may be authorized to volunteer in certain situations. Pre-approval by the Director of Human Resources is required prior to considering any volunteer under the age of 18.
4. Criminal conviction records and consumer credit reports shall be considered only as one aspect of the total assessment process except when the position, because of the nature of the work to be performed, must be limited to persons who have no past criminal records or have not been convicted of any related crime.
5. The Volunteer workers shall be subject to the same guidelines as City employees as it relates to City policies, regulations and departmental directives relating to substance abuse in the City's Administrative Regulation # 4053-Substance Abuse.

**C. Volunteer Worker Status**

1. Volunteer workers shall work in a temporary, unclassified, and unpaid status.
2. Volunteer workers should not assume supervisory responsibilities and duties.
3. The Volunteer Protection Act of 1997 may be applicable to this regulation.



**Administrative Regulations  
Office of the Mayor**

**Title: VOLUNTEER WORKER APPLICANT PROCESS  
A.R. Number: 4.16 Effective Date: 11/1/2007 Page: 2 of 3  
Supersedes: N/A A.R.: N/A DATED: N/A**

4. Volunteer workers may perform professional services only when they possess the proper credentials. Evidence of licensure or certification is required prior to job placement, as appropriate.

### **III. COORDINATION OF VOLUNTEER SERVICES**

#### **A. Designation of Coordinator of Volunteer Services**

The department or agency Volunteer Coordinator will bear full responsibility for maintaining communication with the Department of Human Resources (DHR) and ensuring compliance with all City policies, regulations and departmental directives.

#### **B. Recruitment and Volunteer Applicant Selection Process**

Once a department or agency identifies a need for volunteer workers to perform specific functions, the following recruitment steps should be followed:

1. If a volunteer is not already identified for the position, a request can be made to place an advertisement on the City's website. This advertisement will appear in a separate category for Volunteer Positions Only.
2. An applicant must submit a completed volunteer application.
3. Once a candidate of choice has been selected for the position, the department or agency will notify the candidate in writing of their contingent placement in a temporary and unpaid status based on the results of a pre-placement alcohol and substance detection tests, reference and background check, as appropriate.
4. The Volunteer employment offer shall be subject to the same guidelines as City employees as it relates to City policies, regulations and departmental directives relating to Background Investigations in the City's Administrative Regulation # 4.14 and Substance Abuse- Administrative Regulation # 4053.
5. A copy of the letter from the Appointing Authority confirming a candidate's selection and placement shall be submitted to DHR within 5 business days from the official start date.

#### **C. Use of City Employees as Volunteer Workers**

City of Richmond employees are permitted to apply for volunteer service position(s) provided the request is outside the scope of normal paid duties and outside of their regularly scheduled working hours. Each City employee is expected to follow the City's Administrative Regulation as it pertains to Outside Employment. The employee shall obtain supervisory approval prior to beginning any volunteer service.

#### **D. Family Members as Volunteer Workers**

Family members of City of Richmond employees are allowed to volunteer.

#### **E. City Vehicles and Other Equipment**

1. Usage of City Vehicles
  - a. The Volunteer workers shall be subject to the same guidelines as City employees as it relates to City policies, regulations and departmental directives relating to the usage of city vehicles in the City's Administrative Regulation # 6.2- Motor Pool and City Vehicle Usage.
2. Authorization to Drive a City Vehicle
  - a. Before being authorized to drive a City vehicle, the agency's Volunteer Coordinator shall obtain a copy of the Volunteer's DMV driving record.



**Administrative Regulations**

**Office of the Mayor**

**Title: VOLUNTEER WORKER APPLICANT PROCESS**

**A.R. Number: 4.16 Effective Date: 11/1/2007 Page: 3 of 3**

**Supersedes: N/A A.R.: N/A DATED: N/A**

- b. If the DMV driving record is deemed inappropriate, the Volunteer Coordinator shall inform the volunteer that they do not meet the criteria for the specific task because of their DMV record.
- c. Prior to using a City vehicle, agency employees shall obtain authorization from their agency's authorizing representative.
- d. Authorized users shall have in their possession a valid Commonwealth of Virginia Vehicle Operators License and valid Authorized Vehicle Operator card issued by the City of Richmond Risk Management.
- e. Each agency must have on file in the Fleet Management Motor Pool Office the name(s) and telephone number(s) of the individual(s) authorized to grant motor pool vehicle use. Agencies are responsible for advising Fleet Management ASAP of changes to the authorization list.

**3. Use of Personal Vehicles**

Volunteer workers will not be covered by the City's automobile liability insurance in the event they use their personal vehicles in the performance of work assignments. Volunteers shall not transport clients, volunteers or employees in their personal vehicles during hours of work.

**4. Volunteer Use of Electronic Media, Telephones, Wireless Communication Devices and Other Equipment/Services**

Volunteers may be granted access to the City's electronic media, telephones and other equipment. The Department of Information Technology's (DIT) standards and applicable administrative regulations shall govern the granting of access codes and passwords to volunteers to logon to electronic media systems (Internet and Intranet), computers, telephones and wireless communication devices. Violation of these standards and regulations could result in the revocation of such privileges as well as more stringent action up to and including separation.

- a. The Volunteer workers shall be subject to the same guidelines as City employees as it relates to City policies, regulations and departmental directives relating to the use of electronic media, telephones, wireless communications and other equipment in the City Administrative Regulation # 2.5- Electronic Media Systems, # 2.1-Telecommunication Services and # 2.2- Wireless Communications Devices Usage.

**IV. REGULATION UPDATE**

The Office of the Mayor and the Department of Human Resources shall be responsible for modifications to this regulation.

**APPROVED:**

Handwritten signature of L. Douglas Wilkin in cursive.

**MAYOR**



**Administrative Regulations  
Office of the Mayor**

**Title: AMERICANS DISABILITY ACT (ADA) –TITLE II**

**A.R. 4.17 Number: Effective Date: 10/1/2008 Page: 1 of 6**

**Supersedes: N/A A.R.: N/A DATED: N/A**

**I. PURPOSE**

In accordance with the requirements of Title II of the Americans with Disabilities Act (“ADA”), the City of Richmond will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**II. POLICY**

**Effective Communication:** The City of Richmond will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City of Richmond programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The City of Richmond will make all reasonable accommodations/modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Richmond, should contact the Department of Human Resources ADA Coordinator at (804) 646-7050 as soon as possible, but no later than 48 hours before the scheduled event.

The ADA does not require the City of Richmond to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Any complaints that a program, service, or activity of the City of Richmond is not accessible to persons with disabilities should be directed to the Department of Human Resources ADA Coordinator at (804) 646-7050. The City of Richmond will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy. This may include retrieving items from locations that are open to the public, but are not accessible to persons who use wheelchairs.

**III. REASONABLE ACCOMMODATION PROCEDURES**

Title II of the Americans with Disabilities Act requires public entities to make reasonable modifications to existing policies, practices and procedures to avoid discrimination on the basis of disability, unless to do so would fundamentally alter the nature of the program, service or activity in question.

The policy of the City of Richmond is to reasonably accommodate individuals with disabilities. Applicants must follow these steps to request a reasonable accommodation:



## **Administrative Regulations Office of the Mayor**

**Title: AMERICANS DISABILITY ACT –TITLE II**

**A.R. Number: 4.17 Effective Date: 10/1/2008 Page: 2 of 6**

**Supersedes: N/A A.R.: N/A DATED: N/A**

**STEP 1:** Obtain a copy of the City of Richmond’s **REQUEST FOR REASONABLE ACCOMMODATION** form (Attachment A). Copies of the form are available online at <http://www.richmondgov.com/forms> or free of charge from 900 East Broad Street, 9<sup>th</sup> floor -Room 902, Richmond, VA 23219, or by contacting the Department of Human Resources ADA Coordinator at (804) 646-7050. Alternative means of requesting reasonable accommodation, such as personal interviews, will be made available for persons with disabilities upon request.

**STEP 2:** Complete the **REQUEST FOR REASONABLE ACCOMMODATION** form. If you need assistance filling out the form the City of Richmond will assist you or you may ask someone else to assist you. All of the information must be provided before the City of Richmond will begin to process the request. The City of Richmond may ask for additional information to process the request, including, in some instances, that the disabled individual, or the information provided, be examined, tested, or reviewed by experts at the City of Richmond’s expense. Failure or refusal to provide the City of Richmond with all of the information necessary to determine your eligibility for accommodation is grounds for denying the request. Any questions or requests for assistance with the procedure or grievances should be directed to the Department of Human Resources ADA Coordinator at (804) 646-7050.

**STEP 3:** Submit the **REQUEST FOR REASONABLE ACCOMMODATION** form with the Department of Human Resources, ADA Coordinator, 900 East Broad Street, 9<sup>th</sup> floor -Room 902, Richmond, VA 23219. Private information disclosed in the request will be kept confidential to the extent as required by law, but state and/or federal law may permit or require the City of Richmond to disclose or use the information in City conducted public hearings regarding the request, in court or administrative proceedings, by court order and in other circumstances.

### **VI. ADA GRIEVANCE PROCEDURE**

This Grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provisions of services, activities, programs or benefits by the City of Richmond. Please be advised that the City of Richmond’s Personnel Rules and Administrative Regulations govern employment-related complaints of disability discrimination.

**STEP 1:** Obtain a copy of the City of Richmond’s **ADA DISCRIMINATION COMPLAINT** form (Attachment B). Copies of the form are available online at <http://www.richmondgov.com/forms> or by contacting the Department of Human Resources ADA Coordinator at (804) 646-7050. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

**STEP 2:** The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to the Department of Human Resources, ADA Coordinator, 900 East Broad Street, 9<sup>th</sup> floor -Room 902, Richmond, VA 23219.

**STEP 3:** Within 15 calendar days after receipt of the complaint, the ADA coordinator or his/her designee will meet with the complainant and/or respond in writing and where appropriate, in a format accessible to the complaint, such as print, Braille, or audiotape. The response will explain the position of the City of Richmond and offer options for substantive resolution of the complaint.

**STEP 4:** If the response by the ADA coordinator or designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Chief Administrative Officer or his/her designee. Within a reasonable time, the Chief Administrative Officer or his/her designee will meet with the complaint and/or respond in writing and where appropriate, in a format accessible to the complaint, such as print, Braille, or audiotape. The response will explain the position of the City of Richmond and discuss possible resolutions if appropriate.



## **Administrative Regulations**

### **Office of the Mayor**

**Title: AMERICANS DISABILITY ACT –TITLE II**

**A.R. Number: 4.17 Effective Date: 10/1/2008 Page: 3 of 6**

**Supersedes: N/A A.R.: N/A DATED: N/A**

All written complaints received by the ADA coordinator or his/her designee, appeals to the Chief Administrative Officer or his/her designee, and responses will be retained by the City of Richmond for at least three years.

### **III. REGULATION UPDATE**

The Office of the Mayor, Department of Human Resources and the City Attorney's Office shall be responsible for modifications to this Policy.

**APPROVED:**

---

**MAYOR**



**Administrative Regulations  
Office of the Mayor**

**Title: AMERICANS DISABILITY ACT –TITLE II  
A.R. Number: Effective Date: 10/1/2008 Page: 4 of 6  
Supersedes: N/A A.R.: N/A DATED: N/A**

**Attachment A**

**City of Richmond**

**Title II of the Americans with Disabilities Act Section 504 of the Rehabilitation Act of 1973  
Request for Reasonable Accommodation**

**Section 1**

**Person Requesting Accommodation:**

**Street Address:**

**City, State and Zip:**

**Home Telephone:**

**Business Telephone:**

**Person completing form (If other than the concerned):**

**Street Address:**

**City, State and Zip:**

**Home Telephone:**

**Business Telephone:**

**Section 2**

**Accommodation Requested.** *(Be as specific as possible, e.g., adaptive equipment, reader, interpreter)*

**Section 3**

**Reason for Request.** *(If accommodation is time sensitive, please explain)*

**Signature:**

**Date:**

Submit the REQUEST FOR REASONABLE ACCOMMODATION form with the Department of Human Resources, ADA Coordinator, 900 East Broad Street, 9<sup>th</sup> floor -Room 902, Richmond, VA 23219



**Administrative Regulations  
Office of the Mayor**

**Title: AMERICANS DISABILITY ACT –TITLE II  
A.R. Number: Effective Date: 10/1/2008 Page: 5 of 6  
Supersedes: N/A A.R.: N/A DATED: N/A**

**Attachment B**

**Title II of the Americans with Disabilities Act Section 504 of the Rehabilitation Act of 1973  
ADA Discrimination Complaint Form**

**Name of Complainant:**

**Street Address:**

**City, State and Zip:**

**Home Telephone:**

**Business Telephone:**

**Person completing form (if other than the complainant):**

**Street Address:**

**City, State and Zip:**

**Home Telephone:**

**Business Telephone:**

**City Agency or Department which you believe has discriminated**

**Name:**

**Street Address:**

**City, State and Zip:**

**Have efforts been made to resolve this complaint with the Agency or Department?**

**Yes  No**

**Not Applicable**

**If yes, what is the outcome?**

**Has the complaint been filed with any other Federal, State or local civil rights agency or court?**

**Yes  No**

**Not Applicable**

**If yes, which Agency or Court:**

**Contact Person:**







## Administrative Regulations

### Office of the Mayor

Title: RETURN-TO-DUTY PROGRAM (RTD)

A.R. Number: 4.18 Effective Date: 02/21/2017 Page: 1 of 6

Supersedes: N/A A.R.: N/A DATED: N/A

#### I. PURPOSE

The City of Richmond strives to ensure a safe and healthy workplace for employees, reduce the incidence of accidents and illnesses, and assist employees in returning to work from injuries. The goal of this Return-to-Duty (RTD) Program is to utilize the City's resources in the most effective manner to return employees who have a **medically documented job-related illness/injury** as defined by the Virginia Worker's Compensation Act to the workforce as soon as medically feasible.

This RTD program is intended to operate in conjunction and in coordination with the Americans with Disabilities Act (ADA), the ADA Amendments Act (ADAAA), the Family & Medical Leave Act (FMLA), the Occupational Safety & Health Act (OSHA), and the Virginia Workers' Compensation Act. This policy will not affect the already existing General Order 4-7 (Restricted Duty Assignment) or PPG#145 (Transitional Duty).

#### II. POLICY

This policy applies to those employees recovering from a medically documented injury sustained on the job. If such an illness/injury precludes the employee from performing their regularly assigned duties, the City's Medical Review Officer, in collaboration with Risk Management and the Appointing Authority, will make an effort to return the employee to work in a transitional assignment. Transitional work assignments shall be consistent with the employee's physical and mental capabilities during the recuperation period as determined by the employee's treating worker's compensation panel physician in conjunction with the City's Medical Review Officer.

#### III. PROCEDURE

In accordance with the Virginia Workers' Compensation Act, the City is obligated to provide medical treatment to an employee who suffers a work-related injury/illness. In a life-threatening injury/illness situation, the employee should be transported to the nearest hospital/treatment facility and, once the injury/illness has stabilized, referred to the City's Panel of Physicians. If the injury/illness is not considered to be life-threatening, the employee should be referred directly to the City's Panel of Physicians. A physician in the panel group becomes the employee's treating physician under the Virginia Workers' Compensation Act.

##### A. The employee's treating worker's compensation Panel Physician shall:

1. Conduct an examination of the work-related injury/illness,
2. Report medical results.
3. Make a determination regarding the employee's ability to immediately return to regular duty.

If the treating physician does not immediately release the employee to regular duty, the employee may not return to duty that day.



## Administrative Regulations

### Office of the Mayor

Title: RETURN-TO-DUTY PROGRAM (RTD)

A.R. Number: 4.18 Effective Date: 02/21/2017 Page: 2 of 6

Supersedes: N/A A.R.: N/A DATED: N/A

B. The supervisor must complete the following forms within the timeframes designated below:

- **Panel of Physicians Form** - This form should be given to the employee upon notification of the injury so the employee can select the treating Primary Care Physician if medical care is needed and if they have indicated their willingness to be treated by the designated Panel Physicians. The form requires the employee to sign and date it and the supervisor to indicate his/her name. If, due to the emergency nature of the injury/illness the form cannot be completed right away, it should be completed as soon as practicable.

If the individual indicates that “medical treatment is not desired at this time”, that does not mean that she/he cannot receive medical treatment at a later date if the injury has been reported properly; however, it is prudent that the employee be examined by a Panel Physician if there is discomfort/chance of injury. A copy of this form should be provided within 24 hours of the injury to the HR Liaison in the department. The HR Liaison should submit this form, as well as the below-referenced two (2) other forms to the City Safety Officer or the Departmental/City Safety Officer.

- **Employer’s Accident Report Form** - This is a Commonwealth of Virginia-required form which should be completed submitted promptly (no later than 24 hours after the injury) to the Department HR Liaison who will submit the form to the City’s Occupational Safety & Health Officer or the Departmental Safety Officer. Note: There is information related to hire date, date in position, and salary so, after initial completion by the supervisor, it should be submitted by the supervisor to the HR Liaison for form completion and submission to the Departmental or City Safety Officer.
- **Supervisor’s Report of Employee Injury/Illness Form** - This form must be completed by the supervisor and submitted within 24 hours of the injury/illness to the Department HR Liaison who will submit it to the City or Departmental Safety Officer.

#### IV. TRANSITIONAL TEMPORARY WORK ASSIGNMENT

Transitional employment is a process by which employees recovering from a medically documented illness/injury sustained on the job are brought back to work as quickly as possible in temporary assignments. In the transitional employment process, a Transitional Employment Plan (TEP) is created using input from the employee and a Transitional Employment Team (TET), a group comprised of the employee’s immediate supervisor, the Department HR Liaison, the City’s Occupational Safety Officer or the Department’s Safety Officer, and the City’s Medical Review Officer.

A. Transitional Temporary Work Assignment Plan

The supervisor and/or the Third Party Administrator/Risk Management are accountable for notifying the Department HR Liaison should it become likely the employee will need transitional employment. Once an employee has missed a pay cycle from work, the Department HR Liaison will convene the Transitional Employment Team to begin work on a Transitional Employment Plan (form attached) for the employee. Transitional employment may continue for a period of time determined necessary and appropriate by the Transitional Employment Team.



## **Administrative Regulations**

### **Office of the Mayor**

**Title:** RETURN-TO-DUTY PROGRAM (RTD)

**A.R. Number:** 4.18 **Effective Date:** 02/21/2017 **Page:** 3 of 6

**Supersedes:** N/A **A.R.:** N/A **DATED:** N/A

- 1. The Transitional Temporary Work Assignment Employment Plan must include the following:**
  - a. Specific responsibilities, duties, and tasks to be performed in the transitional assignment;
  - b. Start and end dates of transitional assignment;
  - c. A timeline with dates for reviewing the Transitional Employment Plan and the employee's performance in the transitional assignment, and
  - d. Signatures of both the supervisor and employee.
  
- 2. Responsibilities, duties, and tasks included in the Transitional Temporary Work Assignment Plan:**
  - a. Must be consistent with the employee's physical and mental capabilities during the recuperation period and of value to the Department.
  - b. Should be similar to the employee's regular work and within the same functional unit. If this is not feasible, the Transitional Temporary Work Assignment Plan may include alternatives responsibilities, duties, and tasks that: Focus on the employee's unique skills and abilities;
    - i. Expand the employee's knowledge of aspects of his/her regular job;
    - ii. Allow the employee to share skills through teaming with other employees;
    - iii. Add value to services normally provided by the Department; and
    - iv. Are in accordance with the employee's medical restrictions.
  
- 3. Monitoring Transitional Temporary Work Assignment Plans**
  - a. The Transitional Employment Team shall:
    - i. Meet periodically as the employee's medical condition changes to review the Transitional Temporary Work Assignment Plan;
    - ii. Revise the Transitional Temporary Work Assignment Plan as necessary to include duties that expedite the employee's transition to his/her regular position, and/or reflect improvement in the employee's capacities, as documented by the treating physician;
    - iii. Contact the Department HR Liaison/Third Party Administrator to discuss next steps if:
      - 1) The treating physician indicates the employee has achieved *maximum medical improvement* (MMI) before the end of the Transitional Employment Plan, or
      - 2) The employee is unable to resume the duties of his/her position at the end of the Transitional Temporary Work Assignment Plan.
  - b. Supervisors must maintain a Transitional Temporary Work Assignment Plan Tracking Form (attached) documenting the employee's performance under the Transitional Temporary Work Assignment Plan.



## Office of the Mayor

Title: RETURN-TO-DUTY PROGRAM (RTD)

A.R. Number: 4.18 Effective Date: 02/21/2017 Page: 4 of 6

Supersedes: N/A A.R.: N/A DATED: N/A

### V. RESPONSIBILITIES

#### A. Supervisor:

1. Ensure that employees work in a safe environment. If a work-related accident or injury occurs, ensure the safety and well-being of the employee by making sure he/she gets prompt and proper medical care. Contact 911, if necessary. If the employee is not transported from the scene to the emergency room, ensure that employee is transported to the selected Primary Care Physician indicated on the Panel of Physicians form.
2. The supervisor, in conjunction with the Safety Officer, will conduct or ensure an accident analysis is conducted, regardless of whether an injury occurs.
3. Make sure the **Panel of Physicians Form** is completed within 24 hours of the injury/illness and promptly provide to HR Liaison along with the below-mentioned 2 forms.
4. Complete and sign the **Employer's Accident Report** with available information within 24 hours of the injury/illness and send to HR Liaison for final completion and submission.
5. Complete and sign the **Supervisor's Report of Employee Injury** within 24 hours of the injury/illness and submit to HR Liaison.
6. Serve as a member of the Transitional Temporary Work Assignment Team and work with the team to develop Transitional Employment Plan.
7. Notify the department HR Liaison of the return to work date, receive a copy of the return-to-work authorization from the individual's treating physician, and provide a copy to the department Human Resource Liaison.
8. Participate in Transitional Temporary Work Assignment Team meetings.
9. Monitor employee performance while in the transitional assignment.

#### B. Human Resources Liaison:

1. Send the following forms to the department or City Safety Officer within 24 hours of the incident:
  - Panel of Physicians Form
  - Employer's Accident Report – will need to complete any information regarding salary, date of hire, etc.
  - Supervisor's Report of Employee Injury
2. Participate in Transitional Temporary Work Assignment Team meetings.
3. Work with department management and Safety Officer to determine suitable Transitional Temporary Work Assignment.
4. Work with department Timekeepers to ensure that *Injury Leave* is correctly recorded.
5. Work with supervisor to ensure that the employee provides necessary medical documentation and information, including work restrictions, therapy needed, return to work dates, etc. after visits to worker's compensation panel physician. That information should also be provided to the Department or City Safety Officer (whichever one is applicable for the department/agency) if he/she has not already received it.
6. Work with Transitional Temporary Work Assignment Employment Team to help facilitate return to work.

#### C. City Safety Officer or Department Safety Officer:

1. Work with Supervisor, HR Liaison, and City's employee medical services provider physician to determine Transitional Temporary Work Assignment Plan.
2. Attend Transitional Temporary Work Assignment Team meetings.
3. Keep third-party worker's compensation administrator apprised of specifics of any proposed Transitional Temporary Work Assignment Plans.
4. Work with Transitional Temporary Work Assignment Team to help facilitate return to work.
5. Review the Functional Capacity Evaluation (FCE) performed by the worker's compensation physician to ensure that transitional duties are within restrictions cited in the evaluation.



## Office of the Mayor

Title: RETURN-TO-DUTY PROGRAM (RTD)

A.R. Number: 4.18 Effective Date: 02/21/2017 Page: 5 of 6

Supersedes: N/A A.R.: N/A DATED: N/A

### D. City's Employee Medical Services Provider Physician:

1. Review and approve draft Transitional Temporary Work Assignment Plan to ensure that it is compatible with the employee's physical and mental capabilities during the recuperation period as determined by the employee's treating worker's compensation panel physician.

### E. Chief of Risk Management:

1. Serve as member of Transitional Temporary Work Assignment Team.
2. With City Safety Officer, ensure that third-party worker's compensation administrator is aware of transitional assignment duties and transitional assignment start and end dates.
3. Work with Transitional Employment Team to help facilitate return to work.

## VII. DEFINITIONS

Term	Definition
Americans with Disabilities Act/ ADA Amendments Act (ADA/ADAAA)	Federal laws that requires employers to make reasonable workplace accommodations for qualified persons.
City's Medical Services Provider Physician	City's Occupational Health Physician.
Family Medical Leave Act (FMLA)	Federal law that requires employers to grant job protected leave to eligible employees.
HR Liaison	Agency representative who collaborates with supervisors and employees on Human Resources issues.
Maximum Medical Improvement (MMI)	The point at which no further progress is anticipated.
Third Party Administrator (TPA)	The external vendor hired by the City of Richmond to manage its workers' compensation claims. Also referred to as the Return-to-Work Coordinator
Transitional Temporary Work Assignment/Duties	A set of interim tasks offered to an employee returning to work from a work-related injury/illness. Tasks are consistent with the employee's physical and mental capabilities during the recuperation period, as determined by the employee's treating physician and/or the City's Employee Medical Services provider physician.



**Office of the Mayor**

**Title:** RETURN-TO-DUTY PROGRAM (RTD)

**A.R. Number:** 4.18 **Effective Date:** 02/21/2017 **Page:** 6 of 6

**Supersedes:** N/A **A.R.:** N/A **DATED:** N/A

Transitional Temporary Work Assignment Plan (TTWAP)	A process by which employees recovering from a medically documented illness/injury sustained on the job are brought back to work as quickly as possible in transitional assignments.
Workers' Compensation (WC or Workers' Comp)	A program conforming to Virginia law that provides benefits to an employee (or an employee's family) if the employee suffers a job-related injury or disease related to work.
Work-Related Injury/Illness	An injury or illness that occurs on the job to an eligible employee for which benefits and are payable under the Workers' Compensation Act of Virginia.

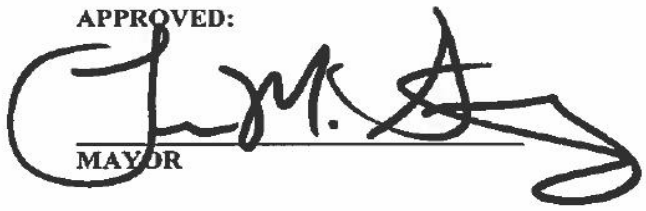
**VII. FORMS**

- Panel of Physicians Form (Finance Forms – Risk Management – Worker’s Compensation)
- Employer’s Accident Report (Finance Forms – Risk Management – Worker’s Compensation)
- Supervisor’s Report of Employee Injury (Finance Forms – Risk Management – Worker’s Compensation)
- Transitional Temporary Work Assignment Plan Form (attached)
- Transitional Temporary Work Assignment Tracking Form (attached)

**VIII. REGULATION UPDATE**

The Department of Human Resources and Finance Risk Management, in conjunction with the City’s Medical Services provider physician, shall be responsible for modifications to this Policy.

**RECOMMEND APPROVAL:**   
**CHIEF ADMINISTRATIVE OFFICER**

**APPROVED:**   
**MAYOR**

# RETURN TO DUTY

## Transitional Temporary Work Assignment Plan

### SECTION 1 - EMPLOYEE INFORMATION

Employee's Name: \_\_\_\_\_ Department: \_\_\_\_\_

Phone #: \_\_\_\_\_

Official Job Title: \_\_\_\_\_

### SECTION 2 - DEPARTMENTAL INFORMATION

Supervisor's Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

HR Liaison's Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

### SECTION 3 - RESTRICTONS / LIMITATION

Place a check near all activities the employee is not authored to perform:

- Walking for more than \_\_\_ hours per shift
- Standing for more than \_\_\_ hours per shift
- Bending
- Stooping
- Lifting more than \_\_\_ lbs
- Climbing
- Exposure to \_\_\_\_\_ for \_\_\_\_\_ length of time
- Other



# RETURN TO DUTY

## Transitional Temporary Work Assignment Plan

### SECTION 4 - PLAN SPECIFICATIONS

Class Title: \_\_\_\_\_ Class Code: \_\_\_\_\_

- Job Description:

#	Responsibilities / Duties / Tasks	Performance Standard (Productivity / Quality / Quantity)
1		
2		
3		
4		
5		
6		
7		
8		

- Work Schedule

# RETURN TO DUTY

## Transitional Temporary Work Assignment Plan

**Transitional Temporary Work Assignment Plan Schedule:**

**Plan Start Date:**

**Checkpoint/Review Dates:**

**Plan End Date:**

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_



This Transitional Temporary Work Assignment Plan has been reviewed with me. I understand that I am to contact my immediate supervisor should I have questions or experience difficulties while performing this assignment.

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I have reviewed this Transitional Temporary Work Assignment Plan with \_\_\_\_\_. I understand that I am to contact my immediate supervisor should I have questions or experience difficulties while \_\_\_\_\_ is performing this assignment.

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_





**Administrative Regulations  
Office of the Mayor**

**Title: ANTI-RETALIATION**

**A.R. Number: 4.21 Effective Date: February 24, 2021 Page: 1 of 4**

**Supersedes: Anti-Retaliation Policy A.R.: 4.21 DATED: October 1, 2011**

**I. PURPOSE**

The purpose of this policy is to ensure the City of Richmond (City) prohibits retaliation against those who report, oppose, or participate in the investigation of alleged wrongdoing in the workplace.

**II. POLICY**

The City is committed to complying with all laws and to providing a workplace conducive to open discussions of its policies and practices. The City encourages its employees to make good faith inquiries regarding conduct they believe may be unethical and/or illegal, and to disclose work-related misconduct. Retaliation as a response to such inquiries or disclosures constitutes a serious violation of City policy and will not be tolerated.

**III. PROCEDURES**

**A. Unacceptable Behaviors or Conduct**

1. Retaliation may take many forms and may include, but is not limited to:

- a. Discrimination, harassment, including sexual harassment, and all other harassment/discrimination categories based on: race and on the basis of race, including traits historically associated with race, including hair texture, hair type, and protective hairstyles such as braids, locks, and twists; national origin, age, gender, sex, sexual orientation; gender identity; pregnancy, childbirth, or related medical conditions, including lactation; disability, and religion, citizenship status, genetic information, veteran status, or membership in any other protected group.
- b. Health and safety issues
- c. Workers compensation claims
- d. Unemployment Hearings
- e. Whistleblower status
- f. Refusal of law, code of ethics or policy violations
- g. Violations of the Fair Labor Standards Act.
- h. Discharging, disciplining, threatening, discriminating against, penalizing, or taking any other retaliatory action against an employee regarding the employee's compensation, terms, conditions, locations, or privileges of employment because the employee:



**Administrative Regulations  
Office of the Mayor**

**Title: ANTI-RETALIATION**

**A.R. Number: 4.21 Effective Date: February 24, 2021 Page: 2 of 4**

**Supersedes: Anti-Retaliation Policy A.R.: 4.21 DATED: October 1, 2011**

- (i) Reports a violation of any federal or state law or regulation to supervisor or to any governmental body or law-enforcement official
- (ii) Is requested by a governmental body or law enforcement official to participate in an investigation, hearing, or inquiry
- (iii) Refuses to engage in a criminal act that would subject the employee to criminal liability
- (iv) Refuses an employer's order to perform any action that violates any federal or state law or regulation and the employee informs the employer that the order is being refused for that reason
- (v) Provides information to or testifies before any governmental body or law-enforcement official conducting an investigation, hearing, or inquiry into any alleged violation by the employer if federal or state law or regulation.
- (vi) Has filed any complaint or instituted or caused to be instituted any proceeding related to the failure to pay wages, or has testified or is about to testify in any such proceeding.
- (vii) Has reported or plans to report to an appropriate authority, or any officer or agent of the employer, has failed to properly classify an individual as an employee and failed to pay required benefits or other contributions
- (viii) Is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry by an appropriate authority or in a court action.

The provisions in (vii) and (viii) above only apply if an employee or who discloses information about suspected worker misclassification has done so in good faith and upon a reasonable belief that the information is accurate. Disclosures that are reckless or the employee should have known were false, confidential by law, or malicious are not deemed good faith reports and are not subject to the above-referenced protections.

2. No employee shall retaliate against another person in whole or in part because he has disclosed alleged wrongful conduct to a public body or to a supervisor or other City officials. Any employee who is found to be in violation of this policy shall be subject to disciplinary action up to and including termination.

**B. Reporting Procedures**

In addition to the avenues of redress available through the U.S. Equal Employment Opportunity Commission, effective relief may also be available within City government through the Department of Human Resources (HR). Classified City employee may also participate in the City's grievance process.

When appropriate, informal means to resolve retaliation complaints will be taken. When a retaliation complaint cannot be resolved informally, a written report of the investigation and recommendations of further action is prepared and delivered to the agency director. Recommendations can include discipline for violators and the restoration of any employment



**Administrative Regulations  
Office of the Mayor**

**Title: ANTI-RETALIATION**

**A.R. Number: 4.21 Effective Date: February 24, 2021 Page: 3 of 4**

**Supersedes: Anti-Retaliation Policy A.R.: 4.21 DATED: October 1, 2011**

terms, conditions or opportunities that employees or applicants lost or were denied because of discrimination or harassment.

**C. Investigations**

Please refer to *Administrative Regulation 4.23 – Investigation (Complaint) Policy* for detailed procedures on filing a complaint and the respective investigation process.

**IV. RESPONSIBILITIES**

The City and its agents have a duty to promptly investigate allegations of retaliation and, when appropriate, take corrective actions.

**A. Responsibilities of Management**

Management must ensure distribution of this official policy to all City employees. All management staff within the City has a responsibility to address violation(s) of this official City policy. Any management team member who fails to appropriately address violation(s) of this policy or who fails to take appropriate corrective action shall be in violation of this policy and subject to disciplinary action, up to and including termination.

**B. Responsibilities of the Department of Human Resources**

The Department of HR shall be responsible for updating and providing on the implementation of this policy; the development and the implementation of on-going training and education programs to ensure that all City employees clearly understand that retaliation is not tolerated in the workplace.

**V. DEFINITIONS**

The following words and terms, when used in conjunction with the City's Anti-Retaliation Policy, shall have the indicated meanings:

**Retaliation** - Defined as an adverse employment/job action or conduct directed against an employee or other person(s) for engaging in a protected activity. Adverse employment action includes that which:

- A. Is calculated to deter or punish an employee or other person from engaging in a protected activity; or
- B. Is in response to an employee or other persons who have engaged or is engaging in a protected activity.

**Protected Activity** - A good faith disclosure opposing an unlawful practice prohibited by employment discrimination laws; participating in an investigation, proceeding or Hearing of an Equal Employment Opportunity Charge.



**Administrative Regulations  
Office of the Mayor**

**Title: ANTI-RETALIATION**

**A.R. Number: 4.21 Effective Date: February 24, 2021 Page: 4 of 4**

**Supersedes: Anti-Retaliation Policy A.R.: 4.21 DATED: October 1, 2011**

**Adverse Employment/Job Action** - An employer's action that affects an employee's job negatively. Losses of pay, termination, or demotion are all examples of adverse employment/job actions. Lesser actions, such as a poor evaluation or changes in job responsibilities that do not result in loss of pay or benefits are not classified as adverse job actions.

**VI. AUTHORITY**

Title VII, Civil Rights Act, as amended  
Age Discrimination Employment Act, as amended  
Americans with Disabilities Act, as amended  
Equal Pay Act  
Fair Labor Standards Act  
Immigration Reform and Control Act  
Civil Rights Act of 1866  
Genetic Information Nondiscrimination Act  
VA §40.1-33.1  
VA §40.1-27.3

**VII. REGULATION UPDATE**

The Department of Human Resources shall be responsible for modifications to this Policy.

**RECOMMEND APPROVAL:**

*J.E. Lincoln & Sample 2-24-21*  
**CHIEF ADMINISTRATIVE OFFICER/DESIGNEE**

**APPROVED:**

*[Signature]*  
**MAYOR** *2/24/2021*



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: ANTI-DISCRIMINATION**

**A.R. Number:** 4.22 **Effective Date:** February 24, 2021 **Page 1 of 3**  
**Supersedes:** Anti-Discrimination A.R: 4.22 **DATED:** October 1, 2011

## **I. PURPOSE**

The purpose of this policy is to ensure the City of Richmond (City) maintains a workplace in which all employees and applicants are treated with respect and dignity. The City is committed to providing a work environment free from discrimination.

## **II. POLICY**

The City is committed to providing equal employment opportunity (EEO) for all employees and applicants regardless of race, including traits historically associated with race, including hair texture, hair type, and protective hairstyles such as braids, locks, and twists; color; religion; sex; age; pregnancy, childbirth, or related medical conditions, including lactation; sexual orientation, gender identity, national origin, citizenship status, disability, genetic information, veteran status, or membership in any other protected group.

The City will not discharge or otherwise discriminate against an employee because such employee has filed any complaint or instituted or caused to institute any proceeding related to the failure to pay wages, or has testified or is about to testify in any such proceeding.

In addition, the City will not tolerate any form of retaliation directed against an employee who either complains about discrimination or who participates in any investigation process of alleged discrimination.

An act of discrimination is a serious offense. Any employee who engages in such conduct or encourages such behavior by others shall be subject to disciplinary action, including possible dismissal from the City service. This policy applies to all aspects of the relationship between the City and its applicants and/or employees, including, but not limited to, recruitment, employment, promotion, transfer, training, working conditions, wages and salary administration, employee benefits, and the application of policies.

## **III. PROCEDURE**

### **A. Unacceptable Behaviors or Conduct**

Discrimination may take many forms, including but not limited to:

1. Disparaging written or verbal remarks or slurs of a discriminating nature to an individual or targeted towards a protected category;
2. Jokes or comments targeting a protected category of a discriminatory nature;
3. Posters, flyers, personal attire, etc., designed to promote discrimination against a protected category;





## **Administrative Regulations**

### **Office of the Mayor**

**Title:** ANTI-DISCRIMINATION

**A.R. Number:** 4.22 **Effective Date:** February 24, 2021 **Page 2 of 3**

**Supersedes:** Anti-Discrimination A.R: 4.22 **DATED:** October 1, 2011

4. Disparate treatment of individuals in the protected categories involving recruitment, promotional opportunities, and application of policies, procedures, and regulations.

#### **B. Reporting Procedures**

In addition to the avenues of redress available through the U.S. EEO Commission, effective relief may also be available within the City through the Department of Human Resources' (HR) provision of resources to aid in resolution, including, but not limited to, consultation with HR's EEO Coordinator, mediation, or conflict resolution. Classified City employees may also participate in the City's grievance process.

1. When appropriate, informal means to resolve discrimination complaints will be taken.
2. When a discrimination complaint cannot be resolved informally, please refer to *Administrative Regulation 4.23 – Investigation (Complaint) Policy* for detailed procedures on filing a complaint and the respective investigation process.

#### **C. Local Electoral Board, Assistant General Registrar, Officer of an Election**

In accordance with Virginia employment discrimination law, any person who serves as a member of a local electoral board, or an officer of elections shall not be discharged from employment, or have any adverse personnel action taken against him, and should not be required to use sick leave or vacation time, when he is absent from employment due to his service at a polling place on election day or at a meeting of the electoral board following the election to ascertain the result of the election, pursuant to §24.2-671, provided that he gave reasonable notice to his employer of such service. No person who serves for four (4) hours or more hours, including travel time, on his day of service shall be required to start any work shift that begins on or after 5:00 p.m. on the day of his service or begin before 3:00 a.m. on the day following the day of his service. Employers violating this provision will be guilty of a Class 3 misdemeanor.

### **IV. RESPONSIBILITIES**

The City and its agents have a duty to promptly investigate allegations of discrimination and, when appropriate, take corrective actions.

#### **A. Responsibilities of Management**

In an effort to avoid and eliminate discriminatory activity, the management of each agency shall take affirmative steps to sensitize all of its employees and express strong disapproval of such conduct. These efforts are subject to the approval of the Department of HR. These steps shall include, but are not limited to:

1. The communication and distribution of this official City policy to all City employees.
2. Monitoring the workplace for potential incidents of discrimination.



**Administrative Regulations**

**Office of the Mayor**

**Title: ANTI-DISCRIMINATION**

**A.R. Number: 4.22 Effective Date: February 24, 2021 Page 3 of 3**  
**Supersedes: Anti-Discrimination A.R: 4.22 DATED: October 1, 2011**

**B. Responsibilities of the Department of Human Resources**

The Department of HR shall be responsible for updating and providing oversight in the implementation of this policy; the development, and implementation of on-going training; education programs, and providing resources to ensure that all City employees clearly understand that discrimination is not tolerated in the workplace.

**V. AUTHORITY**

Title VII, Civil Rights Act, as amended  
Age Discrimination Employment Act, as amended  
Americans with Disabilities Act, as amended  
Equal Pay Act  
Immigration Reform and Control Act  
Civil Rights Act of 1866  
Genetic Information Nondiscrimination Act  
§VA24.2-119.1  
§VA40.1-33.1  
§VA2.2-3901  
§VA2.2-3903  
§VA2.2-3904

**VI. REGULATION UPDATE**

The Department of Human Resources shall be responsible for modifications to this Policy.

**RECOMMEND APPROVAL:**

*J.E. Lindsey Sands 2-24-21*  
**CHIEF ADMINISTRATIVE OFFICER/DESIGNEE**

**APPROVED:**

*[Signature]* 2/24/2021  
**MAYOR**



**Administrative Regulations  
Office of the Mayor**

**Title: INVESTIGATION (COMPLAINT) POLICY**  
**A.R. Number: 4.23 Effective Date: 10/1/2011 Page: 1 of 2**  
**Supersedes: Anti-Harassment Policy A.R.: 4.6 DATED: 2/1/2007**

**I. PURPOSE**

The City of Richmond is committed to providing a safe and productive work environment, free of threats to the health, safety, and well-being of our workers. Such threats might include, but are not limited to, harassment, discrimination, retaliation, workplace violence or violations of health and safety rules.

The City of Richmond is committed to complying with all laws, and to providing a workplace conducive to open discussions of its policies and practices. The City encourages its employees to make good faith inquiries regarding conduct that they think may be inappropriate, unethical or illegal, and to disclose work-related misconduct.

**II. PROCEDURES**

**A. Reporting an Incident of Illegal or Inappropriate Conduct**

1. Illegal or inappropriate conduct includes any conduct prohibited by law, harassment, discrimination, retaliation, workplace violence, or violations of health and safety rules. An employee who witnesses or is subject to illegal or inappropriate conduct in the workplace may complain to their supervisor, a manager within the agency's command or to the Department of Human Resources (DHR).
2. Employees are encouraged to make complaints immediately in an effort to promptly address the matter.
3. Complaints not addressed by the agency, will be handled by DHR. Depending on the nature of the complaint, DHR will conduct an investigation.

**B. Complaints and Investigation Procedures**

1. Unless they are uncomfortable doing so, any person covered by this policy who is being subject to illegal or inappropriate conduct should tell the offending person that such behavior is offensive and unacceptable.
2. Unless the employee is uncomfortable telling the offending person to stop or if the conduct reoccurs, the employee should make a complaint to their immediate supervisor, or a manager within the agency's command, or to the Department of Human Resources (DHR). Under no circumstances shall the person alleging harassment be required to file a complaint with the alleged harasser.
3. Employees may file a complaint in person, by telephone, or in writing.  
In addition, eligible employees may use the Grievance Procedures in the Personnel Rules to address complaints and may also file a complaint with the federal Equal Employment Opportunity Commission.
4. DHR shall investigate a complaint if:
  - a. the complainant requests an investigation; or
  - b. the complaint is directed toward a City official, department director or supervisor having the authority to affect the complainant's employment; or if the complaint is for battery.
5. If none of the above are true and if requested by the complainant, the department director or supervisor may resolve the complaint at the departmental level after consulting with the DHR.
6. Complaints will be investigated promptly. If the complaint is brought anonymously, the City will investigate but may be limited in its ability to investigate the matter fully.
7. An employee accused of violating City policy shall be (a) notified of the complaint as soon as possible, (b) shall be entitled to respond to the complaint, (c) shall receive discipline in conformance with the City's personnel rules and administrative policies if the charges are substantiated, and (d) shall be entitled to utilize the City's grievance procedure if the accused is a classified eligible employee and disagrees with the disciplinary action.



**Administrative Regulations  
Office of the Mayor**

**Title: INVESTIGATION (COMPLAINT) POLICY**

**A.R. Number: 4.23 Effective Date: 10/1/2011 Page: 2 of 2**

**Supersedes: Anti-Harassment Policy A.R.: 4.6 DATED: 2/1/2007**

8. All City employees are required to cooperate in investigations. Absolute confidentiality cannot be legally guaranteed, however, the City will make every effort to preserve the confidentiality of all information. All employees are charged with maintaining confidentiality.
9. Employees who file a complaint or participate in an investigation shall not be subject to any form of retaliation because of such complaint.

**C. Investigation Process:**

1. Within five (5) days of receipt of a complaint requiring an investigation, DHR will provide notice of the complaint and pending investigation to the accused and the agency director.
2. DHR will interview the complainant, the respondent, and any witnesses, as well as gather any relevant evidence to determine whether the conduct occurred.
3. DHR shall complete the investigation and report (providing a determination as to whether a violation has occurred and suggest appropriate disciplinary actions) within 90 days unless circumstances requires addition times.
4. Upon the completion of the report, the agency director or administrator officer will have fifteen (15) business days to review the report and notify DHR as the final action taken.
5. DHR shall notify the complainant and the accused of the final outcome of the investigation.

**II. AUTHORITY**

Title VII, Civil Rights Act, as amended  
Age Discrimination Employment Act, as amended  
Americans with Disabilities Act, as amended  
Equal Pay Act  
Immigration Reform and Control Act  
Civil Rights Act of 1866  
Genetic Information Nondiscrimination Act

**III. REGULATION UPDATE**

The Office of the Chief Administrative Officer and the Department of Human Resources shall be responsible for modifications to this Regulation.

**RECOMMEND APPROVAL:**

*Byron C. Marshall*  
**CHIEF ADMINISTRATIVE OFFICER**

**APPROVED:**

*Dwight Jones*  
**MAYOR**



## **Administrative Regulations Office of the Mayor**

**Title:** COVID-19 Public Health and Safety Precautions- Immunization/Vaccination

**A.R. Number:** 4.24 **Effective Date:** 08/04/2021 **Page:** 2 of 2

**Supersedes:** N/A **A.R.:** N/A **DATED:** N/A

### **I. PURPOSE**

The purpose of this policy is to provide and maintain a workplace that is free of known hazards by adopting this policy to safeguard the health of our employees and their families; our citizens, customers and visitors; and the public at large from COVID-19. COVID-19 presents an ongoing risk to public health and safety in the City's workplaces. This policy is intended to comply with all federal, state and local laws.

### **II. POLICY**

To ensure the health and safety of all members of the City of Richmond team and their families, as well as the comfort and well-being of residents, customers, visitors and the public at large, the city is requiring that all employees are vaccinated or be tested weekly for COVID-19 if the employee has a religious or medical exemption.

### **III. PROCEDURE**

1. Employees are required to inform the City of their COVID-19 vaccination status by August 18, 2021. Employees are required to have received at least one COVID-19 vaccination by August 18, 2021 and submit documentary proof of vaccination or have submitted a request for a medical or religious exemption. Employees are required to be fully vaccinated and submit documentary proof by October 1, 2021 or have a medical or religious exemption. Employees who begin employment with the City after August 13, 2021 are required to (1) have received at least one COVID-19 vaccination by their start date and be Fully Vaccinated within 45 days of their start date and submit documentary proof or (2) have an approved medical or religious exemption by their start date.
2. To establish that they are fully vaccinated, employees must present a completed COVID-19 Vaccination Record Card or verification document from the Virginia Department of Health by uploading it to RAPIDS Self Service. The City will treat all such information as confidential. To facilitate employees' ability to receive the vaccination, the City will consider timely requests for appropriate schedule changes. The City will also pay non-exempt employees for time spent receiving the vaccination.
3. Employees seeking an exemption for a medical or religious reason should submit the medical or religious Vaccine Exemption Form using the process outlined on StarNet for uploading to RAPIDS or contact their Department's Human Resource Generalist by the immunization/vaccination deadline. You may request an accommodation without fear of retaliation.
4. Failure to provide vaccination status information or submit the required documentary proof of vaccination or be approved for an exemption by the required dates may result in disciplinary action up to and including termination or other appropriate actions.
5. Employees who have an approved exemption are required to be tested for COVID-19 weekly, report testing results to the employee's supervisor and continue to wear masks and practice physical distance while working. Failure to comply with safety, rules, policies, and directives, or COVID-19 weekly testing and reporting requirements may result in disciplinary action up to and including termination or other appropriate actions.



**Administrative Regulations  
Office of the Mayor**

**Title:** COVID-19 Public Health and Safety Precautions- Immunization/Vaccination

**A.R. Number:** 4.24 **Effective Date:** 08/04/2021 **Page:** 2 of 2

**Supersedes:** N/A **A.R.:** N/A **DATED:** N/A

**IV. DEFINITIONS**

**Fully Vaccinated:** Individuals are considered Fully Vaccinated for COVID-19 two weeks after they have received the second dose in a two-dose series FDA-approved vaccine (Pfizer-BioNTech or Moderna), or two weeks after they have received a single-dose FDA-approved (Johnson & Johnson [J&J]/Janssen).

**Unvaccinated:** Individuals are considered Unvaccinated if they are not Fully Vaccinated or have not provided the City with documentary proof that they are Fully Vaccinated.

**Workplaces:** Any Property owned, leased, or controlled by City of Richmond.

**V. RESPONSIBILITY**

It is the responsibility of each Department/Agency Director to ensure that each employee is aware of and understands the content and effect of this policy. Particular attention should be given to communicating all aspects of this policy to new and prospective employees.

**VI. REGULATION UPDATE**

The Office of the Mayor, the Chief Administrative Officer, and the Department of Human Resources shall be responsible for modification to this policy.

**RECOMMEND APPROVAL:**

**APPROVED:**

**CHIEF ADMINISTRATIVE OFFICER**

**MAYOR**



**Administrative Regulations  
Office of the Mayor**

**Title: WORKERS' COMPENSATION**

**A.R. Number: 5.1 Effective Date: 2/1/2007 Page: 1 of 4**

**Supersedes: Replacement of Eye Glasses and Other Personal Items A.R.: 5.1 DATED: 9/1/2000**

**I. PURPOSE**

The City of Richmond complies with the Workers' Compensation Act of Virginia. This policy outlines the basic structure of Virginia Workers' Compensation law; authorizes supplemental payments for injured employees in certain circumstances, and the procedures supervisors and employees must follow after an on the job injury.

The Workers' Compensation law enacted by the legislature of the Commonwealth of Virginia sets the requirements for the employer in the handling of employee illness, injury and disability arising from a job-related accident. Enforcement and interpretation of this law rests primarily with the Virginia Workers' Compensation Commission.

**II. POLICY**

**A. Employee Benefits**

If an injury or illness is judged to be compensable, the injured employee is entitled to the following benefits:

1. **Wage Benefits:** 66 2/3 of the employees average weekly wage for the twelve months prior to the injury payable for up to 500 weeks, if appropriate, after a seven calendar day waiting period. If the injury leave exceeds 21 calendar days, the employee is reimbursed for the first seven calendar days.
2. **Medical Benefits:** Medical expenses for conditions directly related to the injury are covered for as long as necessary if the employee receives an award for wages. If there is no wage benefit involved, the employee must write the Workers' Compensation Commission to apply for lifetime medical benefits.

**B. Supplemental Pay**

The City provides workers' compensation as required by the Code of Virginia. In addition, the City also voluntarily pays a supplement to workers' compensation in certain situations for employees up to one year following the accident. During the first seven calendar days of absence, authorized by the City's Worker's Compensation Treating Physician, injury leave with full pay will be allowed. During this period, leave will be paid as the difference between compensation allowed under the Workers' Compensation Act and the employee's normal net pay. For purposes of this policy, "normal net pay" shall be defined as gross pay (after pre-tax adjustments), less social security (FICA), federal income tax and state income tax. After this one-year period, the employee shall only receive the amount of compensation allowed under the Worker's Compensation Act.

**C. Extension of Supplemental Pay**

In the event the compensable disability lasts longer than one year, the employee may submit a written request to the Appointing Authority to consider an extension of leave with pay. A panel consisting of the Appointing Authority, the Director of Human Resources, and the Director of Finance will investigate the matter and consider the request based on criteria set forth in the City's Pay Ordinance (Ordinance 93-117-159). The panel shall make its recommendation to the Chief Administrative Officer (CAO) with regard to the disposition of request for additional injury leave. The CAO may then, in his discretion, grant or deny the request. If the request is granted, the initial one-year period may be extended for an additional period of time as deemed necessary, consistent with the appropriate medical findings. The CAO shall report to the Council periodically with regard to cases in which a request for additional leave is not granted.



**Administrative Regulations  
Office of the Mayor**

**Title:** WORKERS' COMPENSATION

**A.R. Number:** 5.1 **Effective Date:** 2/1/2007 **Page:** 2 of 4

**Supersedes:** Replacement of Eye Glasses and Other Personal Items **A.R.:** 5.1 **DATED:** 9/1/2000

D. Depending on the duration of workers' compensation leave and nature of manpower needs, the City cannot guarantee employment after a long absence. However, if the employee reaches maximum medical improvement, but cannot return to the original job, efforts will be made to provide productive work if it is available.

E. The City will comply with Family Medical Leave Act requirements (Administrative Regulation 4.3) in the application of this policy.

F. Replacement of Personal Items

The City may provide replacement of employees' eyeglasses, contact lens, dentures, prosthesis due to damage, breakage, or loss as a result of employee work-related injury and/or accident.

The City Safety Officer will evaluate each case. Based upon the recommendation from the City Safety Officer, the Department/Agency Director will make the final determination for reimbursement. Replacement costs shall not exceed the quality of the lost or damaged items.

Examples of accident-related justifications are:

- A vehicular accident while on the job.
- Struck by a tool or object while performing job.

As with claims related to personal injury accidents, the event must have been witnessed or adequate proof of the incident presented to the Safety Officer. The presentation of damaged glasses or other personal items, or a verbal claim of loss, does not constitute adequate proof.

Items will not be replaced if the employee was:

- Engaged in horseplay;
- Violating safety rules;
- Was negligent in his actions; or
- Under the influence of alcohol, drugs or other unauthorized or prohibited substance while on the job.

The above examples are not all inclusive.

### **III. PROCEDURES**

A. Required Forms:

1. Employee's Accident Report- When the injury exceeds on-site first aid, the Employer's Accident Report is to be completed and signed by the person designated within the department to complete this form and will include his/her title. The form will state the employer's version of events. The original of the Employer's Accident Report will be delivered within 24 hours of the occurrence of the accident to the department safety officer or the City Occupational Safety and Health Officer. All sections of the form shall be completed, including the home telephone number of the employee.
2. Supervisor's Investigation Report and Report of Employee Injury- When any injury occurs, the immediate supervisor of the injured employee must promptly complete the City's Supervisor's Investigation Report and Report of Employee Injury. The purpose of this report is to identify all factors





**Administrative Regulations  
Office of the Mayor**

**Title:** WORKERS' COMPENSATION

**A.R. Number:** 5.1 **Effective Date:** 2/1/2007 **Page:** 3 of 4

**Supersedes:** Replacement of Eye Glasses and Other Personal Items **A.R.:** 5.1 **DATED:** 9/1/2000

that contributed to the accident so that corrective action can be instituted if necessary. The original of the Supervisor's Investigation Report and Report of Employee Injury will be delivered **within 24 hours of the occurrence** of the accident to the department safety officer or the City Occupational Safety and Health Officer. This report should be retained by the supervisor and a copy forwarded to the Appointing Authority.

3. Duty Status Report – Supervisors will ensure that the injured employee is provided a Duty Status Report with Side A completed by the employee's immediate supervisor and Side B to be completed by the attending physician or medical facility on the initial visit to the health care provider. The injured employee will be advised to deliver the form to the medical facility, have the form completed, and then bring the form back to his/her supervisor, who in turn will promptly deliver the form to the City Occupational Safety and Health Officer. The physician's name, medical facility, address and telephone number must be written on page two (2) of the form.

**B. Claims Management**

The Bureau of Risk Management manages the City's workers' compensation program and has chosen to utilize a third party administrator (TPA) to administrate the claims process. The claim process is as follows:

- It is the employee's responsibility to report immediately all injuries or illnesses, possibly related to their job, to their supervisor immediately. The employee will be offered a choice of physicians from the City's authorized Panel of Physicians. Medical care, except for emergency care, from a doctor not on the panel is not covered.
- The supervisor should complete an Employers' Accident Report within 24 hours of accident and send it to his department safety officer. The safety officer will transmit the Employers' Accident Report to the TPA by fax, 800-number, or internet.
- The TPA will establish a file and contact the employee, the supervisor and the treating physician before reaching a decision on compensability. If the claim is approved and the employee has lost more than seven (7) calendar days from work, the TPA will offer a Memorandum of Agreement to the employee for signature. The TPA will forward the signed Memorandum of Agreement to the Virginia Workers' Compensation Commission who will then issue an Award authorizing the payment of wage benefits.
- The TPA will issue the wage check and send it to Risk Management for review before releasing it to Payroll for delivery to the employee on payday.
- If a claim is denied, the injured employee will receive a denial letter from the TPA. Copies will be sent to the employee's appointing authority, safety officer and Risk Management.
- The employee can contact the Virginia Workers' Compensation Commission, in writing, at any time in the claim process and request a hearing.

Virginia Workers' Compensation Commission  
100 DMV Drive  
Richmond, VA 23220  
(804) 367-8600



**Administrative Regulations  
Office of the Mayor**

**Title:** WORKERS' COMPENSATION

**A.R. Number:** 5.1 **Effective Date:** 2/1/2007 **Page:** 4 of 4

**Supersedes:** Replacement of Eye Glasses and Other Personal Items **A.R.:** 5.1 **DATED:** 9/1/2000

**IV. RESPONSIBILITIES**

- Employee

The employee is required to keep all appointments with the selected physician and accept the treatment recommended by that physician as well as any other physician, health care provider, or rehabilitation professional whom the employee is referred. Employees are responsible for providing their supervisor with written notice of the health care provider's change in restrictions.

The employee must report to his or her next scheduled shift once released by the health care provider. If released to modified or transitional duty, the employee must accept the assignment offered. Failure to follow the recommended course of treatment, report for modified duty, or accept job assignments may jeopardize the employee's workers' compensation benefits and/or result in disciplinary action.

Failure to report any work-related injury/disease or to select a physician from the panel physician list could result in loss of payment for medical expenses.

- Department

Department Safety Officers must ensure that all required forms are accurately submitted in a timely manner to the TPA or the City's Occupational Safety and Health Officer. Departments are responsible for accurately reporting time lost because of on-the-job injuries or illness forwarding that information in a timely manner to Risk Management.

Managers should encourage timely reporting of all work-related injuries or illnesses and assist employees with the process. When requested to provide modified or transitional duty, managers should actively assess the workplace for appropriate tasks and duties to encourage employee return-to-duty. If a suitable modified duty position cannot be found, the Department of Human Resources should be contacted to assist in finding reasonable accommodations, including tasks within the department that may be different than the employee's regular job or reassignment to a different job.

Managers should include safety expectations in supervisor and employee performance evaluations where appropriate.

**V. REGULATION UPDATE**

The Office of the Mayor, the Department of Human Resources shall be responsible for modifications to this Policy.

**APPROVED:**

**MAYOR**

**Administrative Regulations**  
**Office of the Mayor**  
**Title: HOLIDAY POLICY**



**A.R. Number: 5.2 Effective Date: 7/1/2023 Page: 1 of 4**  
**Supersedes: HOLIDAY POLICY A.R.: 5.2 DATED: 11/5/2022**

**I. PURPOSE**

The purpose of this policy is to provide employees with a paid holiday benefit while continuing to meet, and not exceed, the overtime and compensatory time standards detailed in the Fair Labor Standards Act (FLSA).

**II. POLICY**

At minimum, the City of Richmond observes the eleven (11) federal holidays. Observation of additional holidays is at the discretion of the Mayor and Chief Administrative Officer (CAO). The Department of Human Resources (HR) shall notify employees of the upcoming annual holiday schedule prior to the beginning of the new calendar year. The official holiday calendar shall be available on the Department of Human Resources webpage.

**III. PROCEDURE**

- A. Whenever a holiday falls on a Saturday or Sunday, it shall be observed on the day determined by HR with CAO approval.
- B. Employees must be in active pay status before and after a holiday in order to receive pay for that holiday. For the purpose of computing total hours of work, holiday hours shall not be counted as work hours except for sworn police and fire personnel. If nonexempt employees are required to work on a holiday or if a holiday falls on a normal day off, such employees shall be treated as follows:
  1. Nonexempt employees who are required to work on a holiday shall receive one and one-half times (1.5) regular pay for the holiday and holiday hours equaling one workday, according to the employees' regular schedule (I.e.: an employee who works eight (8) hours on the holiday Wednesday, July 4, will receive eight (8) hours' pay at one and one-half (1.5) the regular rate plus eight (8) hours of holiday leave credit.)
  2. A nonexempt employee (not included in the Special Provisions for Shift Personnel below) whose normal day off falls on a holiday and who is not required to work on that day shall receive the number of normally scheduled hours as holiday hours. (I.e.: if an employee's regular work schedule is Tuesday through Saturday with normal days off as Sunday and Monday, and the holiday is Monday, January 1, the employee receives the day off and receives eight (8) hours of holiday leave credit for Monday.)

**Administrative Regulations**  
**Office of the Mayor**  
**Title: HOLIDAY POLICY**



- C. The appointing authority/department head or designee shall determine the type of compensation under the provisions of Subsection B. 1, 2, or 3 above. Holiday leave shall be

**A.R. Number: 5.2 Effective Date: 7/1/2023 Page: 2 of 4**

**Supersedes: HOLIDAY POLICY A.R.: 5.2 DATED: 11/5/2022**

taken off after the holiday at a time agreed upon by both the nonexempt employee and the appointing authority/department head.

- D. Employees who wish to observe other holidays for religious or ethnic reasons (racial, religious, linguistic, or cultural heritage) may make arrangements with their appointing authority/department head prior to the holiday. If such arrangements are approved, the employee leave must be charged to the employee's vacation leave.
- E. If an exempt employee under the FLSA guidelines is required to work on a holiday, the employee shall not receive overtime pay or compensatory time but may be permitted if approved by the employee's appointing authority/department head, to take another day off as mutually agreed to by the employee and the appointing authority/department head.
- F. Special Provisions for Shift Fire Personnel – Fire personnel who work a schedule authorized by 29 U.S.C. §207(k) shall receive twelve (12) hours of holiday leave credit for each designated holiday or the equivalent of one point five (1.5) times for any portion of a holiday. These Fire personnel shall only be entitled to leave credit and shall not receive pay in addition to their regular pay. At the time of separation from city service, such employees shall be reimbursed for unused holiday leave credits up to a maximum of one-hundred and forty-four (144) hours. Holiday hours shall be credited and can be used at the beginning of a fiscal year quarter but shall not be compensable until after the actual holiday. For example, employees earn twentyfour (24) hours on July 1 for the July 4 and Labor Day holidays and may use these hours immediately. However, if compensation is authorized by the appointing authority/department head or designee, the employee shall not be paid until the pay period when these holidays occur. In addition, the holiday must be observed before it can be included in reimbursement for unused holiday hours.
- G. Special Provisions for Other Shift Personnel – All other employees who work a shift in a twenty-four (24) hour/seven (7) day a week operation shall receive eight (8) hours of holiday leave for each designated holiday including mental health days. Unless authorized by the appointing authority/department head or designee, these employees shall only be entitled to leave credit and shall not receive pay in addition to their regular pay. At the time of separation from city service, such employees shall be reimbursed for unused holiday leave credits up to a maximum of one-hundred and twenty (120) hours. Holiday hours shall be credited and can

**Administrative Regulations**  
**Office of the Mayor**  
**Title: HOLIDAY POLICY**



be used at the beginning of a fiscal year quarter but shall not be compensable until after the actual holiday. For example, employees earn sixteen (16) hours on July 1 for the July 4 and Labor Day holidays and may use these hours immediately. However, if compensation is authorized by the appointing authority/department head or designee, the employee shall not

**A.R. Number: 5.2 Effective Date: 7/1/2023 Page: 3 of 4**

**Supersedes: HOLIDAY POLICY A.R.: 5.2 DATED: 11/5/2022**

be paid until the pay period when these holidays occur. In addition, the holiday must be observed before it can be included in reimbursement for unused holiday hours.

- H. Special Provisions for Employees Working Alternative Work Schedules – Full time employees, not identified as shift employees, who work an alternative work schedule shall earn eight (8) hours of holiday. Whenever possible, employees should revert to a five (5) day/eight (8)-hour schedule during holiday weeks. If this is not practical, then the employee and supervisor shall arrange the employee’s schedule, so the employee works the required hours of the workweek. (I.e., a full-time employee is expected to work twenty-four (24) hours during the week of Thanksgiving and have sixteen (16) hours of holiday leave. If the employee typically works ten (10) hours on Tuesday, Wednesday, Thursday, and Friday then the employee may have to work eight (8) hours on Monday, Tuesday, and Wednesday or twelve (12) hours on Tuesday and Wednesday.)

This policy is pursuant to 29 U.S.C. §207(k) of the Fair Labor Standards Act.

**IV. RESPONSIBILITY**

**Appointing Authority/Department Head** – The appointing authority/department head or designee is responsible for authorizing or granting holiday pay.

**Department of Human Resources (HR)** – HR is responsible for oversight and administration of this policy. HR is the central repository for all personnel files and information. HR shall make available all necessary procedures and forms to departments and employees and provide guidance when questions arise.

**Employees** – Employees are responsible for abiding by the requirements and processes of this policy.

**V. DEFINITIONS**

Words and phrases contained within this policy are interpreted by the Director of Human Resources and can be made available upon request.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: HOLIDAY POLICY**



**A.R. Number: 5.2 Effective Date: 7/1/2023 Page: 4 of 4**  
**Supersedes: HOLIDAY POLICY A.R.: 5.2 DATED: 11/5/2022**

**I. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

**CHIEF ADMINISTRATIVE OFFICER**

**MAYOR**



**Administrative Regulations  
Office of the Mayor**

**Title: MEAL ALLOWANCE**

**A.R. Number: 5.3 Effective Date: 2/1/2007 Page: 1 of 1**

**Supersedes: Meal Allowance A.R.: 5.3 DATED: 8/9/2006**

**I. POLICY**

When an unanticipated situation requires an employee to work beyond the regular work schedule, the City will provide the employee with a meal allowance of \$10.00 to purchase food pursuant to this policy.

**II. PROCEDURES**

The following guidelines shall govern the payment of meal allowances:

1. The work to be performed must be unanticipated, and therefore, unscheduled in nature.
2. An employee must work at least two consecutive hours beyond their normal work schedules to be eligible for the meal allowance.
3. Except as herein stated, all employees required to work and meet the qualifications, should receive the allowance. This includes exempt and non-exempt classifications with the following exceptions: (1) Members of the Department of Police, (2) Members of the Department of Fire and Emergency Services, and (3) Department Directors/Agency Director, and Deputy Directors.

**III. REGULATION UPDATE**

The Office of the Mayor and the Department of Human Resources shall be responsible for modifications to this Policy.

**APPROVED:**

**MAYOR**



**Administrative Regulations  
Office of the Mayor**

**Title: SMOKING POLICY**

**A.R. Number: 5.4 Effective Date: 2/1/2007 Page: 1 of 1**

**Supersedes: Smoking Policy A.R.: 5.4 DATED: 9/1/2000**

**I. POLICY**

It is the policy of the City of Richmond to enforce the State legislation and provide specific guidelines that comply with the Virginia Indoor Clean Air Act.

This policy applies to all facilities and areas owned, operated or leased by the City of Richmond. It applies to all city employees, individuals contracted to provide services to the City and visitors within City-controlled facilities and areas.

**II. PROCEDURE**

Smoking is defined by this policy as the carrying or holding of any lighted cigar, pipe, or cigarette of any kind.

- A. Smoking is prohibited in:
  - 1. All entrances and exits to publicly owned or leased buildings.
  - 2. The interior, including vestibules, of all buildings owned, operated, or leased by the City.
- B. Smoking is only allowed in designated smoking areas of all city facilities.

**III. RESPONSIBILITIES**

- A. Managers/Supervisors
  - 1. Ensure that employees comply with these guidelines.
  - 2. Allow an employee breaks in accordance with a clearly defined procedure.
  - 3. Exercise sound and reasonable judgment in enforcing this policy.
- B. Employees

All employees are required to follow the procedures outlined in this policy. Employees who believe that this policy is being violated may report such violations to their immediate supervisors.

Failure to adhere to the policy may result in disciplinary action. Certain violations which constitute a safety hazard will be addressed firmly and immediately.

**IV. AUTHORITY**

Code of Virginia, Title 15.1, Chapter 8.1, Sections 15.1-291.1 through 15.1-291.11 (Virginia Indoor Clean Air Act)

**V. REGULATION UPDATE**

The Office of the Mayor and the Department of Human Resources shall be responsible for modifications to this Policy.

**APPROVED:**

**MAYOR**





**Administrative Regulations  
Office of the Mayor**

**Title:** OUTSIDE EMPLOYMENT

**A.R. Number:** 5.5 **Effective Date:** 2/1/2007 **Page:** 1 of 2

**Supersedes:** Outside Employment A.R.: 5.5 **DATED:** 12/13/2005

**I. PURPOSE**

The City of Richmond has no intention of regulating what employees do during their own time away from work as long as such activities do not represent a conflict of interest, or a legal liability to the City. Therefore, this policy is issued for the protection of both the employee and the City.

**II. POLICY**

City employees shall not engage in any employment, activity or enterprise which has been determined to expose the City to legal liability for acts of negligence growing out of such outside employment, or to be inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of their City employment. In addition, in the event that such outside employment activity or enterprise interferes with the employee's performance, attendance, promptness, ability to work overtime or emergency hours, the employee may be required to discontinue it.

Outside employment is defined as that employment which is outside the normal job for which an individual is employed by the City (this includes self-employment).

**III. PROCEDURE**

1. The employee may not use his/her City position as a referral for outside employment. For example, a Utility Gas Inspector cannot indicate to a customer that something is wrong with a gas furnace and then refer the customer to the Inspector's self-employment business.
2. City telephones, equipment, facilities, supplies, etc. shall not be used as a support mechanism for employees relating to secondary employment. For example, a mechanic engaged in secondary employment may not use City tools or facilities for such employment.
3. Employees shall not wear a City uniform or any other articles of clothing or accessories with a City logo to their secondary employment. Police officers with an approved off-duty employment assignment which is conditioned on the actual or potential use of law enforcement powers shall wear their standard police uniform and all issued equipment.
4. Employees may not use beepers, pagers, or other electronic devices for secondary employment while on duty. For example, a Police Officer who has a private security job may not carry and use a beeper for purposes of secondary employment while on duty.
5. Employees shall not engage in any outside employment during on duty hours. This includes the sale of products, consulting, or scheduling appointments to meet with customers.
6. Employees who are on injury leave, sick leave, receiving Worker's Compensation or who are on light duty shall not engage in outside employment.
7. No paid political consulting will be permitted at any time.
8. Employees are required to seek written approval of the CAO or his designee prior to engaging in any outside employment, activity or enterprise. A copy of such approval will be actively maintained in the employees City personnel files. The absence of said approval from the employees City personnel files shall create a presumption that the employees failed to obtain the written approval required in this section.
9. Employees will be required to sign a statement of ethics at the time of employment. All current employees will be required to sign a statement of ethics at the beginning of the performance evaluation period.



**Administrative Regulations  
Office of the Mayor**

**Title:** OUTSIDE EMPLOYMENT

**A.R. Number:** 5.5 **Effective Date:** 2/1/2007 **Page:** 2 of 2

**Supersedes:** Outside Employment **A.R.:** 5.5 **DATED:** 12/13/2005

**IV. RESPONSIBILITY**

It is the responsibility of each Department/Agency Director to ensure that each employee is aware of, and understands the content and effect of this policy. Particular attention should be given to communicating all aspects of this policy to new and prospective employees.

**V. REGULATION UPDATE**

The Office of the Mayor and the Department of Human Resources shall be responsible for modifications to this Policy.

**APPROVED:**

---

**MAYOR**



**Administrative Regulations  
Office of the Mayor**

**Title:** PAYCHECK DISTRIBUTION and EARLY RELEASE of PAYCHECKS

**A.R. Number:** 5.6 **Effective Date:** 2/1/2007 **Page:** 1 of 1

**Supersedes:** Paycheck Distribution and Early Release of Paychecks **A.R.:** 5.6 **DATED:** 9/1/2000

**I. POLICY**

It is policy to distribute payroll checks only in accordance with the following procedures.

**II. PROCEDURE**

A. Payroll Check Distribution. Employees may receive their paycheck on each payday as follows:

1. Non-shift employees may receive their paychecks after 8:00 a.m. on payday. In case payday Friday is a holiday, checks may be distributed after 2 p.m. on the Thursday before normal payday Friday.
2. Shift employees may, normally, receive their paychecks as early as practicable after 8:00 a.m. on payday. For shift workers whose regular work turn ends at midnight or later, but before 8:00 a.m. payday, department/agency director may approve and arrange for pick up after shift end. In approving distributions after shift end between midnight and 8:00 a.m. Friday, department/agency director should give due consideration to issues of security and privacy. In no instance will this regular pick up occur prior to 12 midnight before the official Friday payday (or 2:00 p.m. Thursday, if Friday is a holiday).

B. Early Release of Paychecks. All paychecks are to be picked up by authorized payroll clerks or authorized substitutes.

If an employee is going to be away on authorized absence on payday, the employee may submit a copy of an approved travel authorization or Application for Leave to the department/agency director with a request for early release of paycheck.

If early release is approved, the check may be picked up from the department/agency payroll coordinator after 2 p.m. on the Thursday before payday.

The City does not release funds to cover pay until payday. Those who receive their pay early must agree not to cash the paychecks prior to payday.

C. Adverse Weather Conditions. If the City officially closes on payday due to adverse weather conditions, then paychecks will be distributed on the next work day.

D. Direct Deposit Pay Option. The City encourages, and provides for the direct deposit of pay into employee's designated bank on payday as a regular pay option.

**III. RESPONSIBILITY**

It shall be the responsibility of each Department/Agency Director to see that the above policy is adhered to.

**IV. REGULATION UPDATE**

The Office of the Mayor and the Department of Human Resources shall be responsible for modifications to this Policy.

**APPROVED:**

A handwritten signature in cursive script, appearing to read "L. Douglas Miller".

**MAYOR**

**Administrative Regulations**  
**Office of the Mayor**  
**Title: PERFORMANCE EVALUATIONS**



**A.R. Number: 5.7 Effective Date: 7/1/2023 Page: 1 of 5**

**Supersedes: PERFORMANCE EVALUATION SYSTEM A.R.: 5.7 DATED: 2/1/2007**

**I. PURPOSE**

The City of Richmond is committed to excellence in public service. Accountability is a guiding value of the city. Employees are expected to take ownership and responsibility for individual and team actions and remain focused on the city's priorities.

Performance management uses evaluations to enhance employee performance and productivity, reward excellent performance, identify development needs, and implement improvement strategies where needed.

Performance evaluations encourage top performance through clear expectations and accountability and identifies areas in need of improvement for employees to become successful contributors to the organization. All employees are given the opportunity to demonstrate successful performance that highlights their contribution to meeting the city's vision, mission, goals, and objectives.

All employees, including supervisors and managers in permanent or temporary positions, are subject to performance evaluations.

**II. POLICY A. Performance Evaluation Process**

1. The performance evaluation process and policy outlined in this section apply to all employees.
2. Each department shall follow a performance evaluation process for all employees, whether probationary or tenured. The evaluation process is an annual cycle of appraisal in which supervisors and employees formally and regularly meet to discuss performance. Employees shall be provided with clear expectations for quantity and quality of work they are to perform.
3. The annual performance period shall correspond with the fiscal year. It shall conclude with an end of the year formal, written evaluation. Documentation of performance meetings is required for the employee's personnel file. The end-of-year performance evaluation shall identify employee successes, any developmental needs, and/or any performance issues.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: PERFORMANCE EVALUATIONS**



**A.R. Number: 5.7 Effective Date: 7/1/2023 Page: 2 of 5**  
**Supersedes: PERFORMANCE EVALUATION SYSTEM A.R.: 5.7 DATED: 2/1/2007**

**B. Performance-Based Pay (“Merit”) Increases**

1. No merit increases shall be awarded without an updated performance evaluation or to employees without at least six months of incumbency. Merit increases shall not be granted to employees whose performance has been unsatisfactory. Merit increases are separate and apart from General Wage Increases.
2. Positions at the department director level and above, constitutional officers, temporary employees (short-term, seasonal, emergency, grant-funded, and pool employees) and sworn fire and police personnel who are part of a step plan shall not be part of the performance-based pay increase system.
3. The Chief Administrative Officer shall determine the availability of annual merit increase funds. The city’s compensation plan and financial resources may be considered in the decision-making process.
4. When funds are approved, the merit increase shall be based on an employee’s job performance as measured against their job’s standard duties and responsibilities during the annual evaluation process.
5. Eligible employees shall not receive more than one merit increase per fiscal year.
6. A merit increase award shall not result in an employee’s pay exceeding the maximum of their position’s pay or broadband range. It shall be administered in accordance with the city’s pay plan.

**C. Performance Improvement and Disciplinary Action**

1. The performance improvement and disciplinary action policies outlined in this section apply to all employees.
2. Performance evaluations are designed to provide a structured process to improve undesirable work performance. If an employee receives an unsatisfactory performance evaluation, the supervisor or manager, in consultation with the appointing authority/department head, may place the employee on a Performance Improvement Plan (PIP). Please see the city’s disciplinary policy for progressive discipline steps to implement a PIP. The progressive discipline steps that should be taken after a PIP are described in the city’s discipline policy. The progressive discipline policy also addresses instances when disciplinary action is necessary due to personal conduct.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: PERFORMANCE EVALUATIONS**



**A.R. Number: 5.7 Effective Date: 7/1/2023 Page: 3 of 5**

**Supersedes: PERFORMANCE EVALUATION SYSTEM A.R.: 5.7 DATED: 2/1/2007**

3. This policy does not provide any contractual rights regarding employee discipline or counseling, nor shall anything in this policy be read or construed as modifying or altering the employment-at-will relationship between the City of Richmond and its employees.

**III. PROCEDURE**

HR shall make available detailed procedures and required forms for this policy, including performance evaluation, performance improvement, and distribution of merit increases. Procedures shall be administered consistently within departments. Departments shall consult with HR when questions arise related to performance actions.

**IV. RESPONSIBILITY**

**Department of Human Resources (HR)** – HR is responsible for oversight and administration of this policy. HR is the central repository for all personnel files including performance evaluations. HR shall disseminate performance evaluation procedures and forms to departments and provide guidance when questions arise.

**Appointing Authorities and/or Department Heads** – Appointing authorities and/or department heads are responsible for ensuring that the department/agency actively engages in performance management and that supervisors complete performance evaluations on a regular and timely basis. Appointing authorities and/or department heads shall notify HR of deviations from the appraisal cycle and performance evaluation standard procedures.

**Supervisors** – Supervisors are responsible for managing and documenting performance throughout the evaluation period. This includes establishing performance expectations, providing ongoing feedback, completion of a mid-year review of performance, development, and implementation of performance improvement plans, when necessary, and completion of a performance evaluation form for each employee.

**Employees** – Employees are responsible for clearly understanding their work expectations, meeting with their supervisors about any areas in need of clarification, reviewing written evaluations, and providing information to their supervisors regarding work performance and progress.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: PERFORMANCE EVALUATIONS**



**V. DEFINITIONS**

**Performance Management** – Performance management encompasses all processes and steps taken under the purview of this policy to encourage productive performance and to determine if an employee's performance is consistent with the position expectations and the city's core values.

**A.R. Number: 5.7 Effective Date: 7/1/2023 Page: 4 of 5**

**Supersedes: PERFORMANCE EVALUATION SYSTEM A.R.: 5.7 DATED: 2/1/2007**

**Performance Period** – The performance period refers to the time in which an employee's performance shall be evaluated. The annual performance period shall run with the fiscal year cycle, to begin July 1 and end June 30.

**Probationary Employees** - Probationary employees, or employees in their city employment less than twelve (12) months, must be employed a minimum of ninety (90) days to receive a performance evaluation. New employees shall have a performance check-in six months after their employment start date.

**Performance Evaluation** – A performance evaluation formally documents an employee's performance during the performance period. An overall rating of performance shall be provided and reviewed with the employee. The form must be signed by the supervisor, employee, and Appointing Authority.

**Tenured Employees** – The performance period for employees who have completed their probationary period shall follow the fiscal year schedule.

**A.R. Number: 5.7 Effective Date: 7/1/2023 Page: 5 of 5**

**Supersedes: PERFORMANCE EVALUATION SYSTEM A.R.: 5.7 DATED: 2/1/2007**

**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

**Administrative Regulations**  
**Office of the Mayor**  
**Title: PERFORMANCE EVALUATIONS**



A handwritten signature in black ink, appearing to read "Linda Sanderson". The signature is written in a cursive style with a long, sweeping tail on the final letter.

**CHIEF ADMINISTRATIVE OFFICER**

A handwritten signature in black ink, appearing to read "J.M.A.". The signature is written in a cursive style with a long, sweeping tail on the final letter.

**MAYOR**





**Administrative Regulations  
Office of the Mayor**

**Title:** RECLAIMING OVERPAYMENT OF EARNINGS FROM ACTIVE AND SEPARATED EMPLOYEES

**A.R. Number:** 5.8 **Effective Date:** 10/1/2008 **Page:** 1 of 1

**Supersedes:** Reclaiming City Property or Monies Owed Upon Employee Separation **A.R.:** 5.8 **DATED:** 2/1/2007

**I. POLICY**

The City will exercise its right to offset an employee's overpaid earnings by processing an overpayment against the employee's earnings. All overpaid earnings from separated employees will be deducted from all final monies due in their final paycheck. The recovery of overpaid earnings will begin in subsequent pay periods immediately following detection of overpayment and will be processed as approved in published procedures and always before calendar year end. The overpayment is documented and copied for the employee's file in Human Resources.

**II. PROCEDURE**

The total amount of an overpayment will be deducted from one (1) pay in its entirety, unless the amount exceeds \$500.00 of the employee's net disposable earnings. Disposable earning for this calculation will be earnings minus required taxes, pre-taxed benefits and all garnishments. Elected deductions, i.e. savings accounts, will be deducted after repayment of the excessive earnings. The overpaid earnings from separated employees will be deducted from the separated employee's last pay check in its entirety.

Overpayments totaling more than \$500.00 to \$2000.00 will be divided equally over no more than four (4) consecutive pay periods, but never into a new calendar year. These payments should total no less than \$500.00 each pay.

Amounts greater than \$2000.00 will be handled on an individual basis to include the same guidelines of no less than \$500.00 per pay and the overpayment must be repaid by calendar year end. This arrangement will be administered within the respective Department or Agency.

All overpayment agreements (See Attachment A) must be documented and must be signed by the employee, the employee's Payroll Technician and their Appointing Authority. The employee's department payroll coordinator is required to send copies of the agreement to HR for the personnel file and to Finance-Payroll division. The arrangement will be administered within the department of the respective employee. All agreements will be contingent upon the final approval of the Finance's Payroll division. The balance of any overpayment will be deducted from the employee's last check to include vacation payouts, upon separation.

**III. RESPONSIBILITY**

It is the responsibility of each Department/Agency Director or designee to monitor the internal affairs to ensure that overpayment of earnings is limited and collection of the overpayments is recovered immediately upon discovery of overpayment.

It is the responsibility of the employee to notify their Payroll Coordinator or the Department of Human Resources if an overpayment is discovered.

**IV. REGULATION UPDATE**

The Departments of Human Resources and Finance shall be responsible for modifications to this Policy.

**APPROVED:**

**MAYOR**



# Overpayment Deduction Authorization Form

Date: \_\_\_\_\_ Company: \_\_\_\_\_ Agency: \_\_\_\_\_

Employee's Name: \_\_\_\_\_ Employee #: \_\_\_\_\_

I understand and agree that the gross amount I have been overpaid is \$ \_\_\_\_\_.

My signature below authorizes the City of Richmond to withhold these funds from my payroll. The amount withheld will be in accordance with *Reclaiming Overpayment of Earnings from Active Employees* policy.

### Check the Deduction Method Applicable

- \_\_\_\_\_ 1. The gross amount is *less than \$500.00*. Deduct \$ \_\_\_\_\_, the full amount, from one (1) pay. The deduction maybe taken over 2 pays only if the overpayment exceeds the disposable earnings. (*See definition of disposable earnings in policy*)
- \_\_\_\_\_ 2. The gross amount is *\$500.00 or greater and does not exceed \$2000.00*. Deduct \$ \_\_\_\_\_\* over \_\_\_\_\_ consecutive pays; followed by one (1) pay of \$ \_\_\_\_\_.  
(*Number of payments cannot exceed four (4).*)
- \_\_\_\_\_ 3. Gross overpayment is *greater than \$2,000.00* and will be handled as follows:  
\$ \_\_\_\_\_\* per pay for \_\_\_\_\_\*\* consecutive pays.

**IMPORTANT NOTE:** Upon separation, the remaining balance of any overpayment will be deducted from any and all earnings due me, to include but not limited to vacation payouts.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

### OFFICE USE ONLY

\_\_\_\_\_  
Payroll Tech

\_\_\_\_\_  
Date

\_\_\_\_\_  
Appointing Authority

\_\_\_\_\_  
Date

**Note:** Payments should be no less than \$500.00 per pay, unless it reflects the balance due. The total overpayment must be repaid within the same calendar year. Never allow repayments to cross into another year.



**Administrative Regulations  
Office of the Mayor**

**Title: PERSONAL APPEARANCE**

**A.R. Number: 5.9 Effective Date: 2/1/2007 Page: 1 of 3**

**Supersedes: Dress Code Guidelines A.R.: 5.11 DATED: 8/1/2000**

**I. PURPOSE**

The purpose of this policy is to define the appropriate dress for City of Richmond employees. This policy specifies what acceptable attire is during regular work hours and on designated casual days. It is important for all employees to be well groomed, neat, and to dress appropriately for his/her job. While we trust each employee's common sense and good judgment, a dress code must be followed that is appropriate for the work environment. It not only communicates our level of professionalism, but it also communicates our commitment to customer service. In providing services, employees should display the qualities of stability, competency, impeccable character, common sense, and sound judgment through their actions as well as their appearance. That appearance should be professional and business-like at all times.

**II. POLICY**

It is the policy of the City of Richmond that employees shall demonstrate a professional appearance during all work hours. Listed below is a general overview of acceptable professional dress for regular work hours. This list is not completely comprehensive nor does it apply to employees who wear uniforms or employees whose job duties are inconsistent with the content of this policy. Those employees are to follow uniform standards for their department. This regulation should, however, serve as a general guideline for employees to make dress choices that are consistent with the City's professional business image.

**III. PROCEDURE**

**A. General Guidelines**

The City wishes to provide a work environment that is free of safety hazards, offensive behavior and harassment of any kind. Therefore, the following general guidelines should be followed:

1. Clothing should be worn to fit in such a manner that it does not expose the abdomen, chest or buttocks areas.
2. Clothing should be free of sexually related references, and should not promote the use of illegal drugs.
3. Jewelry and tattoos should not pose a conflict with the job or work environment, which includes, but is not limited to, safety of self or others; perceived offense on the basis of race, sex, religion, etc.; customer complaints.
4. Shoes must be worn at all times.
5. Sexually provocative clothing is prohibited.

**B. Professional Attire (Monday – Thursday)**

Professional business attire will include, but is not limited to:

- Suits
- sports coat or blazer
- blouse, dress shirt (long or short sleeve), or sweater
- dress pants or trousers
- dresses, skirts (no shorter than directly above the knee)
- dress shoes or dress sandals
- socks or hosiery



## **Administrative Regulations Office of the Mayor**

**Title:** PERSONAL APPEARANCE

**A.R. Number:** 5.9 **Effective Date:** 2/1/2007 **Page:** 2 of 3

**Supersedes:** Dress Code Guidelines **A.R.:** 5.11 **DATED:** 8/1/2000

### C. Casual Fridays

As permitted by the Agency Head/Appointing Authority, Fridays may be casual dress. Departments may establish their own list of acceptable casual wear, however anything more casual than what is outlined in this regulation is prohibited. Casual Fridays require that employees continue to portray a professional image while taking advantage of more casual and relaxed clothing. "Casual Fridays" offers an alternative to more formal professional business attire. In contrast, all casual clothing is not appropriate for the office. Items that may be perfect for leisure activities are not appropriate for the office, nor are they consistent with the kind of professional image the City seeks to convey.

Below is a listing of acceptable casual wear as well as some of the more common items that are not acceptable for the office. Please note that the list is not completely inclusive. Instead, this list serves as a general guideline for employees to make intelligent judgments about items that are not specifically addressed. A good rule of thumb is that if you are not sure if something is acceptable, choose something else.

#### Acceptable Items:

- Jeans (this does not include torn, faded, form-fitting, low-rise, or patched jeans)
- Cotton (or other material such as polyester) pants or trousers
- Dress shirt or blouse with collars, sweaters, turtlenecks, pullover shirt
- Dress shoes, loafers, casual or dress boots, dress sandals

#### Unacceptable Items:

- Torn, faded, or patched jeans, hip-huggers, bib-overalls, spandex or other form-fitting pants, shorts, cotton or nylon sweatpants, or any other athletic attire or beachwear
- Casual dresses, skirts
- Sweatshirts, t-shirts, sleeveless shirts, tank tops, halter tops, spaghetti straps
- Athletic shoes, work boots, casual sandals, flip flops, hiking boots or hiking sandals, thongs, slippers

### D. Uniform Requirements

This policy does not apply to employees who are required to wear uniforms or employees who are involved in other specialized work environments as determined by the Agency Appointing Authority. Employees are required to adhere to uniform standards as set by the respective agency. Employees are required to wear uniform in an appropriate manner; shirt buttoned and preferably tucked inside of pants, sleeves not rolled up, clean, and wrinkle-free.

### E. Religious Attire

Employees that have a concern with any aspect of the Dress Code policy due to religious beliefs should communicate it to his or her direct supervisor or the Department of Human Resources. If the employee makes a request for deviation from this policy based on religious belief, the City will attempt to make a reasonable accommodation.



**Administrative Regulations  
Office of the Mayor**

**Title: PERSONAL APPEARANCE**

**A.R. Number: 5.9 Effective Date: 2/1/2007 Page: 3 of 3**

**Supersedes: Dress Code Guidelines A.R.: 5.11 DATED: 8/1/2000**

**IV. RESPONSIBILITY**

- All Department/Agency Directors or their respective designees are responsible for interpreting and enforcing dress and grooming standards in their agencies. Additionally, Agency Directors have the responsibility to inform and advise their employees of appropriate attire when meeting the general public, representing the City of Richmond, attending Board meetings, attending public hearings or any other time the Appointing Authority deems it necessary.
- Any employee whose appearance does not meet these standards will be counseled by his or her direct supervisor. If the appearance is excessively distracting or the clothing is unsafe, the employee may be sent home to correct the problem. Time spent away from the office for this purpose may be charged to that employee's annual leave. Repeated disregard for this dress policy may result in disciplinary action up to and including termination.
- Reasonable accommodation will be made for employees' religious beliefs and disabilities whenever possible, consistent with the business necessity to present a professional appearance to the public. Questions or complaints that cannot be handled to an employee's satisfaction by his or her direct supervisor should be taken to the Department of Human Resources.
- Ultimately, the responsibility for appropriate attire falls upon the individual employee. We ask that you refer to this policy to determine what to wear.

**V. REGULATION UPDATE**

The Office of the Mayor and Department of Human Resources shall be responsible for modification of this Policy.

**APPROVED:**

**MAYOR**



## **Administrative Regulations Office of the Mayor**

**Title:** PRIVACY OF PROTECTED HEALTH INFORMATION

**A.R. Number:** 5.10 **Effective Date:** 2/1/2007 **Page:** 1 of 5

**Supersedes:** Privacy of Protected Health Information A.R.: 5.15 **DATED:** 9/1/2004

### **I. POLICY**

Additional privacy regulations issued under the federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA") require the maintenance of privacy of Protected Health Information ("PHI") and restrict the use and disclosure of PHI. As a sponsor of a group health plan, the City is not a covered entity under HIPAA. This policy outlines various privacy protocols and procedures intended to ensure the confidentiality, security, and integrity of PHI.

### **II. DEFINITIONS**

- A. Protected Health Information ("PHI") - means individually identifiable health information, as defined by HIPAA, that is created or received by the City and that relates to past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and that identifies the individual or for which there is a reasonable basis to believe the information can be used to identify the individual. PHI includes information of persons living or deceased.
- B. Summary Health Information (SHI) - Summary Health Information is information on the claims history of covered individuals. Employers may obtain Summary Health Information only for the purpose of changing or terminating their plan or obtaining bids. Individually identifiable information is deleted from Summary Health Information, except this information can be aggregated at the five-digit Zip code level.
- C. HIPAA – Health Insurance Portability and Accountability Act of 1996.
- D. Business Associates - contracts with outside persons or organizations, examples of these outside persons include laboratories that conduct medical tests and analyze medical statistics.
- E. HIPAA Privacy Officer – The individual named by the City of Richmond as it's Privacy Officer for HIPAA compliance in accordance with HIPAA regulations.

### **III. PROCEDURES**

This procedure describes how medical information about an employee may be used and disclosed and how the employee can get access to this information. Notice of Privacy Practices – Protected Health Information applies to Protected Health Information (PHI) associated with various governmental functions performed by the City. This procedure describes how the City may use and disclose personal health information to carry out its operations and for other purposes that are permitted or required by law. The City is required by the privacy regulations issued under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") to maintain the privacy of Protected Health Information and to provide individuals notice of its legal duties and privacy practices concerning Protected Health Information. In the event applicable law, other than HIPAA, prohibits or materially limits its uses and disclosures of Protected Health Information, as set forth below, the City will follow the more stringent standard.



## Administrative Regulations Office of the Mayor

**Title:** PRIVACY OF PROTECTED HEALTH INFORMATION

**A.R. Number:** 5.10 **Effective Date:** 2/1/2007 **Page:** 2 of 5

**Supersedes:** Privacy of Protected Health Information **A.R.:** 5.15 **DATED:** 9/1/2004

The City is required to abide by the terms of this regulation so long as it remains in effect. The City reserves the right to change the terms of this procedure as necessary and to make it effective for all Protected Health Information it maintains. If the City makes material changes to its privacy practices, revised notices and procedures will be available within City offices and copies may be obtained by contacting the City at the telephone number or address provided in this Regulation or on the City's Web site at [www.richmondgov.com](http://www.richmondgov.com).

### A. Uses and Disclosures of your Protected Health Information

The following categories describe different ways that the City uses and discloses PHI. For each category of uses and disclosures an explanation is provided and, where appropriate, examples are given. Not every use or disclosure in a category will be listed. However, all of the ways the City is permitted or required to use and disclose PHI will fall within one of the categories.

1. Your Authorization – Except as outlined below, the City will not use or disclose your PHI unless you have signed a form authorizing the use or disclosure. You have the right to revoke that authorization in writing except to the extent that the City has taken action in reliance upon the authorization.
2. To Carry Out Treatment Functions – The City may use or disclose your PHI without your permission for health care providers to provide you with treatment.
3. To Carry Out Certain Operations Relating to Your Benefit Plan – The City may use and disclose your PHI as necessary of its health care operations. Examples of health care operations include activities relating to the creation, renewal, or replacement of a Health Plan.
4. Business Associates – Certain aspects and components of the City's services are performed through contracts with outside persons or organizations. Examples of these outside persons include laboratories that conduct medical tests and analyze medical statistics. At times, it may be necessary for the City to provide your PHI to one or more of these outside persons or organizations.
5. To Carry Out Certain Government Operations – The City may use or disclose your PHI without your permission to carry out certain limited activities relating to various governmental functions. Examples include review of applications for the Shared Leave Program, certifications required by the Passport to Wellness Program, review of applications for Family Medical Leave Act, review of disability retirement requests, and other specialized government functions. The City will make reasonable efforts to limit such uses and disclosures to the minimum necessary to accomplish the intended purpose of the use, disclosure or request.
6. Other Uses and Disclosures – The City may make certain other uses and disclosures of your PHI without your authorization.
  - The City may use or disclose your PHI for any purpose required by law.
  - The City may disclose your PHI for public health activities, such as reporting a disease, injury, birth and death, and for public health investigations.



## **Administrative Regulations**

### **Office of the Mayor**

**Title:** PRIVACY OF PROTECTED HEALTH INFORMATION

**A.R. Number:** 5.10 **Effective Date:** 2/1/2007 **Page:** 3 of 5

**Supersedes:** Privacy of Protected Health Information **A.R.:** 5.15 **DATED:** 9/1/2004

- The City may disclose your PHI to the proper authorities if child abuse or neglect is suspected; the City may also disclose your PHI if there is reasonable belief that you are a victim of abuse, neglect, or domestic violence.
- The City may disclose your PHI if authorized by law to a government oversight agency conducting audits, investigations, or civil or criminal proceedings.
- The City may disclose your PHI in the course of a judicial or administrative proceeding, to respond to a subpoena or discovery request, or other court order.
- The City may disclose your PHI to the proper authorities for law enforcement purposes.
- The City may disclose your PHI to coroners, medical examiners, and/or funeral directors consistent with law.
- The City may use or disclose your PHI to prevent or lessen a serious and imminent threat to your health or safety or the health and safety of the general public.
- The City may use or disclose your PHI for organ, eye or tissue donation.
- The City may use or disclose your PHI for research purposes, but only as permitted by law.
- The City may use or disclose your PHI if you are a member of the military as required by armed forces services, and we may also disclose your PHI for other specialized government functions such as national security or intelligence activities.
- The City may disclose your PHI to workers' compensation agencies for your workers' compensation benefit determination and as necessary to comply with workers' compensation laws.
- The City will, if required by law, release your PHI to the Secretary of the Department of Health and Human Services for enforcement of HIPAA.

#### **B. Your Rights**

1. **Access to Your PHI** – You have the right to inspect and or to obtain a copy your PHI that is included in certain records we maintain. Under limited circumstances, we may deny you access to a portion of your records. If you request copies, we may charge you copying and mailing costs. Certain requests for access to your PHI must be in writing, must state that you want access to your PHI and must be signed by you or your representative.
2. **Amendments to Your PHI** – You have the right to request that PHI that we maintain about you be amended or corrected. We are not obligated to make all requested amendments but will give each request careful consideration. If we determine that the record is inaccurate, and the law permits us to amend it, we will correct it. To be considered, your amendment request must be in writing, must be signed by you or your representative, and must state the reasons for the amendment/correction request. If your doctor or another person created the information that you want to change, you should ask that person to amend the information.





## Administrative Regulations Office of the Mayor

**Title:** PRIVACY OF PROTECTED HEALTH INFORMATION

**A.R. Number:** 5.10 **Effective Date:** 2/1/2007 **Page:** 4 of 5

**Supersedes:** Privacy of Protected Health Information A.R.: 5.15 **DATED:** 9/1/2004

3. Accounting for Disclosures of Your PHI – You have the right to receive an accounting of certain disclosures made by us of your PHI. To be considered, your accounting requests must be in writing and signed by you or your representative. The accounting that we provide will not include disclosures made before April 14, 2003, disclosures made in the course of conducting governmental operations, disclosures made for treatment, payment or health care operations, disclosures made earlier than six years before the date of your request, and certain other disclosures that are accepted by law. The first accounting in any 12-month period is free; however, the City may charge you a reasonable fee for each additional accounting you request within the same 12-month period.
  4. Restrictions on Use and Disclosure of Your PHI - You have the right to request restriction on certain of the City's uses and disclosures of your PHI for insurance payment or health care operations, disclosures made to persons involved in your care, and disclosures for disaster relief purposes. For example, you may request that the City not disclose your PHI to your spouse. Your request must describe in detail the restriction you are requesting. HIPAA does not require the City to agree to your request. The City will accommodate reasonable requests when appropriate. The City retains the right to terminate an agreed-to restriction if the City believes such termination is appropriate. In the event of a termination by the City, the City will notify you of such termination. You also have the right to terminate, in writing, any agreed-to restriction. Request forms can be obtained by contacting the City at the address below.
  5. Request for Confidential Communications – You have the right to request that communications regarding your PHI be made by alternative means or at alternative locations. For example, you may request that messages not be left on voice mail or sent to a particular address. The City will accommodate reasonable requests; however, the City is not required to agree to all requests.
  6. Right to a Copy of the Notice – You have the right to a paper copy of this Notice upon request.
  7. Complaints – If you believe your privacy rights have been violated, you can file a complaint with the City at the address below. You may also file a complaint in writing with the Secretary of the U.S. Department of Health and Human Services, Office for Civil Rights, 150 S. Independence Mall West, Suite 372; Public Ledger Building, Philadelphia, PA 19106-9111. Main Line (215) 861-4441. Hotline (800) 368-1019. FAX (215) 861-4431. TDD (215) 861-4440. For all complaints filed by e-mail send to: [OCRComplaint@hhs.gov](mailto:OCRComplaint@hhs.gov). Complaints must be filed in writing, either on paper or electronically; name the entity that is the subject of the complaint and describe the acts or omissions believed to be in violation of the applicable requirements of HIPAA, and be filed within 180 days of the believed violation.
- C. For More Information or Complaints

If you have questions or need further assistance regarding this Notice, are concerned that the City has violated your privacy rights or disagree with a decision that the City made about access to your PHI, you may contact the Privacy Officer at:

HIPAA Privacy Officer  
City of Richmond, Department of Human Resources  
900 East Broad Street, Suite 902  
Richmond, Virginia 23219  
Telephone Number: (804) 646-5660  
FAX Number: (804) 646-5856



**Administrative Regulations  
Office of the Mayor**

**Title:** PRIVACY OF PROTECTED HEALTH INFORMATION

**A.R. Number:** 5.10 **Effective Date:** 2/1/2007 **Page:** 5 of 5

**Supersedes:** Privacy of Protected Health Information **A.R.:** 5.15 **DATED:** 9/1/2004

**IV. REGULATION UPDATE**

The Office of the Mayor and the Department of Human Resources shall be responsible for modifications to this Regulation.

**V. EXHIBITS**

A. Authorization for Disclosure of Protected Health Information

B. Questions and Answers for Privacy of Protected Health Information

**APPROVED:**

**MAYOR**



**City of Richmond, Virginia**  
**Department of Human Resources**

**Authorization for Disclosure of Protected Health Information**

As the person signing this authorization, I understand that I am giving permission to (entity) to disclose (name of document) to the person(s) or organization(s) I have indicated below.

I designate (insert name of individual) as my personal representative to act on my behalf in making health care related decisions, receiving health care information, and/or disclosing my personal health information.

I understand that (entity name) may disclose my (state specific document) for the purpose of (ex.--billing my insurance company or sending info to my attorney).

The provisions of treatment, payment, enrollment in a health plan, or eligibility for benefits to me cannot be conditioned on my signing of this authorization.

The original or a copy of this authorization shall be included with my original records for at least six years.

I have a right to revoke this authorization at any time, except to the extent that action has been taken by (entity) in reliance to this request. I understand that if I choose to revoke this authorization, I must submit a written statement to (entity). The written statement will be effective upon delivery to the provider in possession of my health information.

Revocation of this authorization is not valid if this authorization was obtained as a condition of obtaining insurance coverage.

There is a potential for any information disclosed by this authorization to be rediscovered by the recipient and no longer protected by the federal privacy regulations.

I authorize (entity) to disclose my health information to the following organization(s) or person(s):

---

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

This information may be disclosed immediately for the following time period:

Begin Date: \_\_\_\_\_ End Date: \_\_\_\_\_

I prefer that you contact me in a way other than my address or my phone number. I wish to be contacted in the following manner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

# City of Richmond

## What is HIPAA?

HIPAA is the Health Insurance Portability and Accountability Act passed in 1996. This legislation established portability of coverage rights and outlined rules for the electronic transfer of data. Out of these rules came recognition of the need to ensure the privacy of personal health information. Because of the size of our plan these privacy regulations become effective April 14, 2003. One requirement of the legislation is that everyone who handles personal health information be trained on how to treat this information prior to the April 14<sup>th</sup> deadline. The following information has been identified as the key components of this legislation. It is important in your job position that you understand these rules and adopt them into your daily business practices.

## What does HIPAA protect?

HIPAA specifically protects certain „Individually Identifiable Health Information” which the legislation calls “Protected Health Information” or PHI. HIPAA only protects this information as it relates to medical and dental programs. It does not extend to other benefits that use PHI such as Worker’s Compensation, Life Insurance, Disability Insurance, Family Medical Leave Act (FMLA) or ADA.

PHI is best understood as any information that could be used by someone else to identify medical information about a specific individual. It obviously includes name and social security number, but also includes address information, demographic information such as date of birth and gender, and claim information such as date of service, place of service and diagnosis.

How do I distinguish information that should be protected under HIPAA from other non-protected personal information?

HIPAA protects information as it comes into the Health Plan and as it leaves the Health Plan. The Health Plan can be considered anyone involved in the treatment, payment, and operations of the health program. Therefore, it includes medical providers, insurance carriers, and employers who sponsor health benefits.

Because the concept of the Health Plan is somewhat difficult to define, the safest recommended course of action is to treat all personal information as confidential and “Top Secret”. In other words, treat all personal information *AS IF* it were protected by HIPAA. This conservative approach will protect the organization from any breach of privacy. Remember, companies are sued today for breaches in privacy under other laws such as FMLA and ADA. Just because it is not protected by HIPAA doesn’t mean the organization can’t get in trouble if private health information is not treated confidentially.

## What is my responsibility in protecting personal health information?

- On a global basis, your responsibility is to ensure that when you receive or use PHI that you treat it confidentially and in compliance with the HIPAA guidelines discussed below.
- HIPAA is clear – do not discuss PHI openly where others can overhear; obtain only the information you absolutely need to know, and disclose only the “minimum necessary” to meet a valid request for PHI.
- Evaluate your work location and current practices to identify potential security leaks:
  - ◆ Do your files lock or is there a lock on the file room?
  - ◆ Are there faxes received that contain PHI (i.e., EOBs, doctor’s bills)?
  - ◆ Is the fax machine located where inappropriate persons could see these faxes?
  - ◆ Is your computer screen facing people as they approach your desk?
  - ◆ How do you store information? If you do not have files for medical information separate from general personnel files, you should establish separate, secure medical files.
  - ◆ Are computers password-protected? Who has access to your e-mail?

- ◆ Before you discuss PHI with individuals over the telephone, how do you verify identity?
- ◆ Do you ever send PHI electronically? Is it encrypted or password protected?
- ◆ How do you dispose of PHI? Do you have a shredder?
- Once you have done a thorough evaluation, conduct a “cost/harm” analysis of each breach. Ask yourself, “What is the risk of inappropriate disclosure”? What is the harm of this disclosure? What will it cost to close the leak? What will it cost to not close the leak?
- If you decide not to close a leak, document how and why this decision was made.
- Keep a copy of your security evaluation in event of a complaint or an audit.

## Specific HIPAA Privacy Issues

- Enrollment forms for medical and dental – you should store these forms separately from personnel files and make sure they are secure.
- E-mail – if transmitting data (i.e., eligibility information), consider encrypting the file. You can also password protect attachments and call recipient with password and add a “confidentiality” tag to e-mails.
- Voice Mails – do not leave PHI on a voice mail; instead, leave your name and number and ask for a return call. Also, don’t listen to voice mail on a speakerphone.
- Telephone conversations – verify the identity of the speaker in a reasonable way and speak in a hushed or quiet voice if you do not have a private office.
- Assisting employees and family members with claims:
  - You can always disclose PHI to the individual who is also the claimant; however, you may find that the carrier or the provider will require a signed authorization before they will share information with you. You should keep blank authorization forms on hand for use.
  - If a family member asks you to help resolve a claim issue on a claimant, you are okay to do so without an authorization from the claimant because this is considered part of normal plan operations.
  - If someone requests PHI on someone other than themselves for a reason other than to get a claim paid, you should get a signed authorization from the individual first.
  - If the request comes from an adult personal representative (i.e., power of attorney), verify the identity and obtain a copy of the power of attorney for your files; then you can release PHI as if you were talking to the individual.
  - If a parent requests information on a child, you may disclose PHI if it is to resolve a claim. In other situations, generally you can disclose information to a parent unless state laws allow a child to get specific medical treatment without parental consent. If a parent is requesting specific medical information, you may request an opinion of the Deputy Privacy Official or Legal Counsel.
  - Disclosure to a provider – to facilitate claim payments, you may disclose PHI to providers; however, the provider may require an authorization from the claimant.
  - Disclosure in response to subpoena or court order – you may disclose the requested information in response to a court order. In the event of a subpoena, we recommend you obtain legal advice to determine the legitimacy of the subpoena. PHI that is disclosed as the result of a subpoena should be logged in the HIPAA Privacy Disclosure Log unless the subpoena is part of a criminal investigation.
  - Worker’s Compensation – In some states, you will need a signed authorization form to provide PHI for a worker’s compensation claim if the PHI comes from the Plan. Doctors may also require a signed authorization before they will release any medical information even though Worker’s Compensation is not protected by HIPAA.
  - Pre-employment screening results – you can require a signed authorization releasing the test results as a condition for consideration for employment. Screening centers

will not release results to you without an authorization.

- Disclosures required for administration of STD, LTD, FMLA, ADA – you may need a signed authorization form to get providers to release information necessary to administer these plans. For example, if you need medical information to justify the continuation of STD benefits. It is recommended that you have the employee sign and authorization form at the time they complete the initial paperwork for the benefit.
- Disclosure of PHI to supervisors – never give a supervisor an employee’s medical file. If you need to disclose information for “return-to-work” consideration, you must get a signed authorization from the employee first.
- Do not release information about an employee’s visit to the Employee Assistance Program (EAP) to a supervisor without the employee’s signed authorization.

What do I do if I discover there has been an inappropriate disclosure?

If it was one-time disclosure, it does not need to be logged. If it is systemic, it should be reported to the Privacy Official, and logged on the Disclosure Log.

## **What if I get complaints about a breach of HIPAA privacy?**

You need to report all breaches to the Privacy Officer who will investigate. You should assist the individual in their complaint by providing a complaint form.

Now that I have reviewed the HIPAA Privacy requirements and understand the need to keep protected health information (PHI) confidential and secure, what do I need to do in the future?

In addition to keeping all personal health information confidential, you need to ensure that all new hires or temporary employees who will handle this type of information are trained as well. Individuals who are trained should sign an ongoing training log so that your training efforts are documented in the event of an audit.



## Administrative Regulations Office of the Mayor

**Title:** RELIGIOUS ACTIVITIES IN THE WORKPLACE

**A.R. Number:** 5.11 **Effective Date:** 2/1/2007 **Page:** 1 of 2

**Supersedes:** Religious Activities in the Workplace **A.R.:** 5.16 **DATED:** 9/1/2004

### I. POLICY

The City of Richmond, as a public sector employer, is committed to a policy of nondiscrimination of various religious faiths, activities, and practices for its employees. The City has no desire to mandate or interfere with one's religious beliefs or non-beliefs and freedom to practice such beliefs. The City is not required, nor will it allow its employees time in the workplace or on the workplace premises to impose their beliefs (or non-beliefs) on others. The purpose of this Regulation is to lay out standards of operation which strike a balance in both the employee and the employer's needs.

### II. PROCEDURE

- A. Religious Practice – Religious practices include traditional religious beliefs, moral and ethical beliefs, and beliefs that individuals hold “with strength of religious view”. They can include moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views. The fact that no particular religious group espouses such beliefs or the fact that the religious group to which the individual employee professes to belong may not accept such beliefs, does not determine whether the belief is a religious belief of the employee or not. The issue is whether the religious belief is sincerely held by the individual.

Examples of common religious practices:

- Observance of a Sabbath or religious holiday;
  - Prayer or meditation;
  - Following strict or particular dietary requirements; and
  - Practices relating to dress and/or personal grooming.
- B. Religious Holidays – It is important that management, supervisors and fellow employees be sensitive to each others religious obligations regarding holiday observances. The City of Richmond observes a standard set of holidays and these holidays will not accommodate many religious beliefs and practices. As an employer, the City is committed to making reasonable accommodations so employees of various faiths and beliefs may observe holiday obligations. Whenever a reasonable accommodation can be made, employees should not be penalized for missing work for such an observance. The City grants employees a personal holiday and vacation leave which they may use for religious observances. The employee must submit the appropriate leave form and receive approval prior to taking the leave.
- C. Reasonable Accommodation – The City, as an employer, is required to reasonably accommodate religious practices unless the accommodation would cause an “undue hardship” on its business operations. Reasonable accommodations for religious purposes may include such things as flexible work schedules, floating holidays, use of lunch time for late arrival or early departure, staggered work hours, and permitting an employee to make up lost time due to a bon a fide observance of a religious practice. Additional alternatives may include; substituting between workers, exchanging employee hours, transferring employees, changing job assignments, allowing employees to use leave/break/lunch time for religious prayer, etc.
- D. Dress Accommodations for Religious Practices – Sometimes an employee's religious beliefs or practices may require that the employee dress in a manner that is not consistent with City Dress Code standards or which do not convey the look that the City wishes for its workforce to display to the public. For example, an employee may wish to wear a head covering based on a religious practice or belief. Unless the City, as an employer, has a justified business necessity as to why the employee cannot be accommodated, the employee must be accommodated. When in doubt, consult Human Resources.



**Administrative Regulations  
Office of the Mayor**

**Title:** RELIGIOUS ACTIVITIES IN THE WORKPLACE

**A.R. Number:** 5.11 **Effective Date:** 2/1/2007 **Page:** 2 of 2

**Supersedes:** Religious Activities in the Workplace **A.R.:** 5.16 **DATED:** 9/1/2004

- E. Accommodating Sabbath Observances – The „reasonable hardship“ clause, along with common sense applies to allowing employees the day or time off to observe their day of Sabbath if it falls inside the employees regularly scheduled work hours. Whenever a reasonable accommodation (flex time, voluntary swaps and substitutes and transfer of job assignments may constitute reasonable accommodations) can be made without undue hardship, the City will attempt to accommodate individual employee requests.
- F. Exemption from Social Security Benefits Due to Religious Belief - Employees who wish to be exempt from Social Security and Medicare Taxes because it violates their religious beliefs must complete the U.S. Internal Revenue Service (IRS) Form 4029; *Application for Exemption from Social Security and Medicare Taxes and Waiver of Benefits*. Exemptions from Social Security and Medicare taxes are available and apply to ministers, certain other religious workers, and members of certain recognized religious sects. Any employee that does not have an approved Form 4029 will have social security and Medicare taxes withheld and the City will pay its share. Such provisions shall not apply if there is a conflict with any other provision of federal law (i.e. – I-9 processing, etc).

**III. AUTHORITY**

Civil Rights Act of 1964

**IV. REGULATION UPDATE**

The Office of the Mayor and the Department of Human Resources and the City Attorney’s Office shall be responsible for modifications to this Regulation.

**APPROVED:**

**MAYOR**





**Administrative Regulations  
Office of the Mayor**

**Title:** RESTRICTIONS ON CERTAIN ACTIVITIES WITH FORMER EMPLOYEES

**A.R. Number:** 5.12 **Effective Date:** 2/1/2007 **Page:** 1 of 1

**Supersedes:** Restrictions on Certain Activities with Former Employees **A.R.:** 5.16 **DATED:** 8/25/2006

**I. PURPOSE**

The purpose of this policy is to protect the integrity of the process by which the City conducts business by discouraging employees from attempting to capitalize on the confidential and/or proprietary information they obtain through their employment with the City. The City also desires to keep others from capitalizing on the work-product information obtainable only through the assistance of these employees, in furtherance of the enterprise(s) they have or desire to have with the City.

**II. POLICY**

**Current City Employees-** Current City employees shall not knowingly provide assistance (whether for remuneration or otherwise) of any kind to any former employee of the City in connection with any proceeding, application, case, contract, or other particular matter involving the city or an agency thereof, if that matter is one in which the former employee participated personally and substantially in the matter through decision, approval, or recommendation. Said prohibition shall be in effect for one calendar year from the date the former employee's term with the City ended.

Employees who violate this provision shall be disciplined, up to and including termination.

**Former City Employees-** For one calendar year after his or her term of employment with the City has ended, a former City employee is prohibited from providing personal and substantial assistance for remuneration of any kind to any party, in connection with any proceeding, application, case, contract, or other particular matter involving the city or an agency thereof, if that matter is one in which the former employee participated personally and substantially as a city employee through decision, approval or recommendation.

A violation of this provision by a former employee shall either:

- 1) constitute cause for the City to disqualify the party seeking to do business with the City in the matter in which the former employee was under prohibition ; or
- 2) constitute cause for the City to terminate the contract under which the former employee's violation occurred.

**III. RESPONSIBILITY**

It is the responsibility of each Department/Agency Director to ensure that each employee is aware of, and understands the content and effect of this policy. Particular attention should be given to communicating all aspects of this policy to new and prospective employees.

**IV. REGULATION UPDATE**

The Office of the Mayor and the Department of Human Resources shall be responsible for modifications to this Policy.

**APPROVED:**

A handwritten signature in cursive script, appearing to read "L. Douglas Miller".

**MAYOR**



**Administrative Regulation**  
**Office of the Mayor**  
**Title: Time and Attendance Policy**  
**A.R. Number: 5.13 Effective Date: 12/17/2011 Page 1 of 3**

**I. PURPOSE**

To establish a uniform application and collection of employee time and attendance information through the City of Richmond's Enterprise Resources Planning System (RAPIDS). The Director of Human Resources with the approval of the Chief Administrative Officer shall establish the number of hours in a standard work period for all employees. An Appointing Authority may allow for flex-time, shift work, telecommuting or any other appropriate scheduling requirements, provided the total number of hours required in the approved work period is not changed. (Personnel Rule, 6.1)

**II. PROCEDURE**

The City will maintain each employee's time and attendance in the Human Resource Information System (HRIS)/Oracle Time & Labor (OTL) module. The City will utilize timekeeping devices (biometric reader, computer sign-in/out and electronic time sheet) to capture this information. A manual entry timekeeping record may be used for employees who do not have access to an electronic device or if an electronic device fails. Supervisors are responsible for the employee orientation and training on the timekeeping method that will be used by the employee.

After the initial orientation and training, it is the employee's responsibility for recording time worked and time requested for various types of leave (vacation, sick, compensatory, jury duty, military leave, etc).

**1. Bio Metric Reader**

The biometric reader is a device that will be utilized by non-exempt employees as a means to capture the most accurate time and attendance and thus pay each employee accordingly. The biometric reader will record the employees actual sign-in/out based on the employee scanning their appropriate hand/finger. Supervisors are required to enroll each respective employee in the biometric device system prior to the recording/collection of time. Enrollment of each employee requires the employee name, employee number, department, work location, device access and any other information required to complete the enrollment process.

Employees may scan-in no more than seven (7) minutes prior to their scheduled work time and no later than seven (7) minutes after their scheduled work time. Employees who scan-in outside of these timeframes may do so only if working approved overtime or have received prior authorization from their supervisor to do so. The supervisor shall only approve scans outside of the employees regular work schedule for purposes of authorized overtime.

If a non-exempt employee reports to work at a site where there is no time keeping device, the employee is responsible for entering his/her time in the HRIS as soon as practical or utilize the manual time collection log sheet. If an employee is on-call and is called back to work, the employee shall enter the actual hours worked plus one half hour total travel time.

*Note: The Employee should always try to record time by using the biometric reader, if the biometric reader is offline, he/she will still be able to clock in and the reader will return a message that the punch values has been stored in memory. When the reader comes back online the stored punches will transfer accordingly.*

**2. Computer Sign-in/out (Electronic Timesheet)**

Non-exempt employees who use the computer sign-in/out device to record attendance are required to sign-in immediately upon arrival to work and sign out immediately prior to stopping work. The sign-in time should note an accurate arrival time and the same applies for the sign-out time.



**Administrative Regulation**  
**Office of the Mayor**  
**Title: Time and Attendance Policy**  
**A.R. Number: 5.13 Effective Date: 12/17/2011 Page 2 of 3**

The use of the electronic timesheet must accurately portray the hours worked for each day the employee is in attendance. Employees using this method of recording time should not project their work hours. The hours noted on the timesheet are to be actual hours worked up to that point in time. Employees who sign-in/out outside of their regular work schedule may do so only if working approved overtime or have received prior approval from their supervisor to do so. The supervisor shall only sign-in/out outside of the employees regular work schedule for purposes of authorized overtime.

3. COR Time Collection Log Sheet (manual entry)

Although not all-inclusive, the following information is required for the manual entry of employee time.

1. Date
2. Employee Name / Employee number
3. Employees scheduled Time In / Time out
4. Clock number
5. Reason code for not using approved time collection methods \*

The above information must be recorded on the COR Time Collection Log Sheet. A copy of the COR Time Collection Log Sheet is attached to this Regulation. Please refer to the Department of Finance SOP for Agency Timekeepers (Contingency Plan for Collection of Time) for completion of the COR Time Collection Log Sheet.

The agency timekeeper will be responsible for entering employee time into the Oracle Time and Labor application using the Timekeeper Entry screen for accurate accounting and processing of all manually logged time.

The employee's supervisor is responsible for collection, review, edits (if appropriate), and approving the employee's time. If the supervisor edits the employee's time in any way, the supervisor shall notify the employee of the edits.

The employee will submit leave requests either prior to the date requested (anticipated leave) or within the same pay period (unanticipated leave). The employee must submit all leave requests electronically via the HRIS. If the supervisor does not approve the leave or if the employee fails to submit his/her leave, HRIS will record the time as unauthorized leave without pay.

An employee who telecommutes on a full or partial basis is responsible for promptly recording his/her time in the HRIS.

### III. DEFINITIONS

1. **Standard Workweek.** The standard workweek begins at 12:00 a.m. Saturday morning and ends at 11:59:59 on the following Friday. However, agencies or parts of agencies may deviate from this standard with the written approval of the Director of Human Resources. The agency, the Department of Human Resources, and the Department of Finance shall keep a copy of all workweeks which deviate from the standard and a list of all employees/positions assigned to that schedule. The Appointing Authority shall notify all employees of changes in their official schedule.
2. **Overtime.** The workweek is the basis for overtime payment to non-exempt employees under the Fair Labor Standards Act (FLSA). Most non-exempt employees receive overtime (time and one half) payment for all hours worked over 40 in a workweek. The FLSA allows some exceptions to the 40 hours/seven day workweek standard. The City reserves the right to use the FLSA exceptions. The Appointing Authority shall notify affected employees of the exceptions.



**Administrative Regulation**  
**Office of the Mayor**  
**Title: Time and Attendance Policy**  
**A.R. Number: 5.13 Effective Date: 12/17/2011 Page 3 of 3**

3. **Leave and Holiday.** Unless required by the Commonwealth of Virginia, the City does not consider any type of leave or holiday as "hours worked" under the FLSA. (All leave time and holidays are considered as hours worked for sworn police, fire and sheriff's department staff).
4. **Pay Period.** Pay periods are two continuous weeks (Saturday through Friday). The pay date is the Friday following a pay period. Human Resources shall publish the pay periods and corresponding pay dates prior to the beginning of a calendar year.
5. **Time Measurement.** The City measures time worked in quarter hours marked at the beginning of the hour and each fifteen (15) minute segment (8:00am, 8:15am, 8:30am, and 8:45am). Time falling between two segments is treated as the closest segment (8:07 is treated as 8:00 and 8:08 is treated as 8:15) and time that is exactly equidistant from two segments is treated as the earlier of the two segments.

**IV. REGULATION UPDATE**

The Office of the Chief Administrative Officer and the Departments of Human Resources and Finance shall be responsible for modifications to this Regulation.

**RECOMMEND APPROVAL:**

  
**CHIEF ADMINISTRATIVE OFFICER**

**APPROVED:**

  
**MAYOR**





## Administrative Regulations

### Office of the Mayor

Title: OVER-HIRE POLICY

A.R. Number: 5.14 Effective Date: 4/8/2023 Page: 1 of 4

Supersedes: N/A A.R.: N/A DATED: N/A

#### I. PURPOSE

Certain departments or positions may experience more frequent turnover and/or position vacancies during the fiscal year. Additionally, staffing changes, including but not limited to a pending retirement, resignation, or termination, may necessitate hiring and cross-training a replacement employee prior to the departure of the existing employee or backfilling a position for an employee on long-term leave not expected to return for an extended period.

The purpose of this policy is to establish guidelines as to the creation and filling of over-hire positions. The Chief Administrative Officer has the authority to hire staff in excess of the number of positions presented in a department's personnel complement (over-hire) in specified circumstances.

#### II. POLICY

##### A. Use

The use of over-hire personnel may be approved to accelerate the filling of anticipated vacant positions by initiating the hiring process in advance of vacancies. Unless otherwise approved and appropriated, the department is responsible for offsetting the cost of an over-hire. Use of over-hire personnel may be authorized under the following circumstances:

1. Over-hiring a certain number of employees to accommodate high-need and hard-to-fill positions.

*Example #1:* If a department's history indicates that it will lose one position every three months, over-hiring one additional employee for this job will result in a trained employee to negate the vacancy/turnover and avoid scheduling issues during unexpected employee absences.

2. A pending retirement/resignation/vacancy where it is necessary to hire a replacement employee and have them job-shadow prior to the departure of the existing employee.

*Example #2:* If a longtime program manager will be retiring in a few months, the city can use the over-hire mechanism to proactively initiate in-advance hiring and conduct training of the new hire prior to the employee's retirement. It also allows the position to be filled immediately upon the retirement date.

##### B. Budget Availability

Over-hire positions will not exceed the department's authorized fiscal year budget.



## **Administrative Regulations**

### **Office of the Mayor**

**Title: OVER-HIRE POLICY**

**A.R. Number: 5.14 Effective Date: 4/8/2023 Page: 2 of 4**

**Supersedes: N/A A.R.: N/A DATED: N/A**

The salary and benefit savings from position vacancies and reduced overtime will offset the cost of over-hire personnel. The over-hire personnel ensures that the department will not be forced to limit operations because of staffing shortages and can better control overtime expenditure.

#### **C. Condition of Over-hire Employment**

Over-hires are considered temporary employees and have the rights and benefits of temporary employees as described in HR policies.

### **III. PROCEDURE**

#### **A. Approval**

Department heads with Deputy Chief Administrative Officer approval must submit a written justification request to the Department of Human Resources (HR). The request will be sent to the Director of Budget and Strategic Planning for review and the Chief Administration Officer for final approval.

Over-hire recruitment and selection will follow the same process as funded positions.

#### **B. Conversion to a Funded Position**

If a funded position of the same classification and grade as the over-hire becomes available in the department, the over-hire shall be converted to the funded position, assuming the knowledge, skills, and abilities to perform job duties have been demonstrated.

1. No action on the part of the over-hire employee is necessary for this to occur.
2. The over-hire employee has precedence for the vacancy.
3. If there is more than one over-hire employee of the same classification and grade as the vacant funded position, the over-hire employee with the greatest amount of time-in-grade will be converted first.
4. Over-hire positions will carry an identifying position number indicating that it is an over-hire position. The over-hire position number will change when the employee is moved into a vacant funded position. Departments should complete and submit appropriate forms to HR to change the position number.



## **Administrative Regulations**

### **Office of the Mayor**

**Title: OVER-HIRE POLICY**

**A.R. Number: 5.14 Effective Date: 4/8/2023 Page: 3 of 4**

**Supersedes: N/A A.R.: N/A DATED: N/A**

#### **IV. RESPONSIBILITY**

**Department Heads** – If use of over-hire personnel is deemed necessary in accordance with this policy, department heads are responsible for submitting an over-hire justification request. Departments should contact HR to receive the necessary forms.

**Deputy Chief Administrative Officers (DCAOs)** – The DCAO over the requesting department approves the over-hire request prior to submission to HR.

**Director of Budget and Strategic Planning** – The Director of Budget and Strategic Planning will review and approve the budget justification for over-hire positions prior to the Chief Administrative Officer's approval.

**Director of Human Resources** – The Director of Human Resources will receive over-hire requests, review, approve, and notify the requesting department if approved by the Chief Administrative Officer.

**Chief Administrative Officer** – The Chief Administrative Officer will provide final approval of requests for over-hire positions. Initial requests should be processed through the Department Head and the Directors of HR and Budget. Once these approvals are obtained, it will be submitted to the Chief Administrative Officer.

#### **V. DEFINITION**

**Over-hire** – An over-hire is an employee in a position for which funds are not budgeted. An over-hire employee is qualified and has the background to perform the job duties just as an employee in a funded, permanent position. The ultimate purpose is to bring in an employee prior to a job becoming vacant. During this time, the over-hire will be trained and will work in the position until a funded position becomes vacant. At that time, the over-hire moves into the funded position.





**Administrative Regulations**

**Office of the Mayor**

**Title: OVER-HIRE POLICY**

**A.R. Number: 5.14 Effective Date: 4/8/2023 Page: 4 of 4**


**Supersedes: N/A A.R.: N/A DATED: N/A**

**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

  
CHIEF ADMINISTRATIVE OFFICER

  
MAYOR



**A.R. Number: 5.15 Effective Date: 7/1/2023 Page: 1 of 4 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

**I. PURPOSE**

This policy authorizes a language differential pay for employees who provide bilingual services for an identified city language of need. Bilingual employees are called upon to provide services that aid outreach and engagement to the city's populations who communicate in languages other than English. Compensation of bilingual employees through a language differential will improve communication with citizens, expand access and services, and strengthen relationships in Richmond communities where English is not their language of preference. This policy standardizes application of the differential pay among employees.

**II. POLICY**

**A. Eligibility for Language Differential Pay**

Employees are eligible for language differential pay pursuant to this policy if they meet the following criteria:

1. The employee is in a permanent, full-time or part-time position.
2. The employee does not already receive other types of differential pay. There are four exceptions: the employee can receive educational incentives, night shift differential pay, on-call pay and clothing allowances, and also receive a language differential pay. Where mutually agreed by the employee and supervisor, the employee may do assignments that could qualify for more than one type of differential pay; however, the employee will receive the highest of the differentials.
3. The employee is at least bilingual in a city-identified language of need. The employee can pass a language evaluation test confirming proficiency in at least speaking the language of need. The possession of the bilingual skill enhances communication with constituents and access to city services.
4. Employees who hold positions as an official city interpreter or translator will not qualify for the language differential pay. Employees who are designated as bilingual employees are not city interpreters or translators.



### **B. Designation as a Bilingual Employee**

To qualify for language differential pay, an employee must demonstrate proficiency in both English and the language of need by passing an independent, third-party test. Testing for

**A.R. Number: 5.15 Effective Date: 7/1/2023 Page: 2 of 4 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

proficiency will cover at least speaking the language of need. Employees will be tested to confirm proficiency when they initially apply for designation and language differential pay. Employees may be re-tested for proficiency every five (5) years.

### **C. Application of Language Differential Pay**

Whenever an employee is designated as a bilingual employee:

1. The employee shall receive additional compensation at a rate determined by the Chief Administrative Officer or designee.
2. The payroll cost of the language differential will be managed and provided by the Department of Human Resources (HR).
3. The differential will be provided for the time period the employee is designated as a bilingual employee.
4. If an employee is promoted or changes positions, the language differential pay will cease. The employee will need to reapply for the language differential pay under the new position.

## **III. PROCEDURE**

- A. Compensation of bilingual employees through language differential pay is a citywide program. The program may not be changed or eliminated without the approval of the Chief Administrative Officer.
- B. Any changes to the language differential pay rate and application will be approved by the Director of HR and the Chief Administrative Officer.
- C. The Department of Human Services' Office of Immigrant and Refugee Engagement (OIRE) will review the city's most commonly used languages other than English and provide a list to HR every year.



- D. On an annual basis, HR will review the list of commonly spoken languages from OIRE, program usage, and the language differential pay rate to recommend if the rate should be increased, decreased, or eliminated. HR will also contact employees regarding usage, to confirm if they wish to continue in the program, and to open the program to others who may be interested in serving in this role.

**A.R. Number: 5.15 Effective Date: 7/1/2023 Page: 3 of 4 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

- E. An independent, third-party test will be used to confirm proficiency in at least speaking for designation as a bilingual employee.
- F. HR and OIRE will ensure the bilingual employee passes the proficiency test and is designated as a bilingual employee. HR will coordinate the differential pay program, providing the employee with the differential pay included in their bi-weekly paycheck.
- G. Once the employee has been designated as bilingual and approved for language differential pay, employees may be required to take a training to understand their role, the scope of their responsibilities, and that their role as a bilingual employee is not that of a city interpreter or translator.
- H. HR and OIRE will keep an up-to-date list of individuals designated as bilingual employees receiving language differential pay in the event another department or a citizen needs assistance.

#### **IV. RESPONSIBILITY**

**Chief Administrative Officer** – The Chief Administrative Officer has the authority to designate an employee as a bilingual employee and set and approve the rate of language differential pay.

**Department Heads** – Department heads are responsible for determining their department's need for bilingualism based on the populations served and services rendered.

**Department of Human Services' Office of Immigrant and Refugee Engagement (OIRE)** – OIRE is responsible for maintaining a list of the city's most commonly-used languages other than English and working with HR to designate bilingual employees.

**Department of Human Resources (HR)** – HR is responsible for working with OIRE to designate bilingual employees, tracking bilingual employees at the city, identifying bilingualism needs for recruitment and hiring, managing and providing the payroll cost of the language differential pay, and approving any changes to the language differential pay rate.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LANGUAGE DIFFERENTIAL PAY**



**V. DEFINITION**

**Differential Pay** – Differential pay is considered a supplement to an employee’s base pay that is based upon performing the specific duties of the assignment. The differential pay will be included in the employee’s pay. It is the employee’s responsibility to review their paycheck and immediately bring any discrepancy related to supplemental pay to the attention of their

**A.R. Number: 5.15 Effective Date: 7/1/2023 Page: 4 of 4 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

immediate supervisor. The city will exercise the right to offset any overpayment, in accordance with city policy. Underpayments must be brought that are brought timely immediately to the attention will be processed during the next pay period, where administratively possible.




**A.R. Number: 5.15 Effective Date: 7/1/2023 Page: 5 of 4 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

  
\_\_\_\_\_  
**CHIEF ADMINISTRATIVE OFFICER**

  
\_\_\_\_\_  
**MAYOR**



**A.R. Number: 5.16 Effective Date: 7/1/2023 Page: 1 of 4 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

**I. PURPOSE**

The process by which applicants for employment are evaluated and selected is governed by numerous provisions of local, state, and federal law, including those related to Equal Employment Opportunity. The purpose of this policy is to outline the city's recruitment and hiring process to ensure a fair, consistent, and transparent citywide procedure.

**II. POLICY**

The Director of Human Resources or designee is responsible for the oversight of all aspects of the recruitment and the certification process, except those aspects delegated to the appointing authority/department head or designee. When recruitment duties are delegated by agreement to an agency, the Director of Human Resources or designee shall be allowed to investigate and audit the practices of the agency to ensure compliance with policies and procedures. The Director of Human Resources or designee shall offer training as necessary on laws, regulations, and best practices for the recruitment process.

The process by which applicants for employment are evaluated and selected is governed by numerous provisions of local, state, and federal law, including those related to Equal Employment Opportunity.

The scope of this policy is for all people seeking employment with the City of Richmond. All recruitment and hiring for the City of Richmond shall be conducted in accordance with the procedures in this policy and all federal, state, and local employment laws.

**A. Service classifications**

**1. Classified Service**

Positions in the classified service shall not be filled by appointment; internal and/or external recruitment is required.

**2. Unclassified Service**

Positions in the unclassified service may be filled by appointment; internal and/or external recruitment is not required.



**A.R. Number: 5.16 Effective Date: 7/1/2023 Page: 2 of 4 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

**B. Internal and external recruitment**

Both internal and external candidates shall be subject to the same background testing, drug screening, or credit report check for certain positions that require additional screening.

**III. PROCEDURE**

- A. When an appointing authority seeks to fill a vacancy, departments should notify the Department of Human Resources (HR) and complete any paperwork as required and provided by HR.
- B. Vacancy notices shall include job titles, salaries, required qualifications, and descriptions of the position. Vacancy announcements shall be posted through HR's usual channels, including the City of Richmond's job announcements website and other websites if appropriate.
- C. Notices of promotional or competitive examinations are also posted for positions where an examination is necessary.
- D. Individuals seeking employment with the City of Richmond or current employees seeking transfers or promotion should submit an online application to HR through the city's application portal following the vacancy announcement posting and prior to any closing date indicated on the posting.
- E. Upon receipt of application packages, HR shall screen all applications submitted by the closing date. HR will refer qualified applicants to the department seeking to fill the vacant position.
- F. Recruitment of Sworn police and fire personnel follows a different procedure that includes a more extensive application, testing, and screening process.
- G. After reviewing application package(s) referred to the department by HR, the appointing authority or designee shall conduct interviews as desired.
- H. Interviewers should keep interview and reference check notes.
- I. The department shall notify HR of its selections for vacant positions and provide all necessary documentation required by HR.





- J. The application packages of the selected individual will remain in the employee's personnel file in Human Resources.

**A.R. Number: 5.16 Effective Date: 7/1/2023 Page: 3 of 4 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

- K. HR shall prepare and extend the formal offer letter of employment in consultation with the appointing authority and department head, contingent on successful completion of any required drug or background testing prior to their start date. No individual shall receive an offer letter until the HR Director, under the authority delegated by the Chief Administrative Officer (CAO), has reviewed and approved the application package.
- L. New employees shall attend a new employee orientation during their first week, where they will be provided with information on the city's benefits, wellness, and retirement programs.

#### **IV. RESPONSIBILITY**

**Appointing Authority or designee** – The appointing authority or designee is responsible for notifying HR of the vacancy the department is seeking to fill, reviewing applications of qualified candidates, conducting interviews, and working with HR to extend an offer of employment.

**Director of Human Resources or designee** – The Director of the Department of Human Resources is responsible for ensuring a fair and consistent hiring process, providing guidance to departments, ensuring, and maintaining complete application and hiring documentation, reviewing and approving application and hiring packages, and assisting departments in negotiating and extending offers of employment.

**Interviewer** – Interviewers are responsible for maintaining documentation of the interviews and reference checks in which they participated.

**New Employee** – The new employee is responsible for completing all required onboarding paperwork and new employee orientation.

#### **V. DEFINITION**

Words and phrases contained within this policy are interpreted by the Director of Human Resources and can be made available upon request.


**A.R. Number: 5.16 Effective Date: 7/1/2023 Page: 4 of 4 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**



**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

  
CHIEF ADMINISTRATIVE OFFICER

  
MAYOR



**A.R. Number: 5.17 Effective Date: 7/1/2023 Page: 1 of 3**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

**I. PURPOSE**

The City of Richmond is committed to a policy of employment and advancement based on qualifications and merit and does not discriminate in favor of or in opposition to the employment of relatives.

This policy shall be administered in accordance with all applicable federal, state, and local laws governing working relationships between family members.

**II. POLICY**

Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment which can be carried into the daily working relationship, the City of Richmond will hire relatives of persons currently employed only if: a) candidates for employment will not be working directly for or supervising a relative, and b) candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the relative. Such decisions include hiring, retention, transfer, promotion, wages, and leave requests.

Immediate family members shall not be placed in a supervisor-subordinate relationship or in the same line of supervision in the same agency, regardless of the working relationship. Any employee with supervisory responsibilities shall not have a family member under their scope of responsibility.

This policy applies to all current employees and candidates for employment.

**III. PROCEDURE**

During the application process, the candidate for employment or other employment action must specify they are not a relative as defined above. Failure to submit certification to the Director of Human Resources or designee will result in the delay of the job offer until certification is submitted.

If any employee, after employment or change in employment, enters into one of the above relationships, one of the affected individuals must seek a transfer or a change in the reporting relationship. Such changes must be approved by the Director of Human Resources or designee. If a decision cannot be made by the affected employees within fourteen (14) days of reporting, reassignment will be made on direction of the appointing authority/department head or designee and the Director of Human Resources or designee.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: EMPLOYMENT OF RELATIVES**



POLICY

No exception to this policy will be made without the written consent of the Director of Human Resources or designee.

**A.R. Number: 5.17 Effective Date: 7/1/2023 Page: 2 of 3**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

**IV. RESPONSIBILITY**

**Appointing Authorities and/or Department Heads** – Appointing authorities/department heads or designee are responsible for monitoring changes in employee reporting relations after initial hire to ensure compliance with this policy.

**Department of Human Resources (HR)** – HR is responsible for oversight and administration of this policy. HR is the central repository for all personnel files and information. HR shall make available all necessary procedures and forms to departments and employees and provide guidance when questions arise.

**Employees** – Employees are responsible for immediately reporting any changes to their supervisor.

**V. DEFINITIONS**

**Relative** – "Relative" refers to any of the following relationships, whether by blood, marriage, adoption, or a step-relationship: spouse, parent, grandparent, child, grandchild, brother, sister, niece, nephew, or first cousin.

Other words and phrases contained within this policy are interpreted by the Director of Human Resources and can be made available upon request.

**A.R. Number: 5.17 Effective Date: 7/1/2023 Page: 3 of 3**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

**VI. REGULATION UPDATE**


Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

**Administrative Regulations**  
**Office of the Mayor**  
**Title: EMPLOYMENT OF RELATIVES**



POLICY

  
CHIEF ADMINISTRATIVE OFFICER

  
MAYOR

**Administrative Regulations**  
**Office of the Mayor**  
**Title: DISCIPLINE POLICY**



**A.R. Number: 5.18 Effective Date: 7/1/2023 Page: 1 of 7**

**Supersedes: DISCIPLINE GUIDELINES FOR CLASSIFIED EMPLOYEES, DISCIPLINE GUIDELINES FOR UNCLASSIFIED AND PROBATIONARY EMPLOYEES A.R.: 4.10, 4.11**

**DATED: 10/1/2008, 8/1/2008**

## **I. PURPOSE**

It is the policy of the City of Richmond to address the behavior problems of employees when the unacceptable behavior violates a city rule, policy, regulation, ordinance, or any law, or when the behavior disrupts, or adversely affects the conduct of city business. The following policy applies to classified employees. The city may choose to discipline probationary, unclassified, and executive employees; the City of Richmond reserves the right to terminate probationary employees and employees in the unclassified and executive service without cause, and with or without application of this policy.

This policy is comprised of disciplinary steps that progress in degree of strictness. The City of Richmond reserves the right to determine the discipline that will be imposed and to combine or skip steps depending on the facts of each situation and the nature of the offense. The purpose of a progressively stepped discipline policy gives employees a chance to correct their behavior while ensuring that serious offenses are fully and thoroughly investigated and appropriately handled to the extent required.

Addressing inappropriate behavior works in conjunction with the city's Performance Evaluation Policy, Grievance Policy for Classified Service, and may include disciplinary measures up to and including, suspension, termination, and/or prosecution.

Classified employees have the right to appeal disciplinary measures. Detailed procedures for appeal can be found in the Grievance Policy for Classified Service.

## **II. POLICY**

**A. Steps** – The progressive disciplinary process has four (4) steps of increasing strictness. These steps are:

1. Counseling and verbal warning
2. Written warning
3. Final written warning and penalty
4. Termination/dismissal

**Administrative Regulations**  
**Office of the Mayor**  
**Title: DISCIPLINE POLICY**



**A.R. Number: 5.18 Effective Date: 7/1/2023 Page: 2 of 7**

**Supersedes:** DISCIPLINE GUIDELINES FOR CLASSIFIED EMPLOYEES, DISCIPLINE GUIDELINES FOR UNCLASSIFIED AND PROBATIONARY EMPLOYEES **A.R.:** 4.10, 4.11

**DATED:** 10/1/2008, 8/1/2008

Each step may be repeated instead of moving forward to the next step at the manager/supervisor's discretion, in consultation with the Department of Human Resources.

Discipline level shall be appropriate to the seriousness of the incident. In the case of serious misconduct or safety infraction, an employee may be suspended and/or terminated on the first occurrence.

**B. Grounds** – No disciplinary action shall be taken without reasonable grounds, or cause for such action. By way of illustration, but not limitation, the following shall constitute grounds for discipline:

1. Neglect of duty.
2. Absence without authorized leave or failure to give proper notice of absence; or failure to return to work after the exhaustion of authorized leave.
3. Failure to report to work due to arrest or incarceration.
4. Violation of safety rules, policies, or regulations.
5. Incompetence, unwillingness, or failure to render satisfactory service to the appointing authority or designee under the performance standards established.
6. Insubordination or breach of discipline.
7. Violation of the city's substance abuse policy, including unauthorized possession or use of alcohol or illegal drugs in or on city property, including city vehicles.
8. Conduct unbecoming an employee of the city tending to bring the city service into disrepute.
9. Conviction of a criminal act.
10. Negligent or willful damage to city property or waste of city supplies or equipment.
11. Use of bribery or political pressure to receive appointment or advantage.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: DISCIPLINE POLICY**



12. Material falsification of any city document or employment application.

**A.R. Number: 5.18 Effective Date: 7/1/2023 Page: 3 of 7**

**Supersedes: DISCIPLINE GUIDELINES FOR CLASSIFIED EMPLOYEES, DISCIPLINE GUIDELINES FOR UNCLASSIFIED AND PROBATIONARY EMPLOYEES A.R.: 4.10, 4.11**

**DATED: 10/1/2008, 8/1/2008**

13. Unauthorized possession of, or use of, a weapon on city property.
14. Theft, fraud, or embezzlement of city services or property leased to or otherwise in the possession of the city.
15. Misuse of sick leave (as described in the city's administrative regulations).
16. Commit or threat to commit violence in the workplace.

### **III. PROCEDURE**

#### **A. Disciplinary steps**

##### **1. Step 1: Counseling and verbal warning**

Whenever the performance or personal conduct of an employee becomes unsatisfactory their immediate supervisor/manager shall inform them promptly of such deficiency. The supervisor should discuss with the employee the nature of the problem or the violation of company policies and procedures. The supervisor/manager shall clearly describe expectations and steps the employee must take to improve their performance or conduct to resolve the problem.

Within **five (5) business days**, the supervisor will prepare written documentation of the verbal counseling. Written documentation may be in the form of an unsatisfactory performance evaluation. The employee will be asked to sign this document to demonstrate their understanding of the issues and the corrective action.

##### **2. Step 2: Written warning**

If the employee's performance or improper conduct does not improve, recurs, and/or results from an unsatisfactory performance evaluation, the discipline process will advance to Step 2. The employee's immediate supervisor and their appointing authority/department head or designee shall meet with the employee to review any additional incidents or information about the employee's performance or conduct as well



**Administrative Regulations**  
**Office of the Mayor**  
**Title: DISCIPLINE POLICY**



as any prior relevant corrective action plans. Management will outline the consequences for the employee of their continued failure to meet conduct expectations.

**A.R. Number: 5.18 Effective Date: 7/1/2023 Page: 4 of 7**

**Supersedes: DISCIPLINE GUIDELINES FOR CLASSIFIED EMPLOYEES, DISCIPLINE GUIDELINES FOR UNCLASSIFIED AND PROBATIONARY EMPLOYEES A.R.: 4.10, 4.11**

**DATED: 10/1/2008, 8/1/2008**

A formal performance improvement plan (PIP) describing the employee's immediate and sustained corrective action shall be issued within **five (5) business days** of a Step 2 meeting. This written warning shall be delivered to the employee, placed in the employee's personnel file, and sent to their appointing authority/department head or designee. The written warning may also include a statement indicating that the employee may be subject to additional discipline, including penalties up to and including termination, if immediate and sustained corrective action is not taken.

### **3. Step 3: Final written warning and penalty**

If an employee fails to successfully complete the PIP, or if their performance, conduct, or safety incidents are seriously problematic or harmful, the supervisor/manager shall issue a final written warning to the employee and impose a penalty. All imposed penalties shall be decided upon in consultation with the Department of Human Resources and shall be approved by the appointing authority/department head. Penalties may take the form of: a.

#### **Suspension**

The employee may be suspended for such period of time as may be reasonable and appropriate under the circumstances. All suspensions shall be deemed disciplinary actions and shall be without pay.

#### **b. Reduction-in-pay**

The pay of the employee may be reduced within the assigned pay range. Pay will be reduced by a percentage determined by the Director of Human Resources in consultation with the Chief Administrative Officer (CAO).

#### **c. Disciplinary demotion**

The employee may be demoted to a lower classification. The salary of an employee demoted for cause shall be reduced by a percentage determined by the Director of Human Resources in consultation with the CAO within the new pay range, not to

**Administrative Regulations**  
**Office of the Mayor**  
**Title: DISCIPLINE POLICY**



exceed the maximum salary of the new pay range. An employee who cannot successfully complete the adjustment period following a disciplinary demotion shall be dismissed from the city's service.

**A.R. Number: 5.18 Effective Date: 7/1/2023 Page: 5 of 7**

**Supersedes: DISCIPLINE GUIDELINES FOR CLASSIFIED EMPLOYEES, DISCIPLINE GUIDELINES FOR UNCLASSIFIED AND PROBATIONARY EMPLOYEES A.R.: 4.10, 4.11**

**DATED: 10/1/2008, 8/1/2008**

**d. Forfeiture**

Any officer, appointee of the council or employee of the city who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude or any felony or any misdemeanor involving any controlled substance shall forfeit their office or employment. The employee shall lose all rights of employment and future employment with the city service, and the employee shall have no right of appeal. In accordance with existing laws, prior to the appointing authority/department head or designee initiating a determination of forfeiture (as defined in section 4.14 of the City Charter) a review by the City Attorney's Office and the Department of Human Resources is required.

**B. Step 4: Dismissal/termination**

The last and most serious step in the progressive discipline process is a recommendation to terminate employment. Generally, the city will try to exercise the progressive nature of this policy by first providing warnings, issuing a final written warning, or penalizing the employee before proceeding to a recommendation to terminate employment. However, the city reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action. Any recommendation to terminate employment must be approved by the Director of Human Resources and the appointing authority/department head or designee.

**C. Performance and Conduct Issues Not Subject to Progressive Discipline**

Behavior that is illegal is not subject to progressive discipline and may result in immediate termination. Such behavior may be reported to local law enforcement authorities.

Similarly, fraud, theft, substance abuse, intoxication, fighting and other acts of violence at work are also not subject to progressive discipline and may be grounds for immediate termination.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: DISCIPLINE POLICY**



**D. Documentation**

**A.R. Number: 5.18 Effective Date: 7/1/2023 Page: 6 of 7**

**Supersedes:** DISCIPLINE GUIDELINES FOR CLASSIFIED EMPLOYEES, DISCIPLINE GUIDELINES FOR UNCLASSIFIED AND PROBATIONARY EMPLOYEES **A.R.:** 4.10, 4.11

**DATED:** 10/1/2008, 8/1/2008

The employee will be provided copies of all progressive discipline documentation, including all PIPs. The employee will be asked to sign copies of this documentation attesting to their receipt and understanding of the corrective action outlined in these documents.

Copies of these signed documents shall be provided to the employee and shall be placed in the employee's official personnel file.

**IV. RESPONSIBILITY**

**Appointing Authority and/or Department Heads** – Appointing authorities/department heads or designees are responsible approving disciplinary measures.

**Employees** – Employees are responsible for abiding by all city rules, policies, regulations, ordinances, or any laws.

**Human Resources Department** – Human Resources is responsible for providing detailed procedures and required forms for this policy, and consulting on disciplinary measures with supervisory staff and the appointing authority/department head.

**Supervisors and/or Managers** – Supervisors/Managers are responsible for notifying employees of disciplinary actions, and disciplining employees.

**V. DEFINITIONS**

Words and phrases contained within this policy are interpreted by the Director of Human Resources and can be made available upon request.

**A.R. Number: 5.18 Effective Date: 7/1/2023 Page: 7 of 7**

**Supersedes:** DISCIPLINE GUIDELINES FOR CLASSIFIED EMPLOYEES, DISCIPLINE GUIDELINES FOR UNCLASSIFIED AND PROBATIONARY EMPLOYEES **A.R.:** 4.10, 4.11

**DATED:** 10/1/2008, 8/1/2008


**Administrative Regulations  
Office of the Mayor  
Title: DISCIPLINE POLICY**



**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

  
CHIEF ADMINISTRATIVE OFFICER

  
MAYOR



**A.R. Number: 5.19 Effective Date: 7/1/2023 Page: 1 of 10 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

**I. PURPOSE**

This procedure provides a timely and fair process for the resolution of employee grievances initiated by eligible employees of the City of Richmond. Each appointing authority/department head or designee shall take appropriate steps to implement these procedures within their agency. A copy of the city's grievance procedure shall be made available to all city employees. Each employee shall be assured that the filing of a grievance will have no adverse effect on their status within city service.

**II. POLICY A. Cost of Representation**

The grievant shall bear any and all cost involved in employing representation or in preparing or presenting their case. The Personnel Board has no authority to award legal fees or punitive damages.

**B. Coverage**

All city employees who are in permanent positions (either full-time or part-time) and who are on tenured status (completed the applicable probationary period) are covered by and eligible to file grievances, with the following exceptions:

1. Appointees of elected groups or individuals.
2. Officials and employees who by charter or other law serve at the will or pleasure of the appointing authority/department head or designee.
3. Deputies and executive assistants to the Chief Administrative Officer or designee.
4. Agency heads or chief executive officers.
5. Members of the unclassified service. Any employee who moves from a position in the classified service to a position in the unclassified service will automatically lose all rights to the grievance and appeal process.
6. Employees whose terms of employment are seasonal or limited by law.
7. Employees occupying temporary or limited term positions.
8. Law enforcement officers as defined in Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 whose grievance is subject to the provisions of Chapter 10.1 of the Code of Virginia and who

**A.R. Number: 5.19 Effective Date: 7/1/2023 Page: 2 of 10 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**



have elected to proceed pursuant to those provisions in the resolution of their grievances.

9. Any employee who elects to pursue their grievance or complaint by any other existing procedure in the resolution of their grievance.

### **C. Definition of Grievance**

A grievance shall be a complaint or dispute by an employee relating to their employment, including but not necessarily limited to:

1. Disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance.
2. The application of personnel policies, procedures, and regulations, including the application of policies involving ordinances, statutes or established personnel policies, procedures, rules, and regulations.
3. Complaints of discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin, sex, marital status, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, or military status.
4. Acts of retaliation as a result of utilization of the grievance procedure or participation in the grievance of another employee.
5. Performance demotion.
6. Acts of retaliation because the employee has complied with any law of the United States, the Commonwealth of Virginia, or the City of Richmond, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States, the General Assembly of the Commonwealth, the City Council, or has reported an incidence of fraud, abuse, or gross mismanagement.

For the purposes of clause Section 2.C.4. and 6., there shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.

### **D. Rights Reserved**

Nothing in these grievance and appeal procedures is intended to circumscribe or modify the exclusive right of the city to manage the affairs and operation of the city government.

**A.R. Number: 5.19 Effective Date: 7/1/2023 Page: 3 of 10 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**



Accordingly, the following complaints are non-grievable:

1. Establishment and revision of wages or salaries, position classifications or general benefits.
2. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content.
3. The contents of ordinances, statutes or established personnel policies, procedures, rules, and regulations.
4. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly.
5. The methods, means and personnel by which work activities are carried on.
6. Except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance, termination, layoff, demotion, or suspension from duties because of lack of work, reduction in force, or job abolition.
7. The hiring, promotion, transfer, re/assignment, and retention of employees within the city government.
8. The relief of employees from duties of the city government in emergencies.

In any grievance brought under the above exception, the action shall be upheld upon a showing by the city that there was a valid business reason for the action, and the employee was notified of such reason in writing prior to the effective date of the action.

#### **E. Determination of Grievability**

At any time after a complaint has been filed under this policy but prior to a hearing before the appointing authority/department head or designee (step two), the Chief Administrative Officer or designee, or the Personnel Board (direct appeals), a determination as to whether such complaint is grievable shall be made by the Department of Human Resources.

Such a request shall be in writing and signed by the party seeking a ruling. If not previously determined, the Department of Human Resources shall make a grievability determination in writing on all complaints prior to such complaint being heard at the second step, except for direct appeals, which shall be made prior to the fourth step. The Department of Human Resources may initiate a determination of grievability at any step. For the purpose of this

**A.R. Number: 5.19 Effective Date: 7/1/2023 Page: 4 of 10 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**



policy, "grievability" shall mean whether or not the grievance qualifies for a Personnel Board hearing.

Grievability determinations shall be made by the Department of Human Resources within ten (10) calendar days of receipt of the request.

The determination shall be in writing and a copy shall be sent via electronic mail and certified mail to the complainant and the appointing authority/department head or designee. If the grievance is determined to be non-grievable by the Department of Human Resources, the grievance process is concluded unless a timely appeal is filed.

In no case shall the City Attorney be authorized to decide the issue of grievability.

#### **F. Appeals of Grievability Decisions**

Decisions regarding grievability may be appealed to the City of Richmond Circuit Court for a hearing on the issue of whether the employee's complaint qualifies as a grievance. Such appeal shall be made by filing a notice of appeal with the Department of Human Resources within ten (10) calendar days from the date of receipt of the decision. Within ten (10) calendar days thereafter, the Department of Human Resources shall transmit to the Clerk of the Court a copy of the decision of the Department of Human Resources, the notice of appeal and the exhibits constituting the record of the grievance. A list of evidence furnished to the court shall also be furnished to the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the city to transmit the record on or before a certain date.

Within thirty (30) calendar days of receipt by the Clerk of such records, the court, sitting without a jury, shall hear the appeal on the record transmitted by the Department of Human Resources, and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm, reverse, or modify the decision of the Department of Human Resources.

The decision of the court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. The decision of the court is final and is not appealable.

#### **G. Procedural Compliance**

After the initial filing of the written grievance, the failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the Personnel Board hearing, without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the non-compliance

**A.R. Number: 5.19 Effective Date: 7/1/2023 Page: 5 of 10 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**





within five (5) workdays of receipt of written notification by the other party of the compliance violation. Such written notification shall be made to the Department of Human Resources, who shall determine all compliance issues.

Written notification of non-compliance shall be on forms approved and provided by the Department of Human Resources. The Department of Human Resources, at its option, may require a clear written explanation of the basis for any just cause extensions or exceptions.

Compliance determinations shall be made by the Department of Human Resources and shall be subject to judicial review by filing a petition with the City of Richmond Circuit Court, and a copy thereof with the Department of Human Resources, within thirty (30) calendar days of the compliance determination.

#### **H. Time Limitations**

The parties to the grievance, by mutual consent, may permit the Department of Human Resources to extend any or all of the time periods established in this procedure. When a time period deadline falls on a Saturday, Sunday or city holiday, the next calendar day that is not a Saturday, Sunday or city holiday shall be considered the time period deadline day.

#### **I. Standard/Burden of Proof**

The grievant must prove by the greater weight of the evidence that the discipline imposed including termination or the complaining action was excessive or unwarranted. All parties are to be afforded a full and equal opportunity for presentation of their evidence.

#### **J. Representation During the Management Steps**

With the exception of the final management step (step three), the only persons who may be present in the management step meetings are the grievant, the appropriate city official at the level at which the grievance is being heard, a representative from the Department of Human Resources and appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony.

Employees who are necessary participants at a grievance hearing shall not lose pay for the time necessarily lost from their jobs and will not be charged leave because of their attendance at such hearings. During the management steps the grievance hearings shall not be recorded and recording devices are not permitted in the room in which a grievance hearing is being heard.

At the final management step (step three) the grievant may, at their option and expense, have present a representative of their choice. If the grievant is represented by legal counsel, the



city has the option of being represented by legal counsel. The grievant shall provide the name, mailing address, email address and telephone number of the grievant's representative or legal counsel on the city grievance form at least five (5) days prior to the grievance hearing.

### **III. PROCEDURE A. Steps of the Grievance Process**

Eligible employees may file a grievance by following the herein listed procedures.

1. **Step One** – Informal Meeting - An employee who has a complaint shall discuss the complaint informally with their immediate supervisor within twenty (20) calendar days of the occurrence of the incident giving rise to the grievance.

The employee is not required to reduce their complaint to writing although it is recommended that such complaint be in writing, so all issues are clear. The purpose of this meeting is to have an informal discussion in an attempt to resolve the complaint in as expeditious manner as possible.

The supervisor shall within fifteen (15) calendar days provide in writing whether resolution or no resolution can be reached regarding the complaint.

2. **Step Two** – Formal presentation to the appointing authority/department head or designee - If the complaint is not resolved at the Step One informal meeting, the grievant may, within fifteen (15) calendar days thereafter; appeal the decision of the supervisor by reducing their complaint to writing on a city grievance form (obtainable from the Department of Human Resources) and forwarding the complaint to the appointing authority/department head or designee and the Department of Human Resources accompanied with all supporting documentation and the written decision from the prior management step. Failure to provide the supporting documentation may delay the grievance hearing and the time period limitations set thereof.

At any time prior to the hearing with the appointing authority/department head or designee a determination of grievability shall be made by the Department of Human Resources within ten (10) business days of receipt of such complaint from the grievant or the appointing authority/department head or designee. The determination shall be in writing and a copy sent via certified mail and email to the grievant and the appointing authority/department head or designee.

Within fifteen (15) calendar days of receipt of such determination of grievability and provided the complaint is determined as grievable, the appointing authority/department

**A.R. Number: 5.19 Effective Date: 7/1/2023 Page: 7 of 10 Supersedes:  
N/A A.R.: N/A DATED: N/A**

head or designee shall meet in person with the grievant, unless the grievant waives this right, and issue a written decision regarding the grievance. A copy of the decision shall be provided to the

**Administrative Regulations**  
**Office of the Mayor**  
**Title: GRIEVANCE POLICY FOR**



CLASSIFIED SERVICE

Department of Human Resources. If the decision of the appointing authority/department head or designee at Step two amends any previous actions (i.e., partial relief may have been granted) only the remaining issue (if any) may be appealed.

3. **Step Three** – Appeal to Chief Administrative Officer or designee - If the decision of the appointing authority/department head or designee does not resolve the grievance, the grievant may appeal the decision to the Chief Administrative Officer or designee within fifteen (15) calendar days after receipt by submitting their appeal in writing on a form (obtainable in the Department of Human Resources) accompanied with all supporting documentation and the written decisions from the prior management steps. Failure to provide the supporting documentation may delay the grievance hearing and the time period limitations set thereof.

The Chief Administrative Officer or designee, within fifteen (15) calendar days of their receipt of the appeal shall meet with the employee and issue a written decision. The Chief Administrative Officer or designee shall only consider the actions, which result from the Step two hearing. The Chief Administrative Officer or designee is required by this policy to meet with the grievant in person unless the grievant waives this right. The Chief Administrative Officer or designee shall give due consideration to the facts presented and forward their decision to the grievant, to the grievant's appointing authority/department head or designee and the Department of Human Resources. If the decision of the Chief Administrative Officer or designee at Step three amends the previous actions (i.e., partial relief may have been granted) only the remaining issue (if any) may be appealed.

4. **Step Four** – Appeal to Personnel Board - If the decision of the Chief Administrative Officer or designee does not resolve the grievance and the complaint is still grievable, the grievant may appeal such decision to the Personnel Board. Every appeal to the Personnel Board shall be directed to the Department of Human Resources on a grievance form (obtainable from the Department of Human Resources) and shall be filed within fifteen (15) calendar days after receipt of the Chief Administrative Officer or designee's decision. The grievance appeal shall be accompanied with all supporting documentation and written decisions from the prior management steps. Failure to provide the supporting documentation may delay the grievance hearing and the time period limitations set thereof.

Upon receipt of an appeal to the Personnel Board, the Department of Human Resources shall schedule a hearing before the Personnel Board. A hearing date shall be established

**A.R. Number: 5.19 Effective Date: 7/1/2023 Page: 8 of 10 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

by the Secretary of the Personnel Board within a reasonable timeframe from the date of filing the appeal. Upon the conclusion of the Personnel Board hearing, they shall render a written decision within ten (10) calendar days of the conclusion of the hearing.



Procedures for the Personnel Board hearing are provided in the Personnel Board Policy. The decision of the Personnel Board shall be final and binding and shall be consistent with the provisions of law and written policy. The question of whether the relief granted by the Personnel Board is consistent with written policy shall be determined by the Chief Administrative Officer or designee, unless such person has a direct personal involvement with the grievance, in which case the decision shall be made by the city's Commonwealth Attorney.

**B. Direct Appeals to The Personnel Board** – An eligible employee who is dismissed shall have the right of appeal directly to the Personnel Board without otherwise exhausting his or her rights under this Section III; Direct appeals must be executed by the employee within twenty (20) calendar days of the event or notification of the event, whichever occurs first. Failure to file will result in a waiver. Direct appeals must be filed with the Department of Human Resources in writing on a grievance form (obtainable from the Department of Human Resources). The grievance direct appeal shall be accompanied with all supporting documentation. Failure to provide the supporting documentation may delay the grievance hearing and the time period limitations set thereof.

A hearing date shall be established by the Secretary of the Personnel Board within a reasonable timeframe from the date of filing the direct appeal. The Secretary of the Personnel Board shall notify the grievant and Appointing Authority or designee in writing of the time and place of the Personnel Board Hearing.

#### **IV. RESPONSIBILITY**

**Appointing Authorities and/or Department Heads** – Appointing authorities/department heads or designee are responsible for receiving grievance appeals from employees and issuing written decisions regarding grievance appeals.

**Chief Administrative Officer** – The Chief Administrative Officer is responsible for receiving grievance appeals from employees and issuing written decisions regarding grievance appeals.

**Department of Human Resources (HR)** – HR is responsible for oversight and administration of this policy. HR is the central repository for all personnel files and information, including grievance complaints by employees. HR shall make available all necessary procedures and forms to departments and employees and provide guidance when questions arise. HR shall determine the grievability of the employee's complaint.

**A.R. Number: 5.19 Effective Date: 7/1/2023 Page: 9 of 10 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

**Employees** – Employees are responsible for abiding by the requirements and processes of this policy.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: GRIEVANCE POLICY FOR**



CLASSIFIED SERVICE

**Supervisors** – Supervisors are responsible for discussing the initial grievance complaint with the employee and provide in writing whether resolution can be achieved regarding the complaint.

**Personnel Board** – The Personnel Board is responsible for receiving grievance appeals from employees and issue written decisions regarding grievance appeals.

**V. DEFINITIONS**

Words and phrases contained within this policy are interpreted by the Director of Human Resources and can be made available upon request.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: GRIEVANCE POLICY FOR**  
**A.R. Number: 5.19**




**CLASSIFIED SERVICE**  
**Effective Date: 7/1/2023 Page:**  
**10 of 10 Supersedes: N/A A.R.: N/A DATED: N/A**

**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

  
\_\_\_\_\_  
**CHIEF ADMINISTRATIVE OFFICER**

  
\_\_\_\_\_  
**MAYOR**

**Administrative Regulations**  
**Office of the Mayor**  
**Title: PERSONNEL BOARD**



**A.R. Number: 5.20 Effective Date: 7/1/2023 Page: 1 of 6**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

**I. PURPOSE**

Pursuant to the Code of Richmond, Section 2-936, the City of Richmond has established a Personnel Board. This policy outlines the Board's purpose, purview, and procedures.

**II. POLICY**

**A. Personnel Board composition**

The Personnel Board shall consist of ten (10) persons appointed by City Council who reside within the city, except that the two (2) Board members who are members of the classified system of the city shall not be subject to this subsection's residency requirement. The term of office shall be for three (3) years, excepting members of the classified service, who shall serve for five (5) years. No person shall serve more than two (2) consecutive terms, except that a person appointed to fill a vacancy shall be eligible for appointment to two (2) complete terms. Vacancies shall be filled by City Council by appointment for the unexpired portion of the term. Two (2) members of the Personnel Board shall be members of the classified service nominated by the members thereof in a manner prescribed by City Council.

The Personnel Board shall choose one of its members to be the Chairperson for a term of two (2) years and one of its members to Vice-Chairperson for a like period, beginning with the first Tuesday in September of each even-numbered year.

Members of the Personnel Board, other than the two (2) persons who are members of the classified system of the city, shall be entitled to receive compensation for attendance at such meetings in accordance with the Code of Richmond.

The Director of Human Resources or designee shall designate an employee of the Department of Human Resources to act as Secretary of the Board who shall advise both employees and supervisors in matters concerning this grievance procedure. The Secretary of the Board shall keep a full and accurate record of the grievance which shall consist of all forms, decisions and exhibits regarding the grievance.

**B. General meetings of the Board**

The Chairperson of the Personnel Board shall cause meetings of the Personnel Board to occur either upon request of a sufficient number of board members or at the request of the Director of Human Resources or designee for the purpose of discussing any matter relating to the

**Administrative Regulations**  
**Office of the Mayor**  
**Title: PERSONNEL BOARD**



**A.R. Number: 5.20 Effective Date: 7/1/2023 Page: 2 of 6**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

human resources of the city's classified service. Such meetings shall normally be open to the public and shall be recorded. All general meetings shall comply with the Commonwealth's laws regarding open meetings and a notice of intent to have such a meeting shall be posted accordingly. During general meetings, six (6) members of the Board shall constitute a quorum. C.

**Hearings by the Board**

Except for direct appeals, any grievance that is appealable shall be heard by the Personnel Board after all other steps contained in the grievance policy have been properly exhausted. Five (5) members of the Board, to include one (1) member of the classified service, shall constitute a quorum; all determinations shall be determined by majority vote.

While sitting to hear a grievance, the Personnel Board shall not be composed of any persons having direct involvement with such grievance, or with the complaint or dispute, giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as Board members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee, or co-employee of such an attorney shall serve as a Board member.

Each party shall be entitled to one (1) continuance. Additional continuances may be granted by the Chairperson of the Board, provided good cause is shown.

The Secretary of the Personnel Board shall coordinate the scheduling of all hearings before the Personnel Board in accordance with the grievance policy.

The Secretary of the Board shall provide a copy of the grievance record to the Personnel Board and the parties prior to the hearing.

**III. PROCEDURE**

**A. Documents and grievance materials**

A list of all appropriate witnesses who are to testify, the summary statement, and documents shall be submitted to the Department of Human Resources and exchanged



**Administrative Regulations**  
**Office of the Mayor**  
**Title: PERSONNEL BOARD**



between the parties thirty (30) calendar days prior to the hearing date. The Chairperson shall be the judge

**A.R. Number: 5.20 Effective Date: 7/1/2023 Page: 3 of 6**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

of the relevancy of books and papers sought to be produced, however, they may refer any such matters to the Board for its consideration and determination.

Supplemental documents, exhibits and list of additional witnesses shall be exchanged between the parties within five (5) calendar days before the hearing with a copy provided to the Secretary of the Board.

**B. Conduct of hearings**

The conduct of the Board grievance hearings shall be as follows:

1. The Board does not have authority to formulate city policies, procedures, or regulations, or to alter existing city policies, procedures, or regulations.
2. The Chairperson shall be responsible for the orderly conduct of the hearing and shall have the authority to limit the introduction of redundant and repetitive evidence.
3. The Chairperson shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private.
4. The Board shall have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.
5. The Board may require statements clarifying the issues.
6. The rules of evidence shall not necessarily apply, and hearings are not intended to be conducted like proceedings in court.
7. The Chairperson shall be the judge of the admissibility and relevance of all evidence. The individual members of the Board shall determine for themselves the weight and credibility of the evidence.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: PERSONNEL BOARD**



8. Both the grievant and the city may call upon appropriate witnesses and be represented by legal counsel or other representative at the hearing. Such representative may examine, cross-examine, question and present evidence on behalf of the grievant or the city before the Board without being in violation of the provisions of § 54.1-3904 of the Code of Virginia.

**A.R. Number: 5.20 Effective Date: 7/1/2023 Page: 4 of 6**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

9. Opening statements shall be permitted, with the grievant going first.
10. The grievant shall present their evidence and call witnesses first.
11. All witnesses may be examined and cross-examined.
12. The Board may question any witness at the conclusion of questioning by the grievant and the city.
13. All evidence shall be taken in the presence of the Board and of the parties, except by mutual consent of the parties.
14. The Board may require any party or witness to produce such additional evidence, as it deems necessary for an understanding and determination of the issues.
15. A reasonable time shall be allowed for closing arguments, with the employee going first.
16. The Board may, at its discretion, vary this procedure, but shall afford full and equal opportunity to all parties for the presentation of any material and relevant evidence.

**C. Remedies**

1. The Board shall have the authority to uphold, reverse, or modify the disciplinary action being grieved by imposing a lesser disciplinary action and, in appropriate circumstance, award back pay in an amount the Board believes equitable.
2. Back pay shall not exceed pay for time actually lost due to a suspension or dismissal.
3. The Board does not have the authority to formulate or alter policies or procedures.
4. The Board does not have authority to grant relief greater than that which the grievant has requested in the grievance form.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: PERSONNEL BOARD**



5. The Board does not have the authority to award the payment of damages or attorney's fees or costs.

**D. Board decisions**

1. Upon conclusion of deliberations, the Board may orally inform the parties of its decision. However, the Board shall inform the Director of Human Resources or designee of its decision in writing to the Director of Human Resources or designee no later than ten (10)

**A.R. Number: 5.20 Effective Date: 7/1/2023 Page: 5 of 6**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

calendar days from the conclusion of the hearing. The decision, including findings of fact as to the material issues and the basis for the Board's findings, shall be sent, in writing, to the appointing authority/department head or designee, the grievant, the grievant's attorney or representative, and to the city's legal representative by the Secretary to the Board within ten (10) calendar days of receipt of such decision.

2. The majority decision of the Board, acting within the scope of its authority, shall be final and binding, and shall be consistent with the provisions of law and written policy.
3. The question of whether the relief granted by the Board is consistent with written policy shall be determined by the Chief Administrative Officer or designee unless the Chief Administrative Officer or designee has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Commonwealth Attorney for the City of Richmond.
4. Either party may petition the City of Richmond Circuit Court, for an order requiring implementation of the official Personnel Board decision.

**IV. RESPONSIBILITY**

**Department of Human Resources (HR)** – HR is responsible for oversight and administration of this policy. HR is the central repository for all personnel files and information. HR shall make available all necessary procedures and forms to departments and employees and provide guidance when questions arise.

**Supervisory Staff** – All supervisory staff are responsible abiding by the requirements and processes of this policy.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: PERSONNEL BOARD**



**Employees** – Employees are responsible for abiding by the requirements and processes of this policy.

**V. DEFINITIONS**

Words and phrases contained within this policy are interpreted by the Director of Human Resources and can be made available upon request.

**A.R. Number: 5.20 Effective Date: 7/1/2023 Page: 6 of 6**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

**CHIEF ADMINISTRATIVE OFFICER**

**MAYOR**

**Administrative Regulations**  
**Office of the Mayor**  
**Title: REASSIGNMENT,**  
**REINSTATEMENT POLICY**



**TRANSFER, SEPARATION, AND**

**A.R. Number: 5.21 Effective Date: 7/1/2023 Page: 1 of 6 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

**I. PURPOSE**

The City of Richmond supports its workforce throughout the employee lifecycle. This policy authorizes non-disciplinary employment actions (transfers and reassignments), provides conditions for separation from city service and reinstatement, and outlines how such actions are to be handled. **II. POLICY**

**A. Reassignment**

1. **Agency Initiated Reassignment** – An appointing authority/department head or designee may, within their own agency, reassign an employee from one position to another in the same class for non-disciplinary reasons. An employee reassigned to another position shall receive the same salary received in the former position, excluding salary differentials.
2. **Employee Initiated Reassignment** – If an employee wishes to be assigned to another position in a same or lower class within their own agency where a vacancy exists, they shall submit their request in writing to their appointing authority/department head or designee, stating the reason for their request. The appointing authority/department head or designee must be sure that the employee who requests a reassignment understands the effect to their rate of pay. The appointing authority/department head or designee may recommend approval of the lateral transfer or demotion in writing to the Director of Human Resources or designee who may either approve or deny the request. If the reassignment is to a lower classification, the salary shall be reduced by at least 5.0 percent. The new salary shall be within the pay range of the reassigned classification.

Reassignment of classified employees is not grievable under the city's Grievance Policy for Classified Service.

**B. Transfers**

Transfers may be initiated by the appointing authority/department head or designee when a position is open. An employee is eligible to be transferred if the employee meets the requirements for the position to which they are transferred. The employment status of an employee shall not be affected by a transfer. No change in evaluation date, seniority or leave accruals shall be made upon transfer. Transfers of classified employees is not grievable under the city's Grievance Policy for Classified Employees.

**A.R. Number: 5.21 Effective Date: 7/1/2023 Page: 2 of 6 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

**Administrative Regulations**  
**Office of the Mayor**  
**Title: REASSIGNMENT,**  
**REINSTATEMENT POLICY**



**TRANSFER, SEPARATION, AND**

1. **Administrative Transfers Between Agencies** – In instances in which two Appointing Authorities have determined that the best interest of their agencies would be served, the Appointing Authorities may administratively transfer an employee to a position in the same pay range with no reduction in pay. Recruitment procedures do not apply for administrative transfers.
2. **Temporary Transfers** – The Chief Administrative Officer or designee may reassign or transfer employees between agencies where the Appointing Authorities are appointed by the Chief Administrative Officer.
3. **Pay of Transferred Employees** – An employee transferred, in which recruitment procedures apply, may negotiate within the guidelines established by the Administrative Regulations for salary purposes not to exceed the maximum of the new pay range.

**C. Transfers between Legislative Agencies**

City Council or designee may reassign or transfer employees between agencies where the appointing authorities are appointed by City Council.

**D. Separation from City Service**

For the purpose of this policy, the separation of one's status as an employee of the City shall be referred to as a separation. The types of separation shall include but is not limited to the following: (1) resignation, (2) disability separation, (3) disability retirement, (4) retirement, (5) reorganization, (6) reduction-in-force, (7) job abolishment, (8) workload adjustments, (9) disciplinary dismissal, (10) forfeiture, (11) failure to return to work after the exhaustion of authorized leave, and (12) death.

**Date and Notice of Separation** - An employee's official date of separation is typically their last day in active pay status. If an employee is on approved sick leave, worker's compensation, or leave without pay when separated, the effective date of separation will be the actual date of separation designated by the employee and approved by the appointing authority/department head or designee and not necessarily the last day in active pay status. Notice of the effective date and the reasons for every separation shall be reported in writing by the appointing authority/department head or designee to the Department of Human Resources.

1. **Resignation** – An employee may leave the city service voluntarily. When such action takes the form of a written resignation, a copy shall be forwarded to the Department of Human

**Administrative Regulations**  
**Office of the Mayor**  
**Title: REASSIGNMENT,**  
**REINSTATEMENT POLICY**



**TRANSFER, SEPARATION, AND**

**A.R. Number: 5.21 Effective Date: 7/1/2023 Page: 3 of 6 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

Resources. If it is determined that a reported resignation was not voluntary, the appointing authority/department head or designee shall treat the separation as a dismissal and notify the employee of their rights, if applicable. An employee may withdraw their resignation before the effective date with the approval of the appointing authority/department head or designee. Where written resignation is not obtained, the appointing authority/department head or designee shall notify the employee in writing that their verbal resignation is accepted and forward a copy to the Department of Human Resources.

2. **Disability Placement/Separation** – Upon supported and certified medical evidence, an employee may be separated for service or non-service-related disability when he or she cannot perform the required duties because of physical or mental impairment without reasonable accommodation as defined by the American Disabilities Act as amended. Employees shall be given a twenty-one-day notice prior to the separation date.
3. **Disability Retirement** – If an employee qualifies under the rules of the Retirement System, he or she may apply for disability retirement.
4. **Retirement** – Whenever an employee meets the conditions set forth in the Retirement System Regulations, they may elect to retire and receive all benefits earned under the Retirement Plan. Persons retiring under this policy shall be considered as voluntarily separating from city service.
5. **Re-organization** – The involuntary separation of an employee from a position if a reorganization of the department or agency has been authorized.
6. **Reduction-in-force** – The involuntary separation of an employee from a position if it has been determined that positions will no longer be required or that funds will not support certain positions.
7. **Job Abolishment** – The elimination of a classification due primarily to considerations of efficiency and effectiveness. Affected employees shall be governed by the reduction-in-force provisions.
8. **Workload Adjustments** – The elimination of a position due to changing workloads.
9. **Disciplinary Dismissal** – Each employee is expected to comply with instructions, established city policies, procedures, regulations, ordinance, state and federal laws, and

**Administrative Regulations**  
**Office of the Mayor**  
**Title: REASSIGNMENT,**  
**REINSTATEMENT POLICY**



**TRANSFER, SEPARATION, AND**

**A.R. Number: 5.21 Effective Date: 7/1/2023 Page: 4 of 6 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

accepted standards of conduct. If an employee's performance or conduct is unsatisfactory because of neglect or failure to comply with these requirements, appropriate disciplinary action shall be taken pursuant to the discipline policy up to and including dismissal.

10. **Forfeiture** – Any officer, appointee of the council, or employee of the city who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude, or any felony, or any misdemeanor involving any controlled substances shall forfeit their office or employment.
11. **Death** – Separation shall be effective as of the date of death. Each appointing authority/department head or designee shall establish and maintain within their agency appropriate procedures to be followed in the event of any employee's death while on duty. Notwithstanding a person who dies while at work will be paid for the full day.

**E. Reinstatement**

Reinstatement status applies only to those tenured status employees who have (1) resigned in good standing, (2) apply for reinstatement within ten (10) calendar days of the date of their separation, (3) their position having remained unfilled, and (4) now meet the minimum qualifications for the position, and then only if such reinstatement is approved by both the appointing authority/department head or designee and the Director of Human Resources or designee. Seniority for employees reinstated shall be computed from the original date of employment.

Upon reinstatement, an employee's pay, employment date and all benefits shall remain unchanged and be restored.

**III. PROCEDURE**

The Department of Human Resources shall make available detailed procedures and required forms for this policy. Procedures shall be administered consistently within departments. Departments shall consult with HR when questions arise related to personnel changes.

**IV. RESPONSIBILITY**

**Department of Human Resources (HR)** – HR is responsible for oversight and administration of this policy. HR is the central repository for all personnel files and information. HR shall make available



**Administrative Regulations**  
**Office of the Mayor**  
**Title: REASSIGNMENT,**  
**REINSTATEMENT POLICY**



TRANSFER, SEPARATION, AND

**A.R. Number: 5.21 Effective Date: 7/1/2023 Page: 5 of 6 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

all necessary procedures and forms to departments and employees and provide guidance when questions arise.

**Employees** – Employees are responsible for abiding by the requirements and processes of this policy.

**V. DEFINITIONS**

Words and phrases contained within this policy are interpreted by the Director of Human Resources and can be made available upon request.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: REASSIGNMENT,**  
**REINSTATEMENT POLICY**



TRANSFER, SEPARATION, AND

**A.R. Number: 5.21 Effective Date: 7/1/2023 Page: 6 of 6 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

Handwritten signature of Linda Sanderson in black ink.

**CHIEF ADMINISTRATIVE OFFICER**

Handwritten signature of the Mayor in black ink.

**MAYOR**



**A.R. Number: 5.23 Effective Date: 7/1/2023 Page: 1 of 4**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

**I. PURPOSE**

The City of Richmond is committed to transparency in the pay process. It is important that employees in city service understand how pay is administered with respect to employee status and throughout the employee life cycle.

**II. POLICY**

The City of Richmond's pay plan, and its complementary document, the classification plan, includes a pay schedule, salary administration rules, and a schedule of pay ranges consisting of minimum and maximum rates of pay for all classes of positions in city service.

In accordance with the pay plan, this policy defines the application of pay plan directives to individual employee circumstances during their tenure with the city.

**III. PROCEDURE**

**A. Payment at a listed rate**

All employees covered by the pay plan shall be paid within the pay range established for their respective position classification, except those positions which are specifically exempted by City Council in the pay ordinance and those employees whose present salaries are above the established maximum rate following transition to a new pay plan. Under special circumstances the Director of Human Resources, in consultation with the Chief Administrative Officer, may consider exceptions to this clause.

**B. Use of pay ranges**

The use of pay ranges is governed by the pay ordinance adopted by City Council. Unless otherwise specifically provided, no increase shall be awarded which shall result in an employee's salary exceeding the maximum of the pay range applicable to their class. All salary increases are calculated on base salary, and differentials shall not be included in these calculations.

**C. Pay for part-time employment**

A non-exempt employee employed part-time shall be compensated for the actual number of hours worked in accordance with the city's pay ordinance. An exempt employee employed

## Administrative Regulations



Office  
of the  
Mayor

Title: PAY POLICY

part-time shall be paid for their scheduled hours; however, if an exempt employee is paid less than the weekly amount stated under the FLSA guidelines, the employee becomes non-

**A.R. Number: 5.23 Effective Date: 7/1/2023 Page: 2 of 4**

**Supersedes: N/A A.R.: N/A DATED: N/A**

exempt for the remainder of their tenure in that position. Employees working part-time will be paid on the same schedule as all other employees.

### D. Pay of reallocated employees

1. An employee whose position is reallocated to a class having a higher midpoint of the pay range will receive at least the minimum of the new pay range, or that level in such pay range, which affords the employee a pay increase. If the position is reallocated to a class in the same pay range, the employee's salary will remain unchanged. If the position is reallocated to a class having a lower midpoint of the pay range, the employee's salary will be reduced by at least five (5) percent or to a level within the new range not to exceed the maximum.
2. Reallocation of positions in different pay systems (broad bands and pay ranges), if the band encompasses the entire range, is considered a same range reallocation and the employee's salary will remain unchanged. In all other cases, if the midpoint of the new classification is higher than the midpoint of the old classification, it is considered an upward reallocation and if the midpoint of the new classification is lower than the midpoint of the old classification, it is considered a downward reallocation.

### E. Effective date of pay adjustments

All pay changes or adjustments shall become effective on the first day of the respective pay period that follows the approval of the Director of Human Resources or designee of the increase or adjustment, unless otherwise specified. If the approval date and the first day of the respective pay period coincide, the adjustment shall become effective on that date.

### F. Payroll deductions

Federal and State income taxes, social security taxes, deductions for United States Savings Bonds, group health, dental and life insurance premiums, deferred and flexible compensation and other deductions required by law or authorized by City Council are authorized payroll deductions. All other written requests for payroll deductions shall be evaluated by the Directors of Finance and Human Resources and approved by the Chief Administrative Officer

## Administrative Regulations



Office  
of the  
Mayor

Title: PAY POLICY

or designee. In order for approval; (a) at least one half of the full-time tenured employees must request the deduction; or (b) the deduction shall be of such a nature as to benefit, in the opinion of the Chief Administrative Officer or designee, the city workforce; or (c) the deduction must be authorized by City Council.

**A.R. Number: 5.23 Effective Date: 7/1/2023 Page: 3 of 4**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

An employee who believes that their wages have been subject to improper deductions or that their pay does not accurately reflect all hours worked should immediately contact their department HR Liaison.

### G. Final paychecks

All nonexempt employees, whether tenured or not, shall receive payment for all accrued compensatory time as required under FLSA. A tenured employee who separates from the city service shall receive payment for time worked plus a lump-sum payment for earned and unused vacation leave pursuant to this regulation. Vacation leave payment shall be computed on base salary. The final check may not be payable through direct deposit and will be subject to any deductions. If an employee dies while at work, his or her pay shall be for his or her normal work shift.

## IV. RESPONSIBILITY

**Department of Human Resources (HR)** – HR is responsible for oversight and administration of this policy. HR is the central repository for all personnel files and information. HR shall make available all necessary procedures and forms to departments and employees and provide guidance when questions arise.

**Employees** – Employees are responsible for abiding by the requirements and processes of this policy.

## V. DEFINITIONS

Words and phrases contained within this policy are interpreted by the Director of Human Resources and can be made available upon request.

**A.R. Number: 5.23 Effective Date: 7/1/2023 Page: 4 of 4**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

**Administrative Regulations**



**Office  
of the  
Mayor**

**Title: PAY POLICY**

**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

**CHIEF ADMINISTRATIVE OFFICER**

**MAYOR**

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LANGUAGE ACCESS POLICY**



**A.R. Number: 5.24 Effective Date: 7/1/2023 Page: 1 of 5**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

**I. PURPOSE**

The City of Richmond is committed to making services and programs accessible to all people it serves, including those with limited English proficiency (LEP). Language barriers can prevent people from fully participating in civic and public life. Enabling people to use their own language when it is feasible helps them access public services, increases opportunities for residents to communicate with their local leaders and public service providers, and ensures the flow of information between public agencies and residents that is vital to building and strengthening communities.<sup>1</sup>

This policy ensures compliance with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance; Executive Order (E.O.) 13166, which requires that programs receiving federal financial assistance to take reasonable steps to ensure that LEP speakers have meaningful access to their programs and activities; E.O. 13166 implementation guidance issued by the U.S. Department of Justice; Section 504 of the Rehabilitation Act of 1973; and other federal, state, and local applicable laws.

The purpose of this policy is to ensure that Richmond's residents and stakeholders with LEP have meaningful access to services, programs, and activities offered by the city. The city's language access initiatives improve the quality of life of Richmond's immigrant and refugee populations by providing increased access to city and community-based services and resources and opportunities for education and civic participation.

**II. POLICY**

This policy will apply to departments, programs, and services provided by the City of Richmond.

The city is committed to delivering services to all residents regardless of their language of preference or English proficiency. The Department of Human Services' Office of Immigrant and Refugee Engagement (OIRE) oversees the city's language access initiatives that help city residents overcome linguistic barriers and increase language access to critical resources. OIRE establishes and coordinates the citywide implementation of the city's Language Access Plan (LAP).

---

<sup>1</sup> From the Institute for Local Government's publication, "Language Access Laws and Legal Issues: A Local Official's Guide": [https://www.ca-ilg.org/sites/main/files/file-attachments/language\\_access\\_guide\\_formatted\\_9-2711\\_2.pdf](https://www.ca-ilg.org/sites/main/files/file-attachments/language_access_guide_formatted_9-2711_2.pdf)



---

**A.R. Number: 5.24 Effective Date: 7/1/2023 Page: 2 of 5**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

Each department shall provide its own bilingual or multilingual services to ensure meaningful access to its programs by individuals with LEP. Departments will also work with OIRE to identify target languages, assess their language access needs, and execute a plan for addressing any unmet needs or barriers to greater language access. Departments shall carry out their language access strategy in accordance with the city's LAP and OIRE guidance.

### **III. PROCEDURE**

#### **A. Target Languages**

1. OIRE will analyze the demographics of LEP populations to determine target languages to help departments prioritize language access services. OIRE shall maintain updated information regarding the city's demographics and language access needs.
2. Departments shall work with OIRE to determine the populations that use or encounter their programs and develop and execute strategies to better serve those populations through expanded language access.

#### **B. Language Access Plan**

OIRE shall promulgate a citywide LAP and make it publicly available. Department-specific language access plans and strategies shall be developed and shall support goals and strategies of the citywide LAP.

#### **C. Language Access Liaisons**

Each department head or designee will assign a language access liaison to be responsible for the department's language access implementation and coordination. Each appointing authority/department head is required to notify OIRE of the designated individual and provide updates if the assigned individual changes.

#### **D. Multilingual Accessibility of City Services, Tools, and Materials**

The city shall expand language access to its tools and materials based on population usage and needs and in accordance with the city's LAP, OIRE guidance, and this policy. Expanded language access strategies may include offering web translation tools, translated city products, publications, and materials, and use of plain language principles to promote ease of translation where needed.





**A.R. Number: 5.24 Effective Date: 7/1/2023 Page: 3 of 5**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

1. Departments and OIRE shall coordinate to offer translation of vital documents to ensure meaningful access to city programs and services.
2. OIRE shall work with departments to provide methods for individuals with LEP to request interpretation services when interacting with departments and city services.
3. City employees may apply for designation as a bilingual employee and receive a language differential pay pursuant to city policy.
4. Departments, in conjunction with OIRE, shall provide a process through which residents and stakeholders may make new or additional language access requests.

#### **IV. RESPONSIBILITY**

**Department Heads** – Department heads are responsible for determining their department’s language access needs based on the populations served and services rendered and executing language access strategies according to the citywide Language Access Plan, policies, and guidance.

**Human Services’ Office of Immigrant and Refugee Engagement (OIRE)** – OIRE is responsible for improving residents’ access to services and helping residents overcome linguistic barriers by helping departments expand language access. OIRE is responsible for analyzing the city’s demographics and maintaining updated information regarding the city’s populations and language access needs and for establishing and implementing the citywide Language Access Plan.

**Language Access Liaison** – An individual designated by each department to work with OIRE to be responsible for the department’s language access implementation and coordination.

#### **V. DEFINITION**

**Language Access Plan (LAP)** – A citywide strategy for providing meaningful access by individuals with limited English proficiency to the programs and activities administered by the city. The plan improves access to programs and activities by individuals with LEP and implements a system by which individuals with LEP can meaningfully access city’s services. The Language Access Plan is developed in accordance with Title VI of the Civil Rights Act of 1964, Executive Order 13166, Section 504 of the Rehabilitation Act of 1973, and applicable federal, state, and local laws and guidance.

**Limited English Proficiency (LEP)** – When an individual does not speak English as their primary language and/or has a limited ability to read, speak, write, or understand English.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LANGUAGE ACCESS POLICY**



**A.R. Number: 5.24 Effective Date: 7/1/2023 Page: 4 of 5**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

**Plain Language** – Plain language (also called plain writing or plain English) is communication the audience can understand the first time they read or hear it. It is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience.

**Vital Document** – A document is considered vital if it contains information that is critical for obtaining federal services and/or benefits or is required by law. It is crucial to ensure that written materials routinely provided in English also are provided in regularly encountered languages other than English. It is important to ensure that vital documents are translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by any program or activity. Vital documents may include, but are not limited to:

- Documents that must be provided by law;
- Notices regarding the availability of free language access services for individuals with LEP;
- Outreach or informational material, the lack of which may effectively deny an individual with LEP meaningful access to a city program, service, or activity;
- Notice of denial, loss, or decrease in benefits or services; and
- Forms, notices, or written material related to an individual's rights, requirements, or responsibilities regarding city services, such as filing a discrimination complaint against the city or protesting an agency decision.

**A.R. Number: 5.24 Effective Date: 7/1/2023 Page: 5 of 5**  
**Supersedes: N/A A.R.: N/A DATED: N/A**

**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

**Administrative Regulations**  
**Office of the Mayor**  
**Title: LANGUAGE ACCESS POLICY**



A handwritten signature in black ink, appearing to read "Linda Sanderson", written over a horizontal line.

**CHIEF ADMINISTRATIVE OFFICER**

A handwritten signature in black ink, appearing to read "J.M.A.", written over a horizontal line.

**MAYOR**



**A.R. Number: 5.25 Effective Date: 5/15/2023 Page: 1 of 6 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

**I. PURPOSE**

The City of Richmond recognizes that, to attract best qualified employees, it may be appropriate to provide relocation assistance as a benefit to the incumbent when their acceptance of city employment requires a move of residence. The purpose of this policy is to standardize how the city provides relocation assistance and outline the eligible circumstances and conditions for this benefit.

**II. POLICY**

To accommodate relocation arrangements, the City of Richmond may cover related expenses under the following conditions.

**A. Eligible Individuals** – To be eligible for relocation assistance, the following criteria must be met.

**1. New Employees**

- i. The employee must be a new hire in a permanent and full-time position at the deputy department director level or above, an employee in a key or challenging position to recruit and retain as defined by the Department of Human Resources, or an employee filling a position with a residency requirement.
- ii. The employee must be relocating from a distance greater than fifty (50) miles to be within a reasonable commuting distance to the city. This clause may be waived for employees relocating for a position with a residency requirement.
- iii. The employee must request reimbursement for all eligible relocation expenses within twelve (12) months from the effective date work begins in the new location.

**2. Family members of eligible employees** – Family members relocating under this policy include the employee’s spouse and dependents. Family members are eligible only if they resided with the employee at the time the position was offered and will reside with the employee in the new residence.

**B. Eligible and Ineligible Expenses** – Certain relocation expenses incurred by the employee and their family members are eligible for reimbursement and some are not. Guidance on eligible and ineligible expenses for relocation assistance reimbursement shall be provided by the Department of Human Resources (HR).



**A.R. Number: 5.25 Effective Date: 5/15/2023 Page: 2 of 6 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

C. **Relocation Assistance Limits** – Relocation assistance may include reimbursement allowances, home sale assistance, and temporary housing assistance that are reimbursable according to a schedule and maximum limits determined by HR in consultation with the Chief Administrative Officer.

**D. Conditions of Relocation Assistance**

1. No relocation expense reimbursement will be made prior to the acceptance of the offer letter detailing the terms and conditions of relocation assistance.
2. In accordance with all applicable federal and state law, the reimbursement of all relocation expenses shall be treated as taxable wages and subject to the U.S. Internal Revenue Service tax withholdings.<sup>1</sup>
3. If an employee voluntarily leaves city employment for any reason or is involuntarily terminated within two years of the employee's date of hire or transfer, the employee will be required to reimburse the city for the relocation assistance received. HR and/or the appointing authority must notify the employee in their offer letter and at the time of their separation of the repayment obligation under this policy. Reimbursement of relocation assistance upon separation shall occur as follows:
  - i. If separation occurs on or prior to the first anniversary of the employee's date of hire or transfer, the employee must reimburse the city one-hundred (100) percent of the relocation assistance provided.
  - ii. If separation occurs after the first anniversary of the employee's date of hire or transfer, but prior to the second anniversary of the employee's date of hire or transfer, the employee must reimburse the city fifty (50) percent of the relocation assistance provided.
  - iii. If an employee has different repayment terms in an offer letter, the terms in the offer letter terms shall prevail over this Section.

---

<sup>1</sup> For IRS tax years beginning in 2018, reimbursements for certain moving expenses are no longer excluded from the gross income of non-military taxpayers (<https://www.irs.gov/individuals/international-taxpayers/movingexpenses-to-and-from-the-united-states>).



---

**A.R. Number: 5.25 Effective Date: 5/15/2023 Page: 3 of 6 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

iv. Any reimbursement due under this Section II.D. must be remitted to the city within thirty (30) days of the employee's separation.

### **III. PROCEDURE**

- A. Expense Documentation and Payment** – Each eligible employee is responsible for obtaining original receipts and other documents that are necessary to support claims for reimbursement. Receipts must be submitted along with the appropriate paperwork to be provided by HR. Expenses submitted for reimbursement must be actual, reasonable, necessary, and within the guidelines of this policy.
- B. Sale of Primary Home** – Employees in positions at the department director or deputy director level or higher are eligible for reimbursement for expenses associated with the sale of a primary home.
1. The employee will obtain a bona fide appraisal from professional, credentialed appraisers on their primary residence. The city shall pay the cost of the appraisal if a fee is incurred. The appraisal shall be submitted to the city for review and approval.
  2. Upon approval, eligible expenses from the home sale may include sales commissions, normal and reasonable closing costs, points (if any), and any loss on the eventual sale. The city will pay one-hundred (100) percent of this amount up to a maximum determined by HR for the position. Pre-approval by the city is required prior to the house being sold at less than the appraised value as determined above.
  3. Carrying costs incurred on the house after the employee's relocation may be considered eligible expenses. These costs may include mortgage payments, taxes, insurance, utility bills, yard maintenance, pest control, and "fixing-up" expenses (to make the house sellable), related to the sale or maintenance of the property. Any "fixing-up" costs shall be approved by the city prior to the expense being incurred. Costs incurred for these expenses shall be part of the home sale assistance maximum reimbursement amount determined by HR for the position.
  4. A monthly report indicating the reimbursements made and a final report upon sale of the house shall be provided to HR.



5. The city is not responsible for payments of any penalties, fees, taxes, and other costs related to the post sale of the employee's primary home.

**A.R. Number: 5.25 Effective Date: 5/15/2023 Page: 4 of 6 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

- C. **Temporary Housing Assistance** – An employee who receives temporary housing as part of their relocation assistance must provide notice to their department no later than fifteen (15) days after the employee takes occupancy of a permanent residence. Failure to provide notice in accordance with this section may subject the employee to disciplinary action in accordance with the city's administrative regulations. The city reserves the right to take action to obtain reimbursement from the employee for all temporary housing assistance provided for the period after the employee had taken occupancy of a permanent residence.
- D. **Tax Withholdings** – Applicable employment taxes will be withheld at the current supplemental rate and be reported on the annual Form W-2 in accordance with payroll standard procedure.

#### **IV. RESPONSIBILITY**

**Appointing Authorities and/or Department Heads** – Appointing authorities/department heads or designee are responsible for negotiating and approving the terms of relocation assistance in accordance with this policy, reviewing and approving reimbursement, and obtaining the required documentation and approval as specified by HR.

**Chief Administrative Officer** – The Chief Administrative Officer shall have final authority over the terms and conditions of relocation assistance offered pursuant to this policy and any exceptions granted.

**Department of Human Resources (HR)** – HR is responsible for oversight and administration of this policy. HR is responsible for providing guidance in the recruitment and hiring process, including the negotiation of relocation assistance and home sale process. HR is the central repository for forms and procedures required to comply with this policy and shall provide them to appointing authorities and departments as needed.

**Employees** – Employees are responsible for maintaining documentation of their eligible relocation expenses and providing them in accordance with the maximum limits and timeframes pursuant to their offer letter and this policy.



**V. DEFINITIONS**

**Family** – The employee’s spouse and dependents who reside with the employee at the time the position was offered and will reside with the employee in the new residence.

**A.R. Number:** 5.25 **Effective Date:** 5/15/2023 **Page:** 5 of 6 **Supersedes:**  
N/A **A.R.:** N/A **DATED:** N/A

**Primary Home** – The employee’s main residence in one location, either in the geographic area prior to employment or their relocation area. Primary home does not include any secondary properties or vacation homes.

**Relocation** – An employee’s move of primary residence from a distance greater than fifty (50) miles to be within a reasonable commuting distance to Richmond necessitated by their acceptance of city employment.

**Temporary Housing** – Housing needed to cover the time between when the employee relocates to begin the new position to the time the employee takes occupancy of a permanent residence, such as in the case of a pending home sale.





**A.R. Number: 5.25 Effective Date: 5/15/2023 Page: 6 of 6 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

  
CHIEF ADMINISTRATIVE OFFICER

  
MAYOR

**Administrative Regulations**  
**Office of the Mayor**  
**Title: FLEXIBLE WORKING**



**ARRANGEMENTS**

**A.R. Number: 5.26 Effective Date: 5/15/2023 Page: 1 of 4 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

**I. PURPOSE**

The City of Richmond supports employee work-life balance. To ensure the city attracts and retains exceptional talent flexibility in working arrangements is standard in all city positions.

**II. POLICY**

The City of Richmond reserves the right to change, remove, or add flexible work arrangements, and individual employees' work arrangement, at its discretion. The Chief Administrative Officer shall determine any stipends, incentives, or other allotments that coincide with any work arrangement.

Employees may have the opportunity to enjoy flexibility in their work arrangements. Not all flexibility arrangements shall be available to all employees, the character of flexibility will depend on the duties and responsibilities of their role. Flexible working arrangements are neither an employee benefit nor an entitlement, and it does not change the terms and conditions of employment. Attendance in the workplace is an essential function of employment with the City of Richmond.

Individual flexible work arrangements shall be entered into by the employee and the appointing authority/department head or designee upon hire, upon request, or when the duties and responsibilities of the role change to such a degree that the original/existing flexible working arrangement is no longer appropriate.

All pay and leave entitlements will be based on the employee's official primary duty location. The employee is responsible for tax consequences associated with teleworking and compliance with any other laws including local zoning regulations. Employees may wish to consult their attorney or tax accountant regarding any legal or tax implications associated with the use of their residence or offsite location as a work location.

Flexible work arrangements shall take the form of one of the following:

**A. Set City of Richmond Office Location**

Workers conduct their duties at a set physical location. These positions consist of duties and responsibilities that require workers to be at a city office to complete them. These workers often require a set workplace or station to do their job efficiently or effectively.



**A.R. Number: 5.26 Effective Date: 5/15/2023 Page: 2 of 4 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

**B. Set Fieldwork**

Workers conduct their duties entirely in the field. Their duties and responsibilities require off-site field work most of the time, with check-ins to receive daily assignments. These tend to be the most public facing roles across the city and do not require on-site facilities.

**C. Mixed**

Workers who conduct their duties both on-site and in the field. These positions require workers to be both at the office, in the field, or at a designated worksite to complete their duties. They may use hoteling space rather than a traditional office setup.

**D. Remote Hybrid**

Workers operate according to a fixed schedule that defines where they perform their duties. In this arrangement work is conducted both at an off-site, approved, non-city location as well as a set city location/in the field location. They operate on a set schedule but may be allowed flexibility to adjust their working location or schedule to account for situations or tasks that require a different set up.

**E. Mixed Plus**

Workers conduct duties primarily in an approved remote setting but are required at times to be either on-site or in the field. When in the office, they may use hoteling space rather than a traditional office set up.

Employees who are performing below expectations may be moved to a different working arrangement to support corrective action in order to improve employee performance.

**III. PROCEDURE**

Upon hire, or starting in a new position, each employee will be assigned an appropriate work arrangement based on the duties, responsibilities, and expectations of the position. These work arrangements will be set forth by the Department of Human Resources. Supervisory staff is responsible for ensuring the work arrangement is followed in accordance with this policy.



**A.R. Number: 5.26 Effective Date: 5/15/2023 Page: 3 of 4 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

The employee and the appointing authority/department head or designee will sign and submit a working arrangement form that will be kept on file at the city agency and with the Department of Human Resources.

If/when a new working arrangement is requested, whether initiated by the employee or the appointing authority/department head or designee, a new, signed working arrangement form shall be submitted and kept on file at the city agency and with the Department of Human Resources.

#### **IV. RESPONSIBILITY**

**Appointing Authority and/or Department Head** – The appointing authority/department head or designee is responsible for determining what flexible working arrangements are appropriate for what roles, and for managing the working arrangements of employees.

**Department of Human Resources (HR)** – HR is responsible for oversight and administration of this policy. HR is the central repository for all personnel files and information. HR shall make available all necessary procedures and forms to departments and employees and provide guidance when questions arise.

**Employee** – Employees are responsible for abiding by the requirements and processes of this policy.

#### **V. DEFINITIONS**

**Fieldwork** – Work that is performed in the field.

**Off-site** – A place of work that is not located on city property.

**On-site** – A place of work that is located on city property.

**Remote** – A place of work that is in an off-site, approved, non-city location.

**Work Arrangement** – An agreement entered into by an employee and their appointing authority/department head or designee that defines the flexibility arrangements the employee is allowed for their position.

**A.R. Number: 5.26 Effective Date: 5/15/2023 Page: 4 of 4 Supersedes:**  
**N/A A.R.: N/A DATED: N/A**

**Administrative Regulations**  
**Office of the Mayor**  
**Title: FLEXIBLE WORKING**



**ARRANGEMENTS**

**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

**CHIEF ADMINISTRATIVE OFFICER**

**MAYOR**



## **Administrative Regulations**

### **Office of the Mayor**

**Title:** DIRECTOR OF THE DEPARTMENT OF HUMAN RESOURCES  
DUTIES AND RESPONSIBILITIES

**A.R. Number:** 5.27 **Effective Date:** 7/1/2023 **Page:** 1 of 2 **Supersedes:**  
N/A **A.R.:** N/A **DATED:** N/A

#### **I. PURPOSE**

This policy establishes the duties and responsibilities of the Director of the Department of Human Resources for the City of Richmond.

#### **II. POLICY**

The Director of Human Resources (Director) or designee is authorized to interpret and apply city policies and regulations and issue procedural directives to implement the policies and regulations. City policies and regulations shall not be construed as limiting the power and authority of any appointing authority/department head to make agency/department policies and regulations governing the conduct and performance of employees, provided that such agency/department policies and regulations shall not conflict with provisions of city policies or regulations or City Code or be contrary to law. In instances of conflict, the interpretation of the Director is final.

#### **III. PROCEDURE**

Every appointing authority/department head or designee shall, within their agency, administer the human resource system established by the Director of the Department of Human Resources and city policies and regulations. The appointing authority/department head retain management responsibility for actions taken or not taken and remain accountable for the administration of the human resources system within their agency. Policies and regulations are reviewed with employees upon hire and are available through the internet, intranet, and the Department of Human Resources upon request.

#### **IV. RESPONSIBILITY**

**Chief Administrative Officer** – The Chief Administrative Officer is responsible for hiring or appointing the Director of the Department of Human Resources.

**Department of Human Resources (HR)** – HR is responsible for oversight and administration of this policy. HR is the central repository for all personnel files and information. HR shall make available all necessary procedures and forms to departments and employees and provide guidance when questions arise.

**Appointing Authority and/or Department Head(s)** – The appointing authority/department head is responsible for abiding by the requirements and processes of this policy.



**Administrative Regulations  
Office of the Mayor**

**Title:** DIRECTOR OF THE DEPARTMENT OF HUMAN RESOURCES  
DUTIES AND RESPONSIBILITIES

**A.R. Number:** 5.27 **Effective Date:** 7/1/2023 **Page:** 2 of 2

**Supersedes:** N/A **A.R.:** N/A **DATED:** N/A

**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

CHIEF ADMINISTRATIVE OFFICER

MAYOR





**Administrative Regulations**

**Office of the Mayor**

**Title: FIRST-TIME**



**HOMEBUYER'S ASSISTANCE POLICY**

**A.R. Number: 5.28 Effective Date: 7/1/2023 Page: 1 of 3 Supersedes:**

**N/A A.R.: N/A DATED: N/A**

**I. PURPOSE**

To support employees' upward mobility, financial well-being, and city residence, the City of Richmond establishes the First-Time Homebuyer's Assistance Policy to provide homeownership assistance to city employees.

**II. POLICY**

This policy authorizes provision of homeownership assistance to city employees to purchase their primary residence within the City of Richmond. Assistance under this policy shall be administered in accordance with the Code of Virginia, § 15.2-958.2. Neither individual assistance nor lifetime cumulative assistance shall exceed the maximum amounts per employee specified in Code of Virginia, § 15.2-958.2. Individual assistance issued shall be subject to the Virginia Housing and Development Authority regional sales price and household income limitations.

**A. Eligibility**

Tenured and permanent full-time or part-time, benefits-eligible employees may apply for the program. Employees must demonstrate that they are a first-time homebuyer to qualify for assistance. Additional eligibility criteria may be made available.

**B. Funding**

The program shall be administered on a first come, first-serve basis contingent upon annual appropriation of funds. First-time homebuying assistance shall not be approved unless funding exists. If funds are exhausted for the year, first-time homebuying assistance shall stop prospectively until funding is refreshed. Funding for the program is subject to the final approval of the Chief Administrative Officer (CAO).

**III. PROCEDURE**

Employees are required to reside in the residence for at least three (3) consecutive years following purchase. In addition, employees are required to successfully complete all programmatic curriculum and assessments as required under this policy and the program procedures.

**Administrative Regulations  
Office of the Mayor**

**Title: FIRST-TIME**



**HOME BUYER'S ASSISTANCE POLICY**

Eligibility requirements and detailed application and program procedures shall be administered by the Department of Housing and Community Development, which shall make all necessary forms and materials available to employees.

**A.R. Number: 5.28 Effective Date: 7/1/2023 Page: 2 of 3 Supersedes:  
N/A A.R.: N/A DATED: N/A**

The City of Richmond reserves the right to demand repayment of any and all such assistance upon the failure of the employee to comply with any aspects of this policy.

**IV. RESPONSIBILITY**

**Department of Housing and Community Development (HCD)** – HCD is responsible for administration of this policy, provision of program rules and regulations, selection of employees for participation, and coordination of the First-Time Homebuyer's Assistance Program.

**Employee** – Employees are responsible for abiding by all aspects of this policy.

**V. DEFINITIONS**

Words and phrases contained within this policy are interpreted by the Director of Human Resources and can be made available upon request.

**A.R. Number: 5.28 Effective Date: 7/1/2023 Page: 3 of 3 Supersedes:  
N/A A.R.: N/A DATED: N/A**

**VII. REGULATION UPDATE**


Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.


**Approval**

**Administrative Regulations**  
**Office of the Mayor**  
Title: FIRST-TIME



HOMEBUYER'S ASSISTANCE POLICY

  
CHIEF ADMINISTRATIVE OFFICER

  
MAYOR

**Administrative Regulations**

**Office of the Mayor**

**Title:** EMPLOYEE REFERRAL



**INCENTIVE POLICY**

**A.R. Number:** 5.29 **Effective Date:**

**7/1/2023 Page: 1 of 3**

**Supersedes:** N/A **A.R.:** N/A **DATED:** N/A

**I. PURPOSE**

The City of Richmond is always looking for best qualified talent, and current city employees can help. Research has shown that new hires who come into an organization through employee referrals are excellent team members, stay with the organization longer, and are more productive recruits. Employees may be awarded a referral bonus if they refer a candidate for city employment, the candidate is hired and completes the applicable probationary period.

**II. POLICY**

**A. Eligible employees for referral bonuses**

All employees shall be eligible for employee referral bonuses with the exception of employees at the Deputy Director level and above, managers with hiring authority over the referred candidate, and all employees of the Department of Human Resources.

**B. Requirements for earning a referral bonus**

1. The current employee must refer a candidate to city employment for a permanent, full-time, or part-time, benefits-eligible position.
2. The referral date cannot be earlier than the date the job opening is posted. The hiring of a referred employee must occur within one hundred and eighty (180) days of the initial referral date.
3. The referred employee cannot currently work for or have prior employment with the City of Richmond.
4. The referring employee must agree to have his or her name used when the company contacts the candidate.
5. All candidate referrals shall follow the city's Employment of Relatives Policy.
6. The candidate must be hired.
7. The referred employee must successfully complete their probationary period. For incoming employees in the Police and Fire Departments, successfully completing the probationary period means to successfully complete the police/fire academy. Partial payment shall be paid within thirty (30) days following the referred employee's first day of employment. The balance

of



**A.R. Number: 5.29**

**Effective Date: 7/1/2023**

**Page: 2 of 3 Supersedes: N/A A.R.: N/A DATED: N/A**

shall be paid within the thirty (30) days following the end of the referred employees' twelfth (12<sup>th</sup>) month of employment.

- Both the referring employee and the candidate must be actively employed by the city at the time of payment in order for the referring employee to be eligible for the referral payment.

### **III. PROCEDURE**

All forms and procedures for this policy shall be supplied by the Department of Human Resources. A.

#### **Payout structure**

<b>Payment Date</b>	<b>Payment Amount</b>
Within thirty (30) days of the referred employee's first day of employment	\$500
Within the thirty (30) days following the end of the referred employee's twelfth (12 <sup>th</sup> ) month of employment	\$500

### **IV. RESPONSIBILITY**

**Department of Human Resources (HR)** – HR is responsible for oversight and administration of this policy. HR is the central repository for all personnel files and information, including leave accrual status. HR shall make available all necessary procedures and forms to departments and employees and provide guidance when questions arise.

**Employee** – Employees are responsible for abiding by the requirements and processes of this policy.

### **V. DEFINITIONS**

Words and phrases contained within this policy are interpreted by the Director of Human Resources and can be made available upon request.

of



**A.R. Number:** 5.29

**Effective Date:** 7/1/2023

**Page:** 3 of 3 **Supersedes:** N/A **A.R.:** N/A **DATED:** N/A

**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

Handwritten signature of Linda Sanderson in cursive script, positioned above a horizontal line.

OFFICER

**CHIEF ADMINISTRATIVE**

Handwritten signature of the Mayor in cursive script, positioned above a horizontal line.

MAYOR

**Administrative Regulations**  
**Office of the Mayor**  
**Title: EMPLOYEE REFERRAL**

of



**INCENTIVE POLICY**



## Administrative Regulations

### Office of the Mayor

**Title:** EMPLOYEE TRANSPORTATION BENEFITS POLICY

**A.R. Number:** 6.1 **Effective Date:** 7/1/2023 **Page:** 1 of 5

**Supersedes:** EMPLOYEE PARKING SPACE **A.R.:** 6.1 **DATED:** 9/1/2000

#### I. PURPOSE

It is the policy of the City of Richmond to provide a reasonable and equitable approach to employee commuting through a citywide employee parking and alternative transportation incentive. The purpose of this policy is to standardize the city's process for administering employee transportation benefits and to strategically align employee transportation policy and practices with the city's sustainability goals.

#### II. POLICY

- A. **Eligible Employees.** Employees are eligible for the benefit if they are in a permanent and full-time or part-time benefits-eligible position and a qualifying work arrangement. The benefit shall be offered to new employees during their onboarding process.
- B. **Work Arrangements.** Employees shall be extended a transportation benefit depending on the work arrangement determined for their position in accordance with city policy and guidance provided by the Department of Human Resources (HR), the Department of Budget and Strategic Planning, and Parking Management.
- C. **Benefit.** Each employee in a qualifying work arrangement, if needed, shall receive a transportation benefit.
  1. The benefit may be either a dedicated parking spot or a monthly alternative transportation stipend. Both cannot be provided simultaneously.
  2. The employee transportation benefits provided under this policy shall be administered in accordance with the U.S. Internal Revenue Service benefits tax requirements.
  3. The benefit may be scaled to match the transportation need of the employee's work arrangement.
- D. **Funding.** Transportation benefits shall be funded for each eligible employee in accordance with this policy.
  1. Each department shall receive a budget to cover their cost of employee parking. The city will cover the cost of alternative transportation stipends.
  2. Monthly parking rates shall be determined by Parking Management and the Department of Budget and Strategic Planning. Alternative transportation rates shall be determined by the Department of Budget and Strategic Planning. Changes are at the discretion and final approval of the Chief Administrative Officer (CAO).





## Administrative Regulations

### Office of the Mayor

**Title:** EMPLOYEE TRANSPORTATION BENEFITS POLICY

**A.R. Number:** 6.1 **Effective Date:** 7/1/2023 **Page:** 2 of 5

**Supersedes:** EMPLOYEE PARKING SPACE **A.R.:** 6.1 **DATED:** 9/1/2000

3. Departments shall provide monthly payments to the city's Parking Management Office for all employee transportation benefits.
  4. Approval of transportation benefits for over-hires must follow this policy; however, funds for transportation benefits for over-hires are not included in the department's employee transportation budget and must be approved as part of the citywide over-hires policy.
- E. **Accessible Parking Spaces.** The city shall reserve a certain number of specially-marked accessible parking spaces at each city location in compliance with the Americans with Disabilities Act (ADA).<sup>1</sup> Employees must have a license or identification placard issued by the Department of Motor Vehicles indicating disability to parking in the reserved parking spots.

### III. PROCEDURE

- A. Management of employee parking, including availability and assignment of employee parking locations or spots, shall be under the purview of Parking Management. Parking Management shall be the point-of-contact for departments and their parking coordinators as well as the vendor that manages city parking operations.
- B. Upon hire, eligible employees will be offered a transportation benefit appropriate for their agreed-upon work arrangement.
- C. Employees shall be issued parking access registration or equipment upon hire. After the initial day of employment, employees must park at their assigned location or spot. Special parking identification will be issued for motorcycles.
- D. Bicycle racks may be made available in covered parking garages. Employees who bike to work are responsible for locking their bikes to the rack.
- E. The city will not cover or reimburse the cost of any parking violations or fees resulting from a forgotten parking pass or due to a change in information (for example, a vehicle change) that was not communicated to Parking Management.
- F. The city is not responsible for any lost, stolen, or damaged property resulting from vehicles or bikes parked or stored in the city's garages.
- G. Department heads or appointing authorities must inform Parking Management of any temporary or permanent changes to an employee's transportation arrangement, such as if a

---

<sup>1</sup> See the U.S. Department of Justice Civil Rights Division's requirements and guidance on accessible parking spaces under the Americans with Disabilities Act (ADA): <https://www.ada.gov/topics/parking/>.



## **Administrative Regulations**

### **Office of the Mayor**

**Title:** EMPLOYEE TRANSPORTATION BENEFITS POLICY

**A.R. Number:** 6.1 **Effective Date:** 7/1/2023 **Page:** 3 of 5

**Supersedes:** EMPLOYEE PARKING SPACE **A.R.:** 6.1 **DATED:** 9/1/2000

parking spot is no longer required, a change in vehicle, an onboarding employee, a separating employee, or other circumstance.

- H. Upon separation from city employment, the employee parking access or transportation benefit shall be revoked. Departments shall ensure employees return any city parking decal and/or access cards to Parking Management.
- I. Departments shall inform Parking Management onboarding, offboarding, or other changes to their employees' parking statuses in a timely manner to ensure records are kept up-to-date and that they are invoiced accurately for monthly employee transportation costs.

#### **IV. RESPONSIBILITY**

**Appointing Authorities and/or Department Heads** – Appointing authorities/department heads or designee are responsible for ensuring onboarding employees select an appropriate transportation option based on this policy and HR guidance on work arrangements. They are responsible for paying monthly parking costs. They are responsible for informing Parking Management in a timely fashion of onboarding, changes, or separations that impact monthly parking invoices and informing HR and the Department of Budget and Strategic Planning in a timely fashion of any onboarding, changes, or separations that impact monthly transportation stipends.

**Chief Administrative Officer** – The Chief Administrative Officer shall have final authority over the terms and conditions of the employee transportation benefit program and funding availability.

**Department of Budget and Strategic Planning** – The Department of Budget and Strategic Planning is responsible for working with Parking Management to determine monthly parking and alternative stipend rates and working with HR and Parking Management to implement this policy.

**Department of Finance** – The Department of Finance is responsible for issuing the transportation stipend in accordance with IRS tax requirements.

**Department of Human Resources (HR)** – HR is responsible for incorporating transportation benefits into the onboarding and offboarding process for employees and working with the Department of Budget and Strategic Planning and Parking Management to include transportation options in city guidance on work arrangements.

**Department Parking Coordinators** – Department parking coordinators are the department points-of-contact for handling requests to Parking Management for parking assignments, issuance of parking passes, and monthly parking payments.



## **Administrative Regulations**

### **Office of the Mayor**

**Title:** EMPLOYEE TRANSPORTATION BENEFITS POLICY

**A.R. Number:** 6.1 **Effective Date:** 7/1/2023 **Page:** 4 of 5

**Supersedes:** EMPLOYEE PARKING SPACE **A.R.:** 6.1 **DATED:** 9/1/2000

**Employees** – Employees are responsible for electing and using their transportation benefits in accordance with this policy.

**Parking Management** – Parking Management is responsible for management of employee parking, including spot availability and assignment. Parking Management shall manage invoices to departments for monthly employee parking costs. Parking Management shall be the point-of-contact for departments and their parking coordinators as well as the vendor that manages city parking operations. Monthly transportation stipends are not under the purview of Parking Management.

#### **V. DEFINITIONS**

**Alternative Transportation** – A regularly used commuting method that replaces driving to the on-site work location and parking in a city-assigned space.

**Transportation Benefits** – An eligible employee's selection of either a dedicated parking spot or a monthly alternative transportation stipend under an approved work arrangement.

**Work Arrangement** – An agreement entered into by an employee and their appointing authority/department head or designee that defines the flexibility arrangements the employee is allowed for their position.



**Administrative Regulations**

**Office of the Mayor**

**Title:** EMPLOYEE TRANSPORTATION BENEFITS POLICY

**A.R. Number:** 6.1 **Effective Date:** 7/1/2023 **Page:** 5 of 5


**Supersedes:** EMPLOYEE PARKING SPACE **A.R.:** 6.1 **DATED:** 9/1/2000

**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

  
CHIEF ADMINISTRATIVE OFFICER

  
MAYOR



**Administrative Regulations  
Office of the Mayor**

**Title: MOTOR POOL AND CITY VEHICLE USAGE**

**A.R. Number: 6.2 Effective Date: 7/1/2011 Page: 1 of 4**

**Supersedes: Motor Pool and City Vehicle Usage A.R.: 6.2 DATED: 2/1/2007**

**I. PURPOSE**

This Administrative Policy sets forth the City's Motor Pool Vehicle policies and procedures.

**II. APPLICATION**

The Administrative policy shall be applied to all Agency staff authorized to use city owned vehicles to conduct city business. These policies and procedures shall govern the use of city vehicles identified as "Pool" and "Take Home" vehicles. "Pool" vehicles may be Fleet Management, Agency assigned vehicles. "Take Home" vehicles are vehicles that are assigned to specific employees for City business purposes only.

**III. AUTHORIZED USERS**

1. Prior to using a City vehicle, agency employees shall obtain authorization from their agency's authorizing representative.
2. Authorized users shall have in their possession a valid Commonwealth of Virginia Vehicle Operators License and a valid Authorized Vehicle Operator card issued by the City of Richmond Risk Management.
3. Each agency must have on file in the Fleet Management Motor Pool Office the name(s) and telephone number(s) of the individual(s) authorized to grant motor pool vehicle use Agencies are responsible for advising Fleet Management ASAP of changes to the authorization list.

**IV. OPERATING BOUNDARIES**

1. City vehicles are provided for use within the corporate limits of the City of Richmond.
2. Employees required to operate a vehicle outside the corporate limits to perform normal business must obtain permission from their Appointing Authority prior to operating a City vehicle outside the City's corporate limits.
3. Take home vehicles shall not be taken outside the corporate limits of the City of Richmond. (See **Exception under Section V. E, Authorized Use**)

Authorized Use

1. City vehicles shall only be used for normal City business within the corporate limits of the City of Richmond (see Section IV.B, Operating Boundaries for business use outside of the City's corporate limits).
2. No personal use of City-owned vehicles is allowed.
3. Individuals assigned a "Take Home" vehicle are authorized to drive directly to and from work provided they live within the corporate limits of the City of Richmond.
4. Each Agency must have on file with the Department of Public Works Motor Pool a copy of its vehicle "Take Home" policy. The "Take Home" policy must be approved by the agency portfolio Deputy Chief Administrative Officer.



**Administrative Regulations  
Office of the Mayor**

**Title: MOTOR POOL AND CITY VEHICLE USAGE**

**A.R. Number: 6.2 Effective Date: 7/1/2011 Page: 2 of 4**

**Supersedes: Motor Pool and City Vehicle Usage A.R.: 6.2 DATED: 2/1/2007**

5. The Appointing Authority may request an employee to return a "Take Home" vehicle while on extended leave (sick, vacation, injury) for reassignment to another employee or for such other use deemed necessary.
6. Individuals living outside the corporate limits of the City of Richmond are required to park his/her assigned vehicle at a designated location within the city's corporate limits.

**EXCEPTION:** The following groups will be allowed to drive and park assigned "Take Home" vehicles outside the City of Richmond corporate limits:

- ◆ Sworn Officers within the Police Department
  - ◆ Uniformed Firefighters
  - ◆ Sworn Tax Enforcement Officers
  - ◆ Individuals performing special and mandated activities for a designated period of time
7. City vehicles may be used for transporting non-city employees during normal business working hours and in an official performance of assigned duties. Prior authorization to transport non-city employees must be obtained from the department or agency authorizing representative.
  8. Agency pool vehicles must be returned to their designated location by the close of business each day. Fleet Management pool vehicles must be returned to the Motor Pool office by the close of business each day.

**V. MOTOR POOL VEHICLE CHECK-OUT & RETURN**

1. Individuals requiring the use of a Fleet Management motor pool vehicle must notify the Motor Pool office at least a day prior to the date needed.
2. Anyone checking out a vehicle from Fleet Management's Motor Pool must submit a completed "Authorization to Use Motor Pool Vehicle" form signed by a designated authorizing representative.
3. Each individual checking out a motor pool vehicle will be required to complete a "Vehicle Usage Record" form.
4. All Fleet Management motor pool vehicles are required to be returned to City Hall by the close of business the day of checkout.
5. Individuals returning motor pool vehicles to City Hall after normal business must:
  - a) Contact the building Security Guard to gain entrance into the building;
  - b) Park the motor pool vehicle on "A" Deck in an available motor pool parking space;
  - c) Record on a piece of paper the location of the vehicle, the odometer reading, and any damage (if any) to the vehicle. This information and the vehicle key(s) are to be given to the Security Guard on the first floor.

**VI. CARE OF VEHICLE**

1. The no-smoking policy applies to City vehicles. Employees are not to smoke while driving or riding in a City vehicle.
2. Employees are not to use a cellular telephone while actively driving a City vehicle.



**Administrative Regulations  
Office of the Mayor**

**Title: MOTOR POOL AND CITY VEHICLE USAGE**

**A.R. Number: 6.2 Effective Date: 7/1/2011 Page: 3 of 4**

**Supersedes: Motor Pool and City Vehicle Usage A.R.: 6.2 DATED: 2/1/2007**

3. Vehicles are to be kept in a clean manner. Vehicles are to be returned to the Motor Pool clean, free of trash and litter.
4. The driver and all passengers are required to wear a seatbelt.

**VII. LIABILITY**

1. The agency employing the operator of a city vehicle is responsible for all damages resulting from any accident or abuse.
2. All damages shall be brought to the attention of the Motor Pool Office staff upon return of the vehicle.

**VIII. ACCOUNTABILITY STATEMENT**

All employees are expected to fully comply with the guidelines set forth in this policy.

Responsibility rests with the immediate supervisor /manager to ensure that any violations of this policy are investigated and appropriate training, counseling, and/or disciplinary action is initiated. **A violation of this policy may lead to disciplinary action up to and including separation from City service.**

**IX. TAX LIABILITY & RECORDKEEPING**

1. In accordance with IRS guidelines, employees who are assigned a "Take Home" vehicle will be assessed the Personal Vehicle Use (PVU) tax. The PVU tax is based on the number of days the car is used by the individual multiplied by the IRS current commute rate (\$3.00/day).
2. The respective Appointing Authority determines the number of days the employee will have use of the "Take Home" vehicle.
3. At the end of year quarter, the PVU is reflected as additional income on the employees' paycheck for tax purposes only. This additional amount increases the taxable income for the employee for the respective paycheck. The employee does not receive additional income, the compensation is the "Take Home" vehicle use.
4. Employees are required to file an annual statement with the Finance Department.

**X. DEFINITIONS**

As they apply to this regulation the following terms shall mean:

Normal – shall mean "typical", "standard", "level", etc.

Normal work hours/days – shall mean that period when agency services are typically provided (i.e. 8am to 5pm or 24/7).

Personal Use – shall mean those activities that do not contribute to the delivery of City services or are not included as part of the normal workday.

Special or Mandated Use – shall mean activities that are not part of the normal work hours/day but are required to carry out specific services for a designated period of time.



**Administrative Regulations  
Office of the Mayor**

**Title: MOTOR POOL AND CITY VEHICLE USAGE**


**A.R. Number: 6.2 Effective Date: 7/1/2011 Page: 4 of 4**

**Supersedes: Motor Pool and City Vehicle Usage A.R.: 6.2 DATED: 2/1/2007**

**XI. REGULATION UPDATE**

The Office of the Mayor and the Department of Public Works shall be responsible for modifications to this Policy.

**RECOMMEND APPROVAL:**

  
CHIEF ADMINISTRATIVE OFFICER

**APPROVED:**

  
MAYOR





**Administrative Regulations  
Office of the Mayor**

**Title:** TICKETING OF CITY VEHICLES

**A.R. Number:** 6.3 **Effective Date:** 2/1/2007 **Page:** 1 of 1

**Supersedes:** Ticketing of City Vehicles A.R.: 6.3 **DATED:** 9/1/2000

**I. PURPOSE**

This Administrative regulation sets forth policy concerning the ticketing of City vehicles on official City business.

**II. POLICY**

- A. All City vehicles which are in violation of any of the parking laws are subject to ticketing. The only exception will be a vehicle which is obviously in an emergency situation. The Police will use their judgment in determining what constitutes an emergency situation.
- B. Each agency will be authorized to pay for parking in a metered zone. If a City employee receives a citation for a meter violation, he/she is required to pay the violation from personal funds.
- C. If extenuating circumstances exist, or if there is an emergency, the employee should state the facts in writing to the Department/Agency Director. The Department/Agency Director will then either approve or disapprove the employee's excuse for having received a citation. If the excuse is approved, payment shall be made from City funds.

**III. REGULATION UPDATE**

The Office of the Mayor and the Department of Police shall be responsible for modifications to this Policy.

**APPROVED:**

**MAYOR**



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: TRAVEL POLICY**

**A.R. Number: 6.4 Effective Date: 7/1/2007 Page: 1 of 12**

**Supersedes: Travel Policy A.R.: 6.4 DATED: 2/1/2007**

#### **I. PURPOSE**

This Administrative Policy provides guidelines for reimbursement of authorized travel expenses incurred while traveling on City business.

#### **II. SCOPE**

This policy applies to all City employees and all elected or appointed officials. This policy is also intended for application to independent contractors of the City, where appropriate.

#### **III. POLICY**

A. It is the policy of the City of Richmond to reimburse all legitimate and necessary expenses incurred while traveling on City business. It is the responsibility of each department to ensure that budgetary requirements are met prior to spending funds for travel. Employees traveling on City business must have authorization from a designated official of the department. Travel forms must be complete within the times specified within the policy and must be authorized by designated officials of the department. It is the responsibility of the traveler and the authorizing official to ensure that the best possible rates are obtained when traveling on City business.

B. Travel expense accounts are open to the public and must be able to sustain the test of public review. Economy, prudence, and necessity are of primary concern, when planning and paying for travel. The use of City funds to accommodate personal comfort, convenience, and taste is not permitted. Travel costs should be limited to only those expenses that are necessary for providing essential services to the City's citizens. Further, travelers and travel planners must seek ways to reduce the cost of essential travel. To reduce the amount of funds requested on a Travel Advance, items such as registration fees, hotel accommodations, and airfare should be prepaid.

C. Covered travel includes trips outside of the City of Richmond for conferences, convention, workshops, seminars, educational and training courses, forums and other business activities related to the administration of municipal government.

#### **IV. PROCEDURES**

The Finance Department is responsible for administering the City's travel policy and procedures contained herein.

##### **A. Travel Authorization**

1. The Travel Advance Request form will be utilized for travel authorization and travel advances. All travel must be approved in advance regardless of whether a cash advance is requested.
2. Agency Directors will approve all travel authorization and travel advances, as well as subsequent travel settlements forms for employees within their agency.
3. Agency Directors may delegate to Deputy Directors, Bureau Chiefs or Division Managers the authority to approve all travel authorization/travel advance request and travel settlements for employees within their divisions.
4. The Mayor will approve travel authorization and travel advance requests and travel settlements for the Chief Administrative Officer and mayoral staff.
5. The Chief Administrative Officer or designee will approve travel authorization and travel advance requests and travel settlements for the Agency Heads/Department Directors. The Mayor will approve all travel authorization and travel advance requests and travel settlements for City Council members and Council appointees.



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: TRAVEL POLICY**

**A.R. Number: 6.4 Effective Date: 7/1/2007 Page: 2 of 12**

**Supersedes: Travel Policy A.R.: 6.4 DATED: 2/1/2007**

6. If the Mayor is not reasonably available, the Director of Finance/Chief Financial Officer and Council appointees may approve all travel authorization/travel advance requests and travel settlements for council members and their appointees. The Chief Administrative Officer or Deputy Chief Administrative Officer will approve travel for the Mayor.
7. Travel reimbursements for the Mayor, Chief Administrative Officer, City Council members, Council appointees and Agency Heads/Directors will be reviewed by the Finance Director or designee.
8. Under no circumstances will anyone authorize his or her own travel authorization and travel advance or travel settlement form.
9. The Mayor will be responsible for his or her settlement in accordance with this policy and is subject to Chief Administrative Officer or Deputy Chief Administrative Officer approval.

### **B. Travel reimbursement Requirements**

Although not all-inclusive, the following information is required for expense reimbursement and must be submitted with the Travel Expense Settlement Voucher.

1. Authorization approvals
2. Reason for travel
3. Hard-copy confirmations of expenses if online methods were used to procure services (i.e., airline tickets)
4. Reason for business phone calls, internet connectivity, or facsimiles
5. Itemized receipt for lodging
6. Receipt for registration fees
7. Reason for utilizing public transportation (i.e. taxi, shuttle, metro, limousine). Receipts required if claim is more than \$15

### **C. Method of Payment**

1. Expenses must be Reasonable and Necessary. The City of Richmond will reimburse individuals traveling on official City business for reasonable and necessary expenses incurred.
2. Travelers must keep receipts and accurate records of all expenses to ensure correct reporting and submission of travel reimbursements. Each day's expenses must be shown separately on the voucher.
3. Travelers must submit the Travel Settlement Expense Voucher to the Accounts Payable Division (AP) within 10 working days after completion of the trip. In the case of continuous travel, the traveler must submit the voucher to Accounts Payable within 10 working days of the last day of travel for which reimbursement is requested.
4. **Travelers must submit their home address on the Travel Advance Request and the Travel Expense Settlement Voucher for mailing purposes. Do not submit the City Hall address as your home address.**
5. All registration fees, hotel deposits, airline tickets and other expenses requiring prepayment must be submitted on a Not-Encumbered Invoice (NEI) with supporting documentation attached and presented to the Finance Department at least two (2) weeks in advance of the date of travel. Supporting documentation must include authorization for travel.



## Administrative Regulations

### Office of the Mayor

#### Title: TRAVEL POLICY

**A.R. Number:** 6.4 **Effective Date:** 7/1/2007 **Page:** 3 of 12

**Supersedes:** Travel Policy A.R.: 6.4 **DATED:** 2/1/2007

6. If a travel advance is needed, a completed **Travel Advance Request** should be submitted to the Finance Department. The request advance may not exceed the amount of estimated expense. No travel advance will be made prior to **seven (7)** days of departure without written justification from the approving authority. **Copies of the proposed itinerary, conference brochure or other appropriate documentation must be attached.** Travel advances may be picked up between 8:00 a.m. 5:00 p.m. in Accounts Payable.

7. Accounts Payable will conduct a monthly reconciliation of outstanding travel advances and submit a detailed status report to the Assistant Controller of Disbursements and AP manager on overdue items. The Assistant Controller of Disbursements may withhold un-reconciled advances from future paychecks, after giving one (1) written notice to the employee.

#### **D. Travel Expense Settlement**

1. A Travel Expense Settlement Voucher will be submitted to the Finance Department within ten (10) working days after return from travel. All documents supporting the expense claimed must be originals and will be attached to the travel report, which must be *signed* by the traveler and *approved by the Appointing Authority or his designee*. Once an authorization is submitted to Finance, a settlement must be prepared and submitted, even if the traveler did not receive an advance. By signing the travel reimbursement request, the traveler certifies the accuracy of all information and the legitimacy of the travel. The signature of the traveler's supervisor certifies that the supervisor agrees that the travel was necessary and the requested reimbursements are proper.
2. Review of Documentation  
The Finance Department will audit each Travel Expense Settlement Voucher for completeness, conformance to the City's travel guidelines, required approvals and required documentation.
3. Agency Directors are responsible for all travel within their agencies. They shall ensure that travel funds are used in the best interest of the City. Improperly completed forms and/or undocumented expenses will be returned unprocessed.
4. Reimbursement by Check
5. All properly prepared and documented Travel Expense Settlement Vouchers that are received by the Finance Department will be processed and checks are mailed.
6. Employees with balances due to the City should attach a personal check, payable to the City of Richmond, to their Travel Expense Settlement Voucher including supporting documentation and submit it to Collections, Room 102.

#### **E. Reimbursable Expense**

1. Transportation
  - a. *City Vehicles*  
City vehicles should be used whenever practical for official business. Reimbursements for fuel, parking, tolls and necessary repairs will be honored with appropriate receipts.
  - b. *Private Automobiles*
    - (1) If other means of transportation are not feasible or the use of a private automobile better serves the City's purposes, the use of a private automobile may be authorized. The traveler will be reimbursed at the current approved mileage rate, plus parking and toll fees if documented with receipts. The mileage rate will be the rate published by the Internal Revenue Service (IRS) in Publication 535, Business Expense, which is available on the Internet at [www.irs.gov](http://www.irs.gov). The mileage rate will be published annually, or more frequently, if required, by the Finance Department.



## Administrative Regulations

### Office of the Mayor

#### Title: TRAVEL POLICY

**A.R. Number:** 6.4 **Effective Date:** 7/1/2007 **Page:** 4 of 12

**Supersedes:** Travel Policy **A.R.:** 6.4 **DATED:** 2/1/2007

(2) Should an employee elect to travel by private vehicle rather than commercial aircraft, the total transportation expenses reimbursed, including meals and lodging, should not exceed the cost of the most economical public airfare available. Documentation of research should be provided to support the cost of the most economical public airfare available.

(3) Employees using their personal vehicles for local travel in the daily performance of their jobs will be reimbursed at the current vehicle mileage rate. All mileage reimbursements must be reported on the Travel Expense Settlement Voucher.

#### **c. Air & Rail tickets**

Airline and passenger rail line travel cannot exceed the rates charged for **tourist/coach** fare. The approving authority may grant permission for business class travel under the following circumstances:

- (1) When it does not cost more than the lowest available tourist/coach fare (comparison must be attached to travel voucher), or
- (2) For travel to Western Europe if the business meeting is conducted within three hours of landing, or
- (3) For transoceanic, intercontinental trips involving flight-time of more than eight consecutive hours, or
- (4) If the traveler pays the difference

**Suggested discount airlines:** [www.jetblue.com](http://www.jetblue.com)  
[www.airtran.com](http://www.airtran.com)

#### **Reimbursement for first class travel is prohibited.**

All travelers are expected to book flights in advance to take advantage of available credits, reduce rates or discounts to reduce the cost to the City. Where the City can realize savings that exceed expenses for additional lodging and meals, etc., employees may take advantage of extended travel over Saturday in order to be eligible for "super saver" airline rates. Documentation of cost justification must (?) be provided.

#### **d. Public transportation travel includes:**

- (1) Bus
- (2) Taxi or shuttle and other "for public transportation" Receipts are required for individual charges of \$15.00 or more

#### **e. Tolls and parking charges will be reimbursed (provided receipts are attached) if travel by such means is necessary. Attach Map quest, Yahoo, Expedia, or Google map if smart tag is used. Highlight Appropriate area.**

All such expenses must be justified and explained on the Travel Expense Settlement Voucher.

*Public transportation rates must not exceed those for tourist or coach class accommodations.*

#### **f. Rental Car**

- (1) The use of rental cars must be approved in advance by the Approving Authority. Rental cars without prior approval will be disallowed. Mileage incurred above the daily flat rate as set by the rental agency should include justification when requested for reimbursement.
- (2) Reimbursement of car rental expenses is limited to official business use only. Car rentals may be made through commercial agencies. The traveler must select the most economical contractor and type of vehicle available, and acquire any commercial rate or government discount available when the vehicle is rented.



## Administrative Regulations

### Office of the Mayor

#### Title: TRAVEL POLICY

**A.R. Number:** 6.4 **Effective Date:** 7/1/2007 **Page:** 5 of 12

**Supersedes:** Travel Policy A.R.: 6.4 **DATED:** 2/1/2007

(3) In most cases, rental vehicles would only be necessary after reaching the destination of travel. However, for travel initiated from the traveler's base point, the traveler may conduct a cost/benefit analysis to determine if it is beneficial for the City to use a rental car in lieu of a personal vehicle or city vehicle for the planned trip. The cost/benefit analysis should consider the cost of the rental car, any surcharges, and the cost of fuel for operating the rental vehicle. If this analysis demonstrates that it is cost effective to obtain the rental car agency policy permits, a rental car may be used, and the analysis must be attached to the Travel Expense Settlement Voucher along with the proper receipts.

(4) Rental vehicles, when possible, should be refueled prior to returning to the rental agency to ensure most economic use.

#### g. *Weekend and Holiday Mileage*

Mileage incurred when the individual is required to work on a Saturday, Sunday, or holiday that is not a schedule workday may be reimbursed.

## 2. Lodging

1. Lodging may be reimbursed when an individual is traveling overnight on official City business outside his/her **official station** (official station is the area within a 25-mile radius of the traveler's office). The City of Richmond has adopted the In-State and Out-of-State lodging rates published by the State of Virginia. Lodging expense reimbursement will vary depending upon the destination, but all expenditures must be necessary and reasonable.
2. The Lodging guidelines for In-State and selected Out-of-State cities are provided in the Lodging Guideline Table at the end of the Travel Procedures. All travelers should inquire about and confirm government rates both at the time of reservation and at check-in. If your destination cannot be located in the attached lodging guidelines, the standard lodging rate per night shall apply to in-state travel and out-of-state travel. Reimbursement for lodging is limited to actual expenses incurred up to the guideline amount, plus hotel taxes and surcharges. Expenses in excess of the guidelines will not be reimbursed, unless approved in advance by the traveler's Director. Even with Director approval, lodging costs must be reasonable and necessary. Travelers who do not plan with careful consideration to these guidelines will bear the additional expense personally.
3. The lodging receipt must be an itemized statement indicating the account paid in full. If a traveler is accompanied by a family member or other individual(s), the lodging bill will be annotated to reflect the single rate. In no case will the City reimburse more than the cost of a single room.
4. Although it is recognized that expenditures will vary by geographic location, expenditures for lodging should be reasonable.
5. Travelers are personally responsible to cancel hotel rooms when travel plan change. Lodging charges for non-canceled reservations will not be reimbursed if the traveler is negligent in canceling reservations.

## 3. Meals and Incidental Expenses

1. Meals and certain incidental travel expenses are reimbursable on a per diem basis for **overnight** official business travel outside the traveler's official station.
2. When meals are included with registration or lodging expenses as part of a package, the number and type of meals (breakfast, lunch, dinner) must be recorded on the travel voucher. If a continental breakfast or reception is offered as part of the travel event **and the food/timing is sufficient to serve as a meal, the traveler must reduce the per diem by the appropriate allowance amount.** If a meal is offered as part of a conference and the traveler has medical restrictions, the traveler should make every effort to have the



**Administrative Regulations  
Office of the Mayor**

**Title: TRAVEL POLICY**

**A.R. Number: 6.4 Effective Date: 7/1/2007 Page: 6 of 12**

**Supersedes: Travel Policy A.R.: 6.4 DATED: 2/1/2007**

conference facilitate his/her needs by the deadline specified by the conference. If the conference does not honor the request, the traveler is not required to deduct the applicable meal allowance from the per diem.

3. However, the traveler must include a note or other documentation with the Travel Settlement Voucher documenting this information.

4. Per diem rates will be based upon the High-Low Substantiation Method as published by the Internal Revenue Service in Publication 1542, Per Diem Rates (See [www.irs.gov](http://www.irs.gov)). The per diem rates must correspond to the location specified for the overnight lodging. On travel departure or return days, 75% of the per diem rate is allowable. The Finance Department will publish an annual bulletin providing the per diem rates and any special instructions.

1.) Tips are included in the per diem and are not reimbursable.

2.) For foreign travel, the federal per diem rates will apply. The rates are published monthly and are available on the internet at [www.state.gov](http://www.state.gov) or [gopher://gopher.state.gov](http://gopher://gopher.state.gov).

### **Business Meals**

The cost of business meals may be reimbursed in full if properly documented. Business meals must involve a substantive and bona fide business discussion and purpose. The receipt will be attached to the Travel Expense Settlement Voucher and include a by-name list of all persons involved in the meal and the reason for the meal. The Approving Authority must approve business meals in advance. Expense submitted without prior approval will be disallowed at the option of the Approving Authority.

### **Local Travel**

Travelers will be reimbursed for mileage in excess of their normal commute to work (at the mileage rate established by the City), parking, tolls, and registration fees if they are not prepaid.

Generally, meals and certain incidental travel expenses are reimbursable on a per diem basis (not actual expenses) for overnight official business outside the traveler's official station. The official station is the area within a 25-mile radius of the traveler's office.

**There will be no meal reimbursement for same day local travel (leave and return on the same day).**

### **Telephone/FAX/Computer Hook-up**

Telephone, FAX charges, computer hook-ups, and internet fees related to City business will be reimbursed. Appropriate documentation including the parties and numbers involved and the reason for the call is required.

### **Internet Usage**

a. Usage of the Internet to procure travel services is allowed. Use prudent judgment when choosing an Internet travel service site. The traveler must comply with procurement guidelines. Suggested sites included:

- (1) Priceline.com
- (2) Expedia.com
- (3) Orbitz.com
- (4) Travelocity.com



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: TRAVEL POLICY**

**A.R. Number: 6.4 Effective Date: 7/1/2007 Page: 7 of 12**

**Supersedes: Travel Policy A.R.: 6.4 DATED: 2/1/2007**

- b. When paying for services via the Internet, the following methods may be used:
- (1) Bank of America City issued card- may be used for hotels
  - (2) Personal Credit Card
- c. In addition to other documents required by policy, the following supplementary documents must be submitted with the Travel Settlement Voucher when procuring services via the Internet.
- (1) Hardcopy final page from Internet site showing total cost and confirmed services
  - (2) Airline confirmation (ticket stub) of the type of ticket purchased (e.g. coach, tourist)

#### **Registration Fees and all Prepaid Items**

Copies of documentation for registration fees for conferences, seminars, etc., that were paid in advance must be noted on the form and accompany the Travel Advance Request and the Travel Expense Settlement Voucher.

#### **F. Non-Reimbursable Expenses**

1. Meal tips (considered as part of the meals and incidentals per diem).
  2. Meals included in the cost of lodging or registration fees are not reimbursable
  3. Mileage or transportation expenses when transported by another traveler who is entitled to mileage or transportation expense.
  4. Loss of funds or personal belongings while traveling.
  5. Alcoholic beverages.
  6. Personal expenses and self-entertainment activities, such as movies, sporting events, fitness clubs, etc.
  7. Air travel insurance premiums paid by the traveler.
  8. Spouse or companion expenses.
  9. Dry cleaning.
- Other items not specifically identified, but not considered necessary or reasonable.

#### **G. Travel Involving Multiple Employees**

Where it is determined that a seminar, workshop or training program is essential to staff development for five or more employees, the agency shall investigate the option of bringing the trainer on site instead of authorizing employees to travel to an off-site location. The agency shall document the comparative cost of an on-site session and retain such documentation on file with the agency travel records.





## Administrative Regulations

Office of the Mayor

Title: TRAVEL POLICY

A.R. Number: 6.4 Effective Date: 7/1/2007 Page: 8 of 12

Supersedes: Travel Policy A.R.: 6.4 DATED: 2/1/2007

The agency must also explore the practicality of fulfilling the desired staff development goals through use of studio and video teleconferencing where these options may be cost effective. In selecting locations for meetings, agencies shall give first preference to City owned facilities. For meetings of policy, advisory or supervisory boards, the selection of a meeting site should reflect the policy that a public body conducting public business shall take care that public funds are expended prudently.

### **H. Travel Planning**

1. An appropriate member of management must authorize planned travel, including cost estimates, prior to travel, on a Travel Authorization form. The agency may determine the appropriate member of management at its discretion. To ensure adequate planning (identification of costs and exceptions, this also applies to agency head and cabinet. However, the requirement to obtain authorization for agency head and cabinet travel applies only to cases in which exceptions must be obtained or for international travel.

2. Total cost includes lodging, transportation, meals, conference registration and any other travel costs or course fees. Cost of the trip that may be direct billed, such as lodging or conference registration, must also be included in the cost estimate. The estimate must accompany both the Travel Reimbursement Voucher and any applicable direct-billed Vendor Payment vouchers. For planned travel, the traveler must be able to demonstrate, with documentation, that a reasonable effort was made to secure the most cost beneficial means of travel for the City.

### **I. Audits**

The Finance Department will review all Travel Expense Settlement Vouchers for compliance. Expenses that are determined not to be in accordance with the spirit of this policy, or are considered to be excessive, will be adjusted and may be disallowed by the Finance Director or designee. The City recognizes that a policy cannot be written to address all possible expenses or situations that may arise while traveling. Therefore, anyone traveling on City business must use sound judgment and adhere to high ethical standards

### **V. REFERENCES**

Internal Revenue Service, Publication 535-Business Expenses, and Publication 1542-Per Diem Rates.

### **VI. REGULATION UPDATE**

The Office of the Mayor and the Department of Finance shall be responsible for modification to this policy.

**APPROVED:**

A handwritten signature in cursive script, reading "L. Douglas Wilkie".

\_\_\_\_\_  
**MAYOR**

### **VII. APPENDIX OF FORMS**



**Administrative Regulations**  
**Office of the Mayor**  
**Title: TRAVEL POLICY**  
**A.R. Number: 6.4 Effective Date: 7/1/2007 Page: 9 of 12**  
**Supersedes: Travel Policy A.R.: 6.4 DATED: 2/1/2007**

**IN-STATE**  
**Lodging**  
**Guidelines**

The following table provides guidelines for Lodging expenses that are allowable to the **IN-STATE** traveler who is a City Employee. For the cities of Alexandria, Fairfax, Falls Church, and the counties of Arlington and Fairfax, see the Washington, DC listing in the **OUT-OF-STATE** table. If a location is not listed, the standard rate applies.

<b>IN-STATE</b> <b>Location</b> <b>City-(surrounding Areas)</b>	<b>Lodging Rate</b> <b><u>Excludes</u></b> <b>Taxes and surcharges</b>
<b>STANDARD →</b>	<b>\$60</b>
<b>EXCEPTIONS ↓</b>	
<i>Charlottesville (Albemarle County)</i>	87
<i>Chesapeake / Suffolk (10/1-3/31)</i>	74
<i>Chesapeake / Suffolk (4/1-8/31)</i>	99
<i>Chesapeake / Suffolk (9/1-9/30)</i>	74
<i>Chesterfield / Henrico (Chesterfield and Henrico Counties)</i>	81
<i>Fredericksburg (Spotsylvania)</i>	63
<i>Hampton / Newport News (10/1-3/31)</i>	73
<i>Hampton / Newport News (4/1-6/30)</i>	88
<i>Hampton / Newport News (7/1-9/30)</i>	73
<i>Loudoun (Loudoun County)</i>	131
<i>Lynchburg (Campbell County)</i>	68
<i>Manassas (City Limits)</i>	87
<i>Norfolk and Portsmouth (10/1-10/31)</i>	94
<i>Norfolk and Portsmouth (11/1-3/31)</i>	77
<i>Norfolk and Portsmouth (4/1-9/30)</i>	94
<i>Roanoke (City Limits)</i>	76
<i>Stafford / Prince Williams (Stafford and Prince Williams Counties)</i>	80
<i>Virginia Beach (Virginia Beach) (10/1-3/31)</i>	68
<i>Virginia Beach (Virginia Beach) (4/1-5/31)</i>	83
<i>Virginia Beach (Virginia Beach) (6/1-8/31)</i>	129
<i>Virginia Beach (Virginia Beach) (9/1-9/30)</i>	68
<i>Wallops Island (Accomack County) (10/1-6/30)</i>	78
<i>Wallops Island (Accomack County) (7/1-8/31)</i>	111
<i>Wallops Island (Accomack County) (9/1-9/30)</i>	78
<i>Warrenton (Fauquier)</i>	73
<i>Williamsburg (James City and York Counties) (10/1-3/31)</i>	70
<i>Williamsburg (James City and York Counties) (4/1-8/31)</i>	89
<i>Williamsburg (James City and York Counties) (9/1-9/30)</i>	70



**Administrative Regulations**

**Office of the Mayor**

**Title: TRAVEL POLICY**

**A.R. Number: 6.4 Effective Date: 7/1/2007 Page: 10 of 12**

**Supersedes: Travel Policy A.R.: 6.4 DATED: 2/1/2007**

**OUT-STATE**

**Lodging  
Guidelines**

The following table provides guidelines for Lodging expenses that are allowable to the **OUT-OF-STATE** traveler who is a City Employee. If a location is not listed, the standard rate applies.

<b>OUT-OF-STATE Location City-(Surrounding Areas)</b>	<b>Lodging Rate <u>Excludes</u> taxes and surcharges</b>
<b>STANDARD→ EXCEPTIONS↓</b>	<b>\$88</b>
<i>Atlanta, GA (Fulton, Cobb, DeKalb Counties)</i>	<i>124</i>
<i>Baltimore, MD</i>	<i>148</i>
<i>Baltimore County, MD</i>	<i>92</i>
<i>Boston/Cambridge, MA (Suffolk, City of Cambridge)(10/1-10-31)</i>	<i>203</i>
<i>Boston/Cambridge, MA (Suffolk, City of Cambridge) (11/1-8/31)</i>	<i>168</i>
<i>Boston/Cambridge, MA (Suffolk, City of Cambridge) (9/1-9/30)</i>	<i>203</i>
<i>Charleston, SC (Charleston, Berkeley, Dorchester Counties)</i>	<i>92</i>
<i>Charlotte, NC (Mecklenburg County)</i>	<i>78</i>
<i>Chicago, IL (Cook, Lake Counties) (10/1-11/30)</i>	<i>173</i>
<i>Chicago, IL (Cook, Lake Counties) (12/1-4/30)</i>	<i>138</i>
<i>Chicago, IL (Cook, Lake Counties) (5/1-6/30)</i>	<i>169</i>
<i>Chicago, IL (Cook, Lake Counties) (7/1-8/31)</i>	<i>141</i>
<i>Chicago, IL (Cook, Lake Counties) (9/1-9/30)</i>	<i>173</i>
<i>Cincinnati, OH (Hamilton, Clermont Counties)</i>	<i>86</i>
<i>Cleveland, OH (Cuyahoga County)</i>	<i>98</i>
<i>Dallas, TX (Dallas County and City Limits) (10/1-12/31)</i>	<i>100</i>
<i>Dallas, TX (Dallas County and City Limits) 1/1-4/30)</i>	<i>111</i>
<i>Dallas, TX (Dallas County and City Limits) (5/1-9/30)</i>	<i>100</i>
<i>Denver/Aurora, CO (Adams, Arapahoe, Denver, Jefferson, Counties)</i>	<i>127</i>
<i>Detroit, MI ( Wayne County)</i>	<i>100</i>
<i>Fort Worth/Arlington/grapevine, TX (Tarrant County and City limits of Grapevine)</i>	<i>120</i>
<i>Houston, TX (L.B. Johnson Space Center and Fort Bend, Harris, Montgomery Counties)</i>	<i>95</i>



**Administrative Regulations**

**Office of the Mayor**

**Title: TRAVEL POLICY**

**A.R. Number: 6.4 Effective Date: 7/1/2007 Page: 11 of 12**

**Supersedes: Travel Policy A.R.: 6.4 DATED: 2/1/2007**

**OUT-OF-STATE**

**Lodging  
Guidelines**

<b>OUT-OF-STATE Location City-(Surrounding Areas)</b>	<b>Lodging Rate <u>Excludes</u> taxes and surcharges</b>
<i>Kansas City, MO (Cass, Clay, Jackson, Platte Counties)</i>	96
<i>Las Vegas, NV (Clark County) (10/1-4/30)</i>	114
<i>Las Vegas, NV (Clark County) (5/1-8/31)</i>	100
<i>Las Vegas, NV (Clark County) (9/1-9/30)</i>	114
<i>Los Angeles, CA (Los Angeles, Orange, Ventura Counties and Edwards AFB)</i>	110
<i>Miami, FL (Miami-Dade County) (10/1-12/31)</i>	107
<i>Miami, FL (Miami-Dade County) (1/1-3/31)</i>	157
<i>Miami, FL (Miami-Dade County) (4/1-9/30)</i>	107
<i>Minneapolis / St. Paul, MN (Hennepin, Ramsey Counties)</i>	113
<i>Floral Park/Garden City/Glen Cove/ Great Neck/ Roslyn, NY (Nassau County)</i>	159
<i>Newark, NJ (Essex, Bergen, Hudson, Passaic Counties)</i>	116
<i>New Orleans, LA (Jefferson, Orleans Plaquemine, St. Bernard Parishes) (10/1-5/31)</i>	148
<i>New Orleans, LA (Jefferson, Orleans, Plaquemine, St. Bernard Parishes) (6/1-9/30)</i>	102
<i>New York City, NY (Boroughs of Manhattan, Bronx, Brooklyn, Staten Island and Richmond County) (10/1-12/31)</i>	274
<i>New York City, NY (Boroughs of Manhattan, Bronx, Brooklyn, Staten Island and Richmond county) (1/1-6/30)</i>	214
<i>New York City, NY (Boroughs of Manhattan, Bronx, Brooklyn, Staten Island and Richmond County) (7/1-8/31)</i>	196
<i>New York City, NY (Boroughs of Manhattan, Bronx, Brooklyn, Staten Island and Richmond County) (9/1-9/30)</i>	274
<i>Queens (Queens) (10/1-12/31)</i>	177
<i>Queens (Queens) (1/1-4/30)</i>	152
<i>Queens (Queens) (5/1-6/30)</i>	163



**Administrative Regulations  
Office of the Mayor  
Title: TRAVEL POLICY**

**A.R. Number: 6.4 Effective Date: 7/1/2007 Page: 12 of 12  
Supersedes: Travel Policy A.R.: 6.4 DATED: 2/1/2007**

**OUT-OF-STATE  
Lodging  
Guidelines**

<b>OUT-OF-STATE Location City-(Surrounding Areas)</b>	<b>Lodging Rate <u>Excludes</u> taxes and surcharges</b>
<i>Queens (Queens) (7/1-8/31)</i>	<i>153</i>
<i>Queens (Queens) (9/1-9/30)</i>	<i>177</i>
<i>Orlando, FL (Orange County) (10/1-12/31)</i>	<i>89</i>
<i>Orlando, FL (Orange County) (1/1-3/31)</i>	<i>114</i>
<i>Orlando, FL (Orange County) (4/1-9/30)</i>	<i>89</i>
<i>Philadelphia, PA (Philadelphia County)</i>	<i>138</i>
<i>Phoenix/Scottsdale, AZ (Maricopa County) (10/1-12/31)</i>	<i>103</i>
<i>Phoenix/Scottsdale, AZ (Maricopa County) (1/1-3/31)</i>	<i>141</i>
<i>Phoenix/Scottsdale, AZ (Maricopa County) (4/1-5/31)</i>	<i>109</i>
<i>Phoenix/Scottsdale, AZ (Maricopa County) (6/1-8/31)</i>	<i>74</i>
<i>Phoenix/Scottsdale, AZ (Maricopa County) (9/1-9/30)</i>	<i>103</i>
<i>Pittsburg, PA (Allegheny County)</i>	<i>100</i>
<i>San Antonio, TX (Bexar County)</i>	<i>103</i>
<i>San Diego, CA (San Diego County)</i>	<i>131</i>
<i>San Francisco, CA (San Francisco County)</i>	<i>140</i>
<i>Savannah, GA (Chatman County)</i>	<i>95</i>
<i>Seattle, WA (King County)</i>	<i>136</i>
<i>St. Louis, MO (St. Louis City and St. Louis, St. Charles Counties)</i>	<i>103</i>
<i>Washington, DC (1) (10/1-11/30)</i>	<i>195</i>
<i>Washington, DC (1) (12/1-5/31)</i>	<i>188</i>
<i>Washington, DC (1) (6/1-8/31)</i>	<i>162</i>
<i>Washington, DC (1) (9/1-9/30)</i>	<i>195</i>
<i>White Plains/Tarrytown/New Rochelle/Yorkers, NY (Westchester County)</i>	<i>137</i>

**(1) Washington, DC, includes: Virginia Cities of Alexandria, Falls Church, Fairfax; Virginia counties of Arlington, Fairfax; and, Maryland counties of Montgomery and Prince George's.**



## **Administrative Regulations Office of the Mayor**

**Title:** EMPLOYEE RIDESHARE PROGRAM

**A.R. Number:** 6.5 **Effective Date:** 2/1/2007 **Page:** 1 of 3

**Supersedes:** Employee Rideshare Program **A.R.:** 6.5 **DATED:** 9/1/2004

### **I. PURPOSE:**

The City of Richmond provides as a „rideshare“ benefit to its employees who use public transportation and/or approved vanpools to commute to and from work and for work-related travel. To protect the public investment and to ensure that the program is administered correctly, this Administrative Regulation is promulgated. The „rideshare“ program is funded through a grant and is subject to that funding for continuation.

### **II. DEFINITIONS**

- A. EMPLOYEE TRIP REDUCTION PROGRAM (ETRP) – the common name which refers to the employee rideshare program, utilizing both GRTC buses and RideFinders“ vans.
- B. GRTC – Greater Richmond Transit Company
- C. GRTC SWIPE CARD – A magnetic stripped card that is issued to eligible employees to participate in the employee rideshare program.
- D. RIDEFINDERS VANS – Vanpools which transport up to 15 riders and are organized by RideFinders, the Richmond region“s ridesharing agency.
- E. VANPOOL VOUCHER – Vouchers provided to ETRP participants vanpooling in a RideFinders van. The vouchers are for a maximum of \$105 per person per month to offset the operating costs of the vanpool.
- F. ELIGIBLE EMPLOYEE – A City of Richmond employee who has been issued a City of Richmond employee picture Identification Card.
- G. CITY IDENTIFICATION – The official City of Richmond employee identification card issued by the Department of Human Resources.
- H. EMERGENCY RIDE HOME – A benefit available for participants of the Employee Rideshare Program that provides a direct means for their travel home in the case of an emergency. RideFinders manages the Emergency Ride Home program and they can be reached at 643-RIDE.
- I. ETC – Employee Transportation Coordinator for the ETRP located in the Department of Public Works.
- J. PROGRAM MISUSE –Use of the assigned GRTC swipe card (or RideFinders vanpool vouchers) for travel other than to and from work.
- K. WORK RELATED TRIPS – The swipe card can be used for work related trips only with the approval of the employee“s department payroll coordinator and the City of Richmond Employee Transportation Coordinator. An employee must complete and submit the “Work Related Trips” form in order to use the swipe card for work related purposes.

### **III. PROCEDURES**

- A. APPLICATION FOR A RIDESHARE SWIPE CARD – Eligible City employees may contact their respective department Administrative Program Support Assistant/Payroll Coordinator for an application and literature on the rideshare program. After the application is completed and verified, the Administrative Program Support Assistant/Payroll Coordinator will issue the swipe card and notify the ETC of the assignment of the swipe card number. If the employee needs to use the



## Administrative Regulations Office of the Mayor

**Title:** EMPLOYEE RIDESHARE PROGRAM

**A.R. Number:** 6.5 **Effective Date:** 2/1/2007 **Page:** 2 of 3

**Supersedes:** Employee Rideshare Program **A.R.:** 6.5 **DATED:** 9/1/2004

swipe card for work related trips, the employee will need to submit the request on the "Work Related Trips Request Form" to the ETC for documentation.

- B. APPLICATION FOR A VANPOOL VOUCHER/COMMUTER BUCKS – Eligible City employees should contact RideFinders at 643-RIDE to learn if a vanpool is in operation in their area. RideFinders also assists in the formation of new vanpools. After the employee finds an available vanpool, he/she must contact his/her Payroll Coordinator to place a Commuter Bucks order by the 15<sup>th</sup> of each month. An employee must have a new Commuter Buck each month to participate in the vanpool.
- C. ANNUAL CERTIFICATION – Participating employees are required to complete a certification form each year. The form certifies that the rideshare benefit was used for legitimate purposes.
- D. LOST OR DAMAGED SWIPE CARD – If a swipe card is lost or damaged,, the recipient should report this incident to their department Administrative Program Support Assistant/Payroll Coordinator immediately. The department Administrative Program Support Assistant/Payroll Coordinator will contact the ETC and the card will be deactivated immediately. Such cards are replaced free of charge the first time, with a \$5 fee for any additional replacements.
- E. EMERGENCY RIDE – Participating employees may also take advantage of the emergency ride home benefit if they ride a GRTC bus or RideFinders van to work at least three (3) days per work week. If a registered participant has an emergency transportation need to their home or vehicle on a day they have ridden the van or bus to work; the program will make arrangements and pay the cost for either a taxi or rental car. Contact RideFinders at 643-RIDE for more information.
- G. SWIPE CARD MISUSE PROTCOL - To protect the investment in public funding it is important to ensure that swipe cards are not misused in any way. The steps detailed below are suggested ways to handle potential cases of swipe card misuse. This protocol is only a guide, and hopefully will not be needed. The protocol will be enforced in accordance with the agreement that has been signed by each enrolled participant.
  - 1. All participants of the Employee Trip Reduction Program will sign an agreement when applying for a GRTC swipe card or vanpool voucher that they agree to use the swipe card or vanpool voucher only for their personal commute to and from work and will not use the swipe card or vanpool voucher for any other purposes. The employee must show their City picture ID to the GRTC bus driver when using the swipe card.
  - 2. The ETC will monitor the monthly activity of all of the swipe cards and vanpool vouchers from the GRTC and RideFinders monthly bills. This includes, swipe card assignment, swipe card usage such as the number of times a day the swipe card is used, the actual time of day the trips are made and on which routes the swipe card is used. The ETC will compare this information to the listing of transfers to determine the actual ridership. In a given month approximately 40-50 swipes (excluding transfers) should be the maximum usage per card. Cards that exceed that number will be noted for further research.
  - 3. If the usage of a card is more than twice a day (excluding transfers) or above 50 swipes per month, the ETC will contact the employee's department Administrative Program Support Assistant/Payroll coordinator to inquire about the employee's work schedule and why the card is being used above the recommended level. If there is a valid reason, the information will be documented with the ETC. If there is no valid reason why the employee is using the card in excess, a warning letter/email will be sent to the employee from the ETC explaining how the Employee Trip Reduction Program operates and how the employee should use the program. A copy of this letter will be sent to the employee's department Administrative Program Support Assistant/Payroll Coordinator.



**Administrative Regulations  
Office of the Mayor**

**Title:** EMPLOYEE RIDESHARE PROGRAM

**A.R. Number:** 6.5 **Effective Date:** 2/1/2007 **Page:** 3 of 3

**Supersedes:** Employee Rideshare Program **A.R.:** 6.5 **DATED:** 9/1/2004

4. If the employee continues to use the swipe card more than the 50 swipes a month, an additional letter/email will be sent to the employee stating that the employee has continued to violate the number of allowable trips per month and that their participation in the program is subject to termination. A copy of this letter/email will be sent to the employee's department Administrative Program Support Assistant/Payroll Coordinator. The employee's department Administrative Program Support Assistant/Payroll Coordinator will have the employee sign receipt of the letter/email and forward a copy of the letter/email to the ETC in Room 707 City Hall. The ETC will then deactivate the swipe card and the employee will no longer be able to be a participant in the program.

**IV. AUTHORITY**

This Regulation is issued pursuant to City Ordinance 2003-367-327, adopted November 24, 2003 and revised December 2005.

**V. REGULATION UPDATE**

The Office of the Mayor and the Department of Public Works shall be responsible for modifications to this Regulation.

**APPROVED:**

**MAYOR**





## Administrative Regulations

### Office of the Mayor

Title: ANTI-IDLING POLICY: VEHICLES & EQUIPMENT

A.R. Number: 6.6 Effective Date: 12/1/2011 Page: 1 of 2

Supersedes: N/A A.R.: N/A DATED: N/A

## I. PURPOSE

This regulation contains the City of Richmond's Policy relating to the idling of any vehicles or equipment owned, leased or fueled by the City of Richmond. Contractors, subcontractors, and vendors doing business with the City are encouraged to follow this policy when conducting business for the City.

The unnecessary idling of vehicles and equipment wastes money, fuel, contributes to air pollution, and causes premature engine wear. It is every City employee's responsibility to minimize fleet operating costs while reducing harmful effects to the environment.

The purposes of this Policy are to:

- Reduce fuel consumption and associated costs to the City of Richmond
- Reduce engine wear
- Protect the health of employees and citizens through reduction of harmful vehicle emissions

## II. PROCEDURES

The City of Richmond fleet vehicles and equipment will not be stationary with the engine operating for more than five (5) minutes unless it is essential for performance of work or otherwise specified below. When engines must be left operating, for any reason, the operator shall remain with the unit. The engines of unattended or unoccupied vehicles should be turned off.

### A. SPECIFIC PROVISIONS

#### 1. Heavy Duty Diesel Powered and Compressed Natural Gas (CNG) Motor Vehicles

The following provisions shall apply to the operation and start-up of heavy-duty diesel and CNG powered motor vehicles. For the purposes of this section, the term "heavy-duty" shall apply to any motor vehicle with a gross vehicle weight of more than 8,500 pounds or with a passenger carrying capacity of more than 12 persons (i.e., passenger transport vehicles) regardless of fuel type.

- a. No operator shall permit, cause or allow the engine of a heavy-duty vehicle to idle prior to or at the conclusion of, any trip for any period of time beyond that which is reasonably required to attain, or to secure from, normal operating conditions. The maximum allowable period of idling shall not exceed two (2) consecutive minutes except under the following initial start-up conditions:
  - (i). The engine may be idled for the purpose of start-up for a period of up to five (5) consecutive minutes when the ambient temperature is more than 32°F (0°C), and/or until the air pressure on the vehicle has reached the proper operating PSI.
  - (ii). The engine may be idled for the purpose of start-up for a period of up to ten (10) consecutive minutes when the ambient temperature is less than 32°F (0°C), and/or until the air pressure on the vehicle has reached the proper operating PSI and the engine temperature is sufficient to remove frost / ice from the windshield for safety reasons.

#### 2. Service Delivery Vehicles

All service delivery vehicles shall turn off the engines while making deliveries or pickups.

#### 3. Refueling

Refueling operations shall be conducted with vehicle engines and external equipment shut off. This includes times when portable fuel cans or on-board equipment, such as a generator, is being fueled. Responsibility for shutting down the vehicle lies with the driver/operator.



**Administrative Regulations  
Office of the Mayor**

**Title: ANTI-IDLING POLICY: VEHICLES & EQUIPMENT**

**A.R. Number: 6.6 Effective Date: 12/1/2011 Page: 1 of 2**

**Supersedes: N/A A.R.: N/A DATED: N/A**

**B. EXCEPTIONS**

Due to the diverse nature of the City's vehicle fleet, in terms of vehicle type, function and operating characteristics, a series of operational exemptions to this policy are listed below. Although the vehicles in this section are exempted from the anti-idling requirement, operators should minimize vehicle idling time as much as possible

1. Emergency vehicles and equipment while engaged in operational activities, responding to emergency situations, or performing an activity directly related to a public safety function.
2. Vehicles that are required to idle in order to operate auxiliary equipment (including, but not limited to, hydraulic equipment, welding equipment, pumps, compressors, or lights).
3. Vehicles that are required to idle in order to operate equipment for work related purposes including, but not limited to, laptop computers or to charge the batteries on electronic equipment such as cell phones, radios or laptop computers.
4. Vehicles equipped with temperature sensitive equipment.
5. Vehicles that must be kept at an appropriate temperature for the health and safety of occupants being transported (persons or animals).
6. Vehicles and equipment that are being serviced; times when actual mechanical work is being performed on a vehicle that necessitates the engine needs to idle for a longer period.

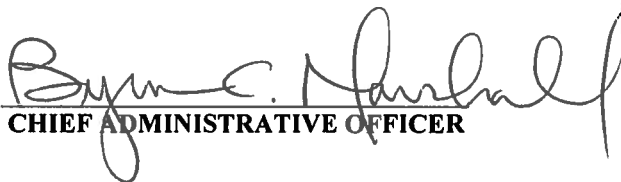
**III. DEFINITION**

Idling refers to the operation of a motor vehicle (licensed or unlicensed) or piece of equipment, regardless of fuel type, while that vehicle or equipment is stationary.

**IV. REGULATION UPDATE**

The Office of the Chief Administrative Officer and the Office of Sustainability shall be responsible for modifications to this Regulation.

**RECOMMEND APPROVAL:**

  
**CHIEF ADMINISTRATIVE OFFICER**

**APPROVED:**

  
**MAYOR**



## Administrative Regulations Office of the Mayor

**Title:** Use of Global Positioning System (GPS) Data  
**A.R. Number:** 6.7 **Effective Date:** 3/1/2013 **Page:** 1 of 1  
**Supersedes:** N/A **A.R.:** N/A **DATED:** N/A

### I. PURPOSE

The City of Richmond utilizes Global Positioning System (GPS) tracking devices and/or other related equipment for City owned and operated vehicles and other units of operation. The data collected from Global Positioning Systems (GPS) will be used to assist the City of Richmond with more efficient trip planning, scheduling and to monitor and control any unofficial use by personnel (including but not limited to employees, consultants, and other individuals working with the City of Richmond).

### II. POLICY

#### A. Monitoring and Ownership

All GPS information is subject to the right of the City of Richmond to monitor, access, read, delete, copy, disclose and use such information without prior notice. GPS reports may be monitored and read by authorized personnel for the City for any violations of law, breaches of City policies, communications harmful to the City, or for any other reason.

GPS units and related equipment installed in City of Richmond vehicles and all information and messages that are created, sent, received or stored on the City's report system is the sole property of the City and is not the property of the employee or other personnel.

#### B. Prohibited Acts

Tampering with GPS signal or device, wires, images or references that could be viewed as libelous, offensive, illegal, and otherwise destructive shall result in disciplinary action up to and including termination.

Employees who violate Federal, State, or local laws while driving or violate any City policy or procedure while driving shall be subject to disciplinary action up to and including termination.

### III. REGULATION UPDATE

The Office of the City Auditor and the Department of Human Resources shall be responsible for modifications to this policy.

**RECOMMEND APPROVAL:** /Original signed copy on file in HR/

**Byron C. Marshall, CHIEF ADMINISTRATIVE OFFICER**

**APPROVED:**

/Original signed copy on file in HR/

**Dwight C. Jones, MAYOR**



**Administrative Regulations  
Office of the Mayor**

**Title:** ENVIRONMENTAL POLICY

**A.R. Number:** 7.1 **Effective Date:** 2/1/2007 **Page:** 1 of 1

**Supersedes:** Environmental Policy **A.R.:** 1.8 **DATED:** 9/1/2004

**I. PURPOSE**

The City of Richmond is committed to protecting the environment while providing first class municipal services, products and activities to its citizens, businesses, and visitors. To meet this commitment, the City and its employees will demonstrate environmental leadership and stewardship through the 'CLEAN' principles.

A. **C**ompliance. Comply with all applicable environmental legislation, regulations, municipal standards, and City policies.

B. **L**eadership. Make the development and implementation of an Environmental Management System (EMS) that conforms to ISO 14001 part of our standard business practice. Encourage City suppliers and contractors to use EMS plans.

C. **E**ducation. Educate and train employees to improve environmental performance and increase awareness of environmental issues. Promote citizen awareness of environmental issues and provide education on the prevention of pollution.

D. **A**ction. Set and periodically review environmental objectives and targets. Continuously improve environmental practices and performance through periodic review and assessment. Practice the principles of pollution prevention through the identification of best practices.

E. **N**urture. Promote partnerships inside and outside the organization to sustain our limited natural resources and promote regional cooperation.

**II. AUTHORITY**

City of Richmond Environmental Master Plan.

**III. REGULATION UPDATE**

The Office of the Mayor and the City's Environmental Management Team shall be responsible for updating this Regulation.

**APPROVED:**

**MAYOR**



## **Administrative Regulations Office of the Mayor**

**Title:** VIRGINIA PUBLIC RECORDS POLICY

**A.R. Number:** 7.2 **Effective Date:** 2/1/2007 **Page:** 1 of 7

**Supersedes:** Virginia Public Records Policy **A.R.:** 3.5 **DATED:** 9/1/2004

### **I. PURPOSE**

The purpose of this regulation is to provide for the orderly maintenance of, access to and disposition of the public records of the City of Richmond in accordance with provisions of the Code of Virginia and the Code of the City of Richmond.

### **II. APPLICATION**

The policies and procedures set forth in this regulation shall apply to (i) all agencies of the City of Richmond (ii) all agencies of the Commonwealth that deposit public records in the City Records Center and (iii) citizens who may use the records stored in the City Records Center.

### **III. DEFINITION**

The term "public record" refers to "recorded information that documents a transaction or activity by or with any public officer, agency or employee of the state government or its political subdivisions. Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business." Va. Code Ann. § 42.1-77. Types of public records may include, but are not limited to, letters, photographs, magnetic tapes, e-mails and reports. Non-current public records of continuing and enduring value are appropriate for archive if they have one of the following values:

- A. Administrative: Records that have continuing utility in the operation of an agency
- B. Legal: Records that document actions taken in the protection and proving of legal or civil rights and obligations of individuals and agencies.
- C. Fiscal: Records that verify and document financial transactions, obligations and authorizations.
- D. Historical: Records that contain unique information, significance, or an ability to convey an understanding of the operations of government, regardless of the record's age.

### **IV. POLICY**

#### **A. Ownership of Records**

Records on deposit in the City Records Center are the property of the City of Richmond and in particular the agency that created them, not of the creator.

#### **B. Confidentiality of Records**

Those records that are confidential or private do not lose that status by being placed in the City Records Center. Va. Code Ann. § 42.1-78); Richmond City Code § 2-382 (1993).

#### **C. Retention Requirements**

In compliance with the Virginia Public Records Act, Va. Code §§ 42.1-70—42.1-91, the City and all of its agencies adhere to the General Schedules for Local Governments in Virginia promulgated by the Library of Virginia. These schedules specify the length of time that the City must retain various categories of records in order to comply with state law.



## **Administrative Regulations Office of the Mayor**

**Title:** VIRGINIA PUBLIC RECORDS POLICY

**A.R. Number:** 7.2 **Effective Date:** 2/1/2007 **Page:** 2 of 7

**Supersedes:** Virginia Public Records Policy **A.R.:** 3.5 **DATED:** 9/1/2004

### D. Requirements before Destruction

No record shall be destroyed without:

1. The written consent of the Agency Head or his written designee;
2. An approved retention/disposition schedule of the Library of Virginia in place;
3. The written approval of the City Records Manager; and
4. Completion of the Commonwealth of Virginia form RM3.

### E. Access to or Removal of Records

1. No records deposited in the City Records Center by one agency's staff may be accessed by another agency's staff without the written consent of the depositing agency's Agency Head, unless such access is pursuant to:
  - a. investigative powers set forth in the Charter of the City of Richmond or the Code of the City of Richmond;
  - b. a request by the Chief Administrative Officer (CAO) or Deputy CAO, or
  - c. a federal or state entity acting in accordance with either statutorily authorized investigative powers or the written order of a court of competent jurisdiction.
2. No record may be removed from the custody of the City Records Manager without a written request documenting the details of the withdrawal.
3. No public records shall be removed from the place in which they were created or in which they are retained upon the separation of the employee who is custodian. Public records may be carried away by city employees who are using the records in the course of their duties.
4. The City prohibits employee possession of cameras or use of camera phones in the workplace to secure employee privacy and any confidential and/or proprietary City information.

## **V. PROCEDURE**

### A. In General

1. Data Collection and Dissemination Practices - State law requires that record-keeping systems which include personal information about identifiable individuals comply with certain standards regarding the collection and dissemination of personal information. {Government Data Collection and Dissemination Practices Act, Va. Code Ann. §§ 2.2-3800—2.2-3809}. In order to assist the City in complying with this law, the City Records Manager (i) maintains an "access list" of all persons who are authorized to have regular access to any given set of records deposited in the City Records Center—usually certain employees of the depositing agency—and (ii) maintains for a period of three (3) years a list of all persons who access records deposited in the City Records Center. Each individual agency is responsible for the compliance of its data-gathering systems with this law.



## Administrative Regulations Office of the Mayor

**Title:** VIRGINIA PUBLIC RECORDS POLICY

**A.R. Number:** 7.2 **Effective Date:** 2/1/2007 **Page:** 3 of 7

**Supersedes:** Virginia Public Records Policy **A.R.:** 3.5 **DATED:** 9/1/2004

2. Electronic Mail - Records preserved in electronic media, including but not limited to electronic mail ("e-mail"), are subject to records retention requirements if not retained in some other medium (e.g., paper). The following general principles apply to e-mail records:
  - a. E-mail is a generic term that refers merely to a medium, like paper or microfilm, in which records are kept. The retention requirements for e-mail are the same as for any paper record. Agencies and their employees are responsible for maintaining copies of all public records created, stored or received electronically.
  - b. Copies of e-mail may be printed on paper and filed according to the General Schedules promulgated by the Library of Virginia. In the alternative, agencies may seek the assistance of the Department of Information Technology in maintaining an electronic archive of e-mail.
  - c. More information concerning the application of records retention legal requirements to e-mail is available from the Library of Virginia on the World Wide Web at the URL address <http://www.lva.lib.va.us/whatwedo/records/electron/index.htm>.

*See A.R. 2.6 concerning Electronic Media Systems for guidelines on the use of electronic media systems, including but not limited to e-mail.*
3. Freedom of Information - Unless a specific exclusion from its requirements applies, the Virginia Freedom of Information Act ("VFOIA") requires the disclosure to Virginia citizens of records "prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business." {Va. Code Ann. § 2.2-3701 *See* A.R. 3.1 concerning Freedom of Information for guidelines on complying with VFOIA, {Va. Code Ann. §§ 2.2-3700—2.2-3714.}}
4. Records Retention - As noted above, the City adheres to the General Schedules promulgated by the Library of Virginia pursuant to the Virginia Public Records Act, {Va. Code §§ 42.1-70—42.1-91}. These schedules are available on the World Wide Web at the URL address [http://www.lva.lib.va.us/whatwedo/records/sched\\_local/index.htm](http://www.lva.lib.va.us/whatwedo/records/sched_local/index.htm) and by written request to the City Records Manager.

### B. Responsibilities of City Records Manager

Pursuant to section 42.1-85 of the Code of Virginia and section 2-384 of the Code of the City of Richmond, the City Manager shall appoint a City Records Manager to perform duties including, but not limited to, the following:

1. Implementing and overseeing a records management program. Va. Code Ann. § 42.1-85
2. Coordinating legal disposition, including destruction of obsolete records. Va. Code Ann. § 42.1-85.
3. Providing for the safekeeping, security and preservation of public records entrusted to his care and keeping. Richmond City Code § 2-385(1) (1993).
4. Operating the City Records Center to house and preserve inactive records prior to disposition. Richmond City Code § 2-385(2) (1993).



## Administrative Regulations Office of the Mayor

**Title:** VIRGINIA PUBLIC RECORDS POLICY

**A.R. Number:** 7.2 **Effective Date:** 2/1/2007 **Page:** 4 of 7

**Supersedes:** Virginia Public Records Policy **A.R.:** 3.5 **DATED:** 9/1/2004

5. Providing appropriate instruction in records management techniques to agency staff. Richmond City Code § 2-385(3) (1993).
6. Approving and reporting the destruction of public records of the City of Richmond destroyed in the course of business. Richmond City Code § 2-385(4) (1993).
7. Ensuring that the Library of Virginia creates and approves appropriate records retention and disposition schedules where they do not exist already.

### C. Agency Responsibilities

Each Agency Head shall designate annually in writing an employee of his agency to serve as the agency's Records Management representative with the City Records Manager. This Records Management representative shall (i) approve the destruction of public records of the agency, (ii) arrange for the transfer of agency records, (iii) advise the City Records Manager of special or unusual records management problems in the agency and (iv) perform other such duties as may be set forth in section 2-386(4) of the Code of the City of Richmond or assigned by the Agency Head. Each Agency Head shall be responsible for his agency's compliance with the requirements of section 2-386 of the Code of the City of Richmond.

### D. Storage Procedures

1. Procedures for Deposit - Depositing agencies shall deposit collocated records to be stored in the City Records Center only in accordance with the written procedures established the City Records Manager and only in unmarked containers that he has approved. These written procedures are set forth in the Administrative Correspondence of the City Records Manager. Copies of the Administrative Correspondence are furnished to each agency's Records Management representative and may be obtained from the City Records Manager upon request.
2. Transfer Sheet - Depositing agencies shall be responsible for the transportation of records to the City Records Center and assistance with shelving. Depositing agencies shall not bring records to the City Records Center without the prior consent of the City Records Manager, except in dire emergencies and only then at the explicit request of the Agency Head. The City Records Manager may refuse to accept records presented in damaged or unmarked containers. A typewritten transfer sheet, placed inside the container, shall accompany all deposited records. Each container shall have a separate transfer sheet. The City Records Manager shall specify the form of the transfer sheet and depositing agencies shall use only transfer sheets that conform to the City Records Manager's specifications.
3. Storage Containers - Each agency shall provide the necessary containers at its expense. The City Records Center has a limited supply of standard 1 c/f containers, available on a first come, first served basis. The City Records Center can accept records requiring special containers, but the depositing agency shall pay for any special containers or conservation devices such as photographic negative holders. The City Records Manager shall assist in locating appropriate archival storage containers and shall advise agency staff of costs.
4. Binding or Rebinding - In cases in which books or annual reports require binding or rebinding, the City Records Manager shall see that this is done at the depositing agency's expense. The City Records Manager may refuse to accept records needing binding, rebinding or other conservation measures if the depositing agency does not agree to pay that expense.





## Administrative Regulations Office of the Mayor

**Title:** VIRGINIA PUBLIC RECORDS POLICY

**A.R. Number:** 7.2 **Effective Date:** 2/1/2007 **Page:** 5 of 7

**Supersedes:** Virginia Public Records Policy **A.R.:** 3.5 **DATED:** 9/1/2004

5. Receipt of Records - Upon accessioning the records—not later than forty-eight (48) hours from arrival—the City Records Manager will furnish the depositing agency a duplicate copy of the completed transfer sheet, showing the Records Center number, the date of accession and the prospective date of destruction, if any. If the agency should require later access to the records, its Records Management representative shall provide the City Records Center with the Records Center number at the upper right hand corner of the Records Center transfer sheet.

### E. Procedures for Access to Records

1. Persons Authorized to Access Records - Under ordinary circumstances, only staff in the depositing agency may access records on deposit in the City Records Center without the prior written consent of the depositing agency's Agency Head or Records Management representative. The City Records Manager will document separately to the Agency Head access by anyone not on the appropriate regular departmental access list after the Agency Head has consented to the access.
2. Persons Authorized to Access Records - Under ordinary circumstances, only staff in the depositing agency may access records on deposit in the City Records Center without the prior written consent of the depositing agency's Agency Head or Records Management representative. The City Records Manager will document separately to the Agency Head access by anyone not on the appropriate regular departmental access list after the Agency Head has consented to the access.
3. Documentation of Access and Retention of Documentation - No record shall be used without the documentation of that use on a standard, pre-printed, sequentially-numbered, "City of Richmond Records Request Form." The form shall bear the name and the agency (if a City employee) or full address and telephone number (if not a City employee) of the user. The City Records Center shall give the user the pink slip and retain the remainder of the form. Upon the completion of the use and the return of the records, the City Records Center shall sign and date the user's pink slip and return the pink slip to the user. The remainder of the Records Request Form will be retained by the City Records Center for three (3) years after the Fiscal Year of the use. The data on the form above will be placed on the electronically maintained withdrawal file. This procedure shall apply to all records, whether or not subject to the Government Data Collection and Dissemination Practices Act, Va. Code Ann. §§ 2.2-3800—2.2-3809 .
4. Agency Access List - The Agency Head shall sign and forward to the City Records Manager annually a list and specimen signatures of those individuals authorized to (i) withdraw and (ii) destroy public records of that agency. Under ordinary circumstances, only those individuals whose names and signatures with which the Agency Head has furnished the City Records Manager will be allowed to withdraw records. If an urgent need exists and is confirmed by the City Records Center, the City Records Center may release a record; however, the City Records Center shall notify the Agency Head of the depositing agency of the release in writing. The City Records Manager will require the Agency to update this list annually or more frequently, if necessary.



**Administrative Regulations  
Office of the Mayor**

**Title:** VIRGINIA PUBLIC RECORDS POLICY

**A.R. Number:** 7.2 **Effective Date:** 2/1/2007 **Page:** 6 of 7

**Supersedes:** Virginia Public Records Policy **A.R.:** 3.5 **DATED:** 9/1/2004

5. Access Pursuant to VFOIA - If an entitled citizen makes a freedom of information request pursuant to VFOIA, the following procedure shall apply:
  - a. The City Records Center shall adhere to all procedures set forth in A.R. 3.1 concerning Freedom of Information when handling freedom of information requests.
  - b. The City Records Center shall collect and retain data from the requester as prescribed by (V)(E)(2) above.
  - c. The City Records Center shall notify the Agency Head of the depositing agency of the request upon receipt.
  - d. If the Agency Head or Records Management representative does not evince a desire to handle the request in another statutorily-permissible manner within forty-eight (48) hours of notification by the City Records Center, then the City Records Center shall adhere to the following procedure:

If there is no doubt that the requested records are subject to VFOIA's disclosure requirements (i.e., that no exclusion applies or that no law requires the record's withholding), then the City Records Center shall make the requested records available to the requester for inspection and copying; however, under no circumstances shall the requester be permitted to remove any record from the City Records Center premises.

If there is doubt as to whether the requested records are subject to VFOIA's disclosure requirements (i.e., a belief that an exclusion may apply or that a law may require the record's withholding), then the City Records Center shall consult with the City Attorney as prescribed in A.R. 3.1 concerning Freedom of Information and act accordingly.

The City Records Center shall respond to the request in writing and furnish the Agency Head with a copy of the response.

5. Copies of Records - The City Records Center shall supply copies of records at no cost to City agencies, to any other governmental agency acting under color of law, or in response to an order entered by a court of competent jurisdiction. The City Records Center shall supply copies to other requesters subject to payment of the costs as specified in A.R. 3.1 concerning Freedom of Information. The amount collected shall be noted on the Records Center request form. Monies collected for copying shall be paid into the City's General Fund in accordance with normal procedures.
6. Tracking of Withdrawn Records - An agency may use original records that the City Records Center provides to that agency pursuant to this regulation for thirty (30) days. The City Records Center will notify the using agency when thirty (30) days have elapsed since the withdrawal of a record. The City Records Center will attach a copy of the thirty-day notification to the original request form. If the using agency chooses to retain the record, the City Records Center will confirm that choice in writing to the Agency Head and will keep the Records Center request form until the record is returned. When the record is returned, the City Records Center shall note the return on the original request form.



**Administrative Regulations  
Office of the Mayor**

**Title:** VIRGINIA PUBLIC RECORDS POLICY

**A.R. Number:** 7.2 **Effective Date:** 2/1/2007 **Page:** 7 of 7

**Supersedes:** Virginia Public Records Policy **A.R.:** 3.5 **DATED:** 9/1/2004

**F. Procedures for Destruction of Records**

1. Authorization Required - No public records of the City of Richmond shall be destroyed unless they have been scheduled for destruction on an approved Records Management Schedule of the Commonwealth of Virginia and a local schedule of the City of Richmond and have been noted on a completed RM3 form signed by the City Records Manager in his capacity as the City's "records officer" designated pursuant to section 42.1-85 of the Code of Virginia.
2. Notification of Agency Prior to Destruction - Between thirty (30) and sixty (60) days before the anticipated date of destruction, the City Records Manager shall forward to the Agency Head or the agency's Records Management representative a written request for destruction. The request shall

contain the Records Center numbers of the records to be destroyed, the contents of the records, the number of times the records have been used in the three-year period preceding destruction, and any data deemed worthy of mention by the City Records Manager. The Agency Head or the Records Management representative shall indicate in writing his concurrence or non-concurrence with the scheduled destruction and shall date and sign the document. If the Agency Head or the Records Management representative fails to reply, the City Records Manager shall make one further inquiry. If the Agency Head or the Records Management representative still fails to reply, the City Records Manager may at his option either decline to accept further records from the agency or destroy the records as scheduled without further notice to the agency's staff.

3. Records of Destruction - For three (3) years after the Fiscal Year of the destruction, the City Records Manager shall retain a package containing his original request for destruction and the action taken upon it, the transfer sheets showing the records that were stated to be contained in the Records Center container and a copy of the certificate of destruction filed with the Library of Virginia. The destruction packages shall be destroyed three (3) years after the close of the fiscal year of destruction, and that destruction shall be documented appropriately.

**VI. AUTHORITY**

Virginia Public Records Act, Va. Code Ann. §§ 42.1-76—42.1-91 (Michie 2002 & Supp. 2003).  
Richmond City Code §§ 2-381—2-388 (1993).

**VII. REGULATION UPDATE**

The Office of the Mayor and the City Records Manager shall be responsible for modifications to this Regulation.

**APPROVED:**

**MAYOR**



## **Administrative Regulations Office of the Mayor**

**Title:** MANAGEMENT COMPETITION POLICY

**A.R. Number:** 7.3 **Effective Date:** 2/1/2007 **Page:** 1 of 3

**Supersedes:** Management Competition Policy **A.R.:** 4.12 **DATED:** 4/3/2000

### **I. PURPOSE**

The City of Richmond embraces managed competition as one of the strategies to enhance the quality and/or reduce the cost of services provided by the City. Competition has been found to generate innovation, sharpen management expertise and improve overall citizen/customer satisfaction. However, this is only one strategy the City Administration will use to implement City Council's vision of continuous improvement for all services. The reasons for managed competition are:

- ◆ To improve service and productivity
- ◆ To reduce the cost of operations
- ◆ To refocus City staff on higher priorities

### **II. POLICY**

Bringing about greater efficiency and effectiveness in government is a two-fold process: first to analyze the public-private arena for reasonable transfers of functions where quality can be improved and second, to perform a cost/efficiency comparison.

- A. All city services should be reviewed continually to improve quality and efficiency. As a part of this analysis, services will be evaluated for suitability for managed competition or outsourcing. Based upon specified criteria, services will be categorized as follows:
1. Service to be provided in-house.
  2. Service is to be consolidated with another.
  3. Service appropriate for managed competition.
  4. Service appropriate for privatization/outsourcing.
  5. Service may be appropriate for managed competition in the future and a competitive service improvement plan should be prepared.
  6. Service is no longer justified or needed and should be eliminated.
  7. Service can be appropriately provided through alternative service delivery mechanism, e.g. regionally.
- B. Prior to engaging in a managed competition, specific service and performance standards will be identified by the provider department and reviewed by a permanent managed-competition committee.
- C. Managed competitions will generally follow the City's procurement policy for Request for Proposals (RFP) except as noted in this policy document.
- D. City departments participating in a managed competition shall be invited to respond to the RFP in the same general manner as a private proposer. The City department's response shall contain the following:
1. A statement of relevant qualifications and experience of the staff. The City as an entity will be presumed qualified to deliver the service. However, the qualifications and experience of the staff proposed to deliver the service will be evaluated.
  2. Historical experience in delivering the service, specifically including information on the performance and service standards specified in the RFP. If the City has not met the service standards over the last year, a detailed management plan proposing how these standards will be obtained shall be submitted.



**Administrative Regulations**  
**Office of the Mayor**

**Title:** MANAGEMENT COMPETITION POLICY

**A.R. Number:** 7.3 **Effective Date:** 2/1/2007 **Page:** 2 of 3

**Supersedes:** Management Competition Policy **A.R.:** 4.12 **DATED:** 4/3/2000

3. Proposed cost for delivering the service, including details on how any proposed cost savings will be achieved. [The City has purchased the "Compare" Software to assist in calculating the total cost allocated to a specific function.] The City shall document all costs associated with delivering the service, including administrative and indirect costs. The indirect cost amount will come from the City's indirect cost plan. The City Auditor must review any adjustment to that cost. However, only costs reasonably expected to be eliminated if the procurement is awarded to a non-City entity (go away costs) will be shown on the cost form used in the evaluation.
  4. A list of successful claims against the City for this service and litigation history where appropriate. This is provided in lieu of the litigation history, normally obtained from private vendors.
- E. The City's Minority Business Development (MBD) will be an integral component of any managed competition procurement. Private proposals will be evaluated consistent with the terms of the RFP to establish the highest-ranking private proposal(s). Due to the City's obligation to comply with public procurement laws, an MBE factor will not be used in evaluating the proposal submitted by a City agency or in directly comparing the City's proposal with the highest ranking private proposal(s). However, if there are any subcontracting or supplying opportunities within the project and if the City agency is awarded the project, the City agency will be required to use its best efforts to utilize a minority vendor, within the parameters specified within the City's and State's procurement law.
- F. In general, a private proposal must generate cost savings of at least 10% over the City's proposal in order to be awarded the contract, unless the cost differential is offset by performance, qualifications, or other quantifiable, relevant benefits to the City. Criteria for performance and qualifications will be agreed upon for each project.
- G. City departments participating in managed competitions will be provided resources to assist in preparing for and participating in the procurement process. These resources may include the Management Services Group, City Auditor, Budget Office, and/or outside consultants.
- H. If the City department is judged to be the successful proposer, that department will enter into a written agreement specifying the quantified performance standards, cost and other information relative to the provision of the service over the life of the service agreement. While the City department cannot contractually guarantee any service standards or cost savings, these components of the managed competition will be incorporated in each employee's performance evaluation plan for the upcoming year and shall be considered in compensation or promotion decisions. While all employees involved in providing the service will be accountable for success of the managed competition, city and departmental management will bear the primary responsibility. Any cost savings beyond what is proposed by the successful department may be subject to gain sharing distribution to employees at the end of the year.
- I. If a private vendor's proposal is successful, it is the City's policy to minimize any potential adverse impact on employees. If the vendor must hire additional personnel as a result of obtaining the City contract, the vendor will be required to fill those positions with City employees at prevailing market compensation and benefit rates. The only exception to this requirement would be documented poor performance or other reason to terminate for cause. If individuals desire to remain City employees, the City will diligently seek appropriate opportunities to do so.



**Administrative Regulations  
Office of the Mayor**

**Title:** MANAGEMENT COMPETITION POLICY

**A.R. Number:** 7.3 **Effective Date:** 2/1/2007 **Page:** 3 of 3

**Supersedes:** Management Competition Policy **A.R.:** 4.12 **DATED:** 4/3/2000

**III. PROCEDURE**

- A. The Chief Administrative Officer will appoint a Managed Competition Committee. This committee shall be responsible for reviewing all City services to determine their candidacy for managed competition or alternative service delivery mechanisms. The committee shall also review any managed competition RFP to assess its fairness and comprehensiveness. This committee will serve as a resource to City Council, the Chief Administrative Officer, and City departments in any managed competition process.
- B. The Department of Procurement shall provide technical support throughout the RFP process. If vendor input is needed and/or appropriate prior to preparing the RFP, this input will be obtained through a formal Request for Information process.
- C. The RFP Evaluation Committee may consist of user departments, external experts, citizens, knowledgeable City employees or others needed to provide a comprehensive knowledgeable panel. The Director for the provider department shall serve on the Evaluation Committee and shall not participate in preparing that department's response to the RFP.
- D. The City Auditor's office will be responsible for reviewing the cost proposal submitted by the provider department to ensure accuracy and completeness and for helping to review legitimacy of out-sourced cost proposals.
- E. The timeframe for making the final selection of vendors in a managed competition is not expected to exceed 90 days from the time proposals are received. This 90-day period shall include consideration of the proposals by the evaluation committee and review of their recommendation by the Chief Administrative Officer.
- F. Appropriate communication with all participants in the managed competition process is critical to its success. The Managed Competition Committee will be responsible for monitoring the process for timely completion and keeping the relevant parties informed on the status and outcome.

**IV. REGULATION UPATE**

The Office of the Mayor and the Department of Procurement shall be responsible for modifications to this policy.

**APPROVED:**

**MAYOR**



## **Administrative Regulations Office of the Mayor**

**Title:** SERVICE REQUEST TRACKING SYSTEM

**A.R. Number:** 7.4 **Effective Date:** 2/1/2007 **Page:** 1 of 2

**Supersedes:** Service Request Tracking System A.R.: 5.10 **DATED:** 9/1/2004

### **I. POLICY**

The Service Request Tracking System is a centralized, computerized database accessible to all authorized users in the City of Richmond. The purpose of the Service Request Tracking System is to provide an automated process of monitoring the timeliness of completion of requests made by customers to the City of Richmond via telephone, in writing, electronic mail, or other methods, historical data for research and analysis, and capabilities for management reporting of data that could be used for various planning activities.

This policy outlines the use of the Service Request Tracking System and guidelines to be followed for entering, tracking, and reporting requests.

Each Director/Agency Head is responsible for ensuring compliance with this Administrative Regulation.

### **II. PROCEDURES**

#### **A. General**

1. Requests/complaints that require follow-up action to resolve must be entered into the Service Request Tracking System.
2. Departments that own specialized request tracking databases are not bound by this Regulation. Examples are the Utility Service Order System, the Information Technology Help Desk, and the Assessor's tracking system.
3. Each Appointing Authority must assign an employee(s) as appropriate, to enter, update, and report system data.
4. Each department will arrange for employees to receive skills training from the Office of Customer Service and Organizational Development prior to using the Service Request Tracking System.
5. Each department/agency must develop its descriptions of customer requests applicable to their department with estimated completion dates.
6. Each department must work in partnership with the Office of Customer Service and Organizational Development to establish request descriptions, estimated completion dates, security profiles, and any customized reporting requirements.

#### **B. Standards of Performance**

1. The department's representative (s) must provide a level of customer service interaction with each customer in accordance with the City of Richmond's Promise, Philosophy, and Guiding Principles.
2. The City of Richmond's goal is to complete 100 percent of the work requested by the date promised (the estimated completion date).
3. Each department must inform the customer of the estimated completion date at the time the request is made of the City.
4. If the initial estimated completion date promised cannot be reasonably met, the department should notify the customer and explain the reason (s) for the delay.
5. The department must offer a Service Request Tracking System number to the customer.

#### **C. Performance Reporting**

1. Management reports are to be used for improving customer service performance. For example, reports can help to analyze trends, identify improvement opportunities, prioritize work, justify budget requests, and plan. The department extracts its reports using the reporting request tool available through the



**Administrative Regulations  
Office of the Mayor**

**Title:** SERVICE REQUEST TRACKING SYSTEM

**A.R. Number:** 7.4 **Effective Date:** 2/1/2007 **Page:** 2 of 2

**Supersedes:** Service Request Tracking System A.R.: 5.10 **DATED:** 9/1/2004

Service Request Tracking System, and provides summaries to the Office of Customer Service and Organizational Development, according to established guidelines.

2. In general, those reports may include the number of new requests by type, past due requests, and the major types of requests entered into the system. Customized reports can be developed on request to the Office of Customer Service and Organizational Development.

**D. Quality Assurance Guidelines**

1. The City of Richmond strives to provide "one stop" service for customers. The department's representative who receives a request that is handled by another department or work unit is expected to be trained to the extent that he/she enters the request into the Service Request Tracking System. The system automatically assigns the request to the appropriate department or work unit.
2. Each department must continually review the actual versus estimated completion dates for necessary changes.
3. The Service Request Tracking System verifies addresses against the City's Central Address database. To help the City maintain accurate address data, each department must provide Community Development with any addresses not found in the Central Address file.

**E. Accountability**

1. At a minimum, Department Directors/Agency Heads are expected to facilitate the use of Service Request Tracking System within their organizations or work units to enter complaints from customers that require follow-up action to resolve- except in those situations where specialized tracking databases exist.
2. All trained individuals are expected to use the Service Request Tracking System as specified in this Regulation or are subject to disciplinary action.

**III. REGULATION UPDATE**

The Office of the Mayor and the Department of Human Resources shall be responsible for modifications to this Regulation.

**APPROVED:**

**MAYOR**





## Administrative Regulations Office of the Mayor

Title: CITY INTERNSHIP PROGRAM

A.R. Number: 7.5 Effective Date: 2/1/2007 Page: 1 of 4

Supersedes: City Internship Program A.R.: 5.13 DATED: 9/1/2004

### I. PURPOSE

The City of Richmond is dedicated to creating opportunities for the growth and development of today's students. The College Internship Program (CIP) is intended to create a professional environment by which college-level students will have an opportunity to gain meaningful work experience as they prepare to enter the workforce. As such, this policy outlines the guidelines of the CIP and the process to be followed when hiring interns.

### II. POLICY AND PROCEDURES

The CIP Program is administered by the Department of Human Resources and collaboratively coordinated with individual agencies. The CIP Program serves to enrich the student's knowledge through hands-on experience available within the specific department for which they apply. The CIP Program also serves to benefit the City through the intern's knowledge, skills and abilities.

The CIP Program is funded through the Department of Human Resources and is available to all City agencies. As an Equal Opportunity Employer (EEO), the hiring and recruitment process for the CIP Program will be carried out in compliance with all EEO guidelines, in accordance with the City's Recruitment policy (Personnel Rules, Section III – Recruitment, Certification and Employment), and any other guideline or directive as outlined within this policy or communicated by the Department of Human Resources. Any agency electing to, based upon departmental funding, independently select and hire a college intern for their agency, must adhere to all policies and procedures as outlined within this policy and may be subject to review at the discretion of the Director of Human Resources.

The scope of work, salary, work hours, terms of the assignment, and reporting supervisor will be determined prior to the assignment. All intern assignments are temporary in nature and can be renewed each semester, based upon available funding, and if the intern remains in good academic standing and is currently enrolled at a college or university. The intern assignment should not exceed five (5) academic years or thirty (30) college semesters.

In certain mutually beneficial situations and upon the agreement of the intern and the agencies involved, an intern may be temporarily assigned to another agency. The agencies are required to notify the CIP Program Coordinator in the Department of Human Resources prior to making any changes to the Intern assignment that are greater than five (5) workdays. In the event that it is decided that the intern should be permanently transferred to another agency, the transferring agencies must confer with the CIP Program Coordinator prior to making such decisions.

#### A. CIP Requirements

To be classified as an intern in this program, each of the following criteria **must** be met:

1. The student must be currently enrolled in an undergraduate or graduate degree program, be in good academic standing (as defined below), and be registered for courses during the internship period. Summer interns do not have to be enrolled in summer school, but must be enrolled for the upcoming Fall semester.
2. Interns who are returning for another semester must have the Academic Advisor or Career Counselor complete the Educational Update Form. Any absence for more than thirty (30) consecutive days will require a pre-employment drug screening prior to being re-hired.
3. After graduating from a degree program, the student no longer qualifies for an internship with this program unless they intend to enter into another degree program as evidenced by current enrollment records.



## **Administrative Regulations Office of the Mayor**

**Title:** CITY INTERNSHIP PROGRAM

**A.R. Number:** 7.5 **Effective Date:** 2/1/2007 **Page:** 2 of 4

**Supersedes:** City Internship Program A.R.: 5.13 **DATED:** 9/1/2004

4. Students must complete and submit a Student Internship Application to the Department of Human Resources CIP Program Coordinator. In addition, an official college transcript and approval from the Academic Advisor or a Career Development Counselor must be submitted with the application.
5. Students must be lawfully authorized to work in the United States and are required to present proof of such eligibility prior to beginning work.
6. Undergraduate students must have completed the freshman year and have a 2.0 overall grade point average.
7. Graduate students must have completed 6 credit hours and have a 3.0 overall grade point average.

### **B. General Guidelines**

1. During the academic year, September to May, interns will be assigned to work part-time hours only. During the summer, May to August, interns may be assigned to work either full-time or part-time hours.
2. Positions filled by an intern who the Department intends to re-hire need not be re-advertised.
3. The intern salary structure will be reviewed annually. The prevailing rate will be determined based upon economy standards and will be made effective each July 1st as determined and approved by the Director of Human Resources. Depending upon budget approval, the rate may or may not change each fiscal year.
4. The intern's actual salary will be determined based on the educational level and prior work-related experience and will be at the discretion of the Director of Human Resources.
5. Any intern hired in a technical field, such as Engineering or Information Technology, will be offered a higher pay rate of pay not to exceed the next highest intern salary rate (i.e., the undergraduate rate cannot be adjusted to exceed the graduate rate). This rate determination will be made on a case by case basis and will be based upon years of education and/or actual work experience, if any.
6. Interns are hourly paid employees in temporary positions and are eligible for benefits of temporary employees (holidays, pro-rated sick leave, civil leave, funeral leave, and military leave). Normal payroll procedures apply.
7. Any agencies desiring to independently hire an intern, must still submit a copy of the work plan to the CIP Coordinator. The position will be listed as an intern vacancy and advertised through normal advertising procedures. The name of the intern, the assignment, and the hire date will be submitted to the CIP Coordinator for tracking purposes. The salary for the intern will be determined by the agency but it is recommended that the salary be consisted with the salary procedures as outlined for other interns to ensure pay equity.

### **C. The Application Process**

1. Applications are accepted for advertised positions only.
2. Applicant reviews internship requirements and determines for which position to apply.
3. Applicant submits completed application and current official transcripts to the Department of Human Resources CIP Program Coordinator. Resumes will not be accepted in lieu of completed application, but may be included for supplemental information.
4. Internship Applications will be accepted Monday-Friday, 8:00 a.m. to 5:00 p.m., except holidays, and must be received by the end of the business day on the closing date indicated for each position. Any application that is received incomplete or after the closing date will not be processed.
5. The hiring agency will review the applications to determine which candidates meet the stated qualifications.
6. If the qualifications are met, the applicant will be contacted for an interview.
7. Interviews are set up and conducted by the hiring agency.



**Administrative Regulations  
Office of the Mayor**

**Title:** CITY INTERNSHIP PROGRAM

**A.R. Number:** 7.5 **Effective Date:** 2/1/2007 **Page:** 3 of 4

**Supersedes:** City Internship Program **A.R.:** 5.13 **DATED:** 9/1/2004

8. As determined after the interview process, a candidate is selected, Once selected, the candidate is required to take a pre-employment physical to include a substance abuse test prior to actual employment.
9. A background investigation may be required depending on the nature of the work. This determination will be at the discretion of the hiring agency.
10. Once the candidate is hired, all other applicants are notified in writing that a selection has been made.

### **III. RESPONSIBILITIES**

#### **A. Responsibilities of Agencies Before Hiring**

1. The agency must complete a work request that includes the position number, job description, length of the assignment, and other relevant information. If the agency does not have an appropriate (Intern) position number available, they must create one through normal procedures.
2. The agency will need to assign a mentor to coordinate work assignments and to supervise any assigned Intern.
3. The agency is asked to screen, interview, and hire applicants.

#### **B. Responsibilities of Agencies After Hiring**

1. The intern's mentor will provide the Intern with an orientation to the overall structure, vision and mission of the agency.
2. The intern's mentor must review and discuss the job tasks, assignments, and the expected standards of performance.
3. A mutual agreement is expected to be reached on what in particular the intern wants to experience and learn and the capability of the agency to fulfill the intern's request.
4. The intern's mentor is expected to have regular discussions with the Intern to continually encourage learning, provide coaching and give feedback on performance. The intent is to make the experience beneficial to both parties.
5. The agency mentor will complete any documentation requested from the intern's school during the internship.
6. Should the intern or the mentor wish to discontinue the assignment before the scheduled time, a Notice of Separation form must be completed and sent to the Department of Human Resources CIP Coordinator.
7. At the conclusion of the intern period, the agency mentor will evaluate the performance of the intern and provide written documentation on the Evaluation Form and complete a Notice of Separation form. Upon completion, return both to the CIP Coordinator in the Department of Human Resources.

### **IV. DEFINITIONS**

Intern – a college-level student who works under the direction of a designated City of Richmond supervisor while performing work on an entry-level professional basis.

Year-round – for a period of twelve months.

Seasonal – for a limited period, usually for no less than one semester.



**Administrative Regulations  
Office of the Mayor**

**Title:** CITY INTERNSHIP PROGRAM

**A.R. Number:** 7.5 **Effective Date:** 2/1/2007 **Page:** 4 of 4

**Supersedes:** City Internship Program **A.R.:** 5.13 **DATED:** 9/1/2004

Part-time – less than 40 hours weekly.

Full-time – 40 hours weekly.

**V. GRANDFATHERED CLAUSE**

Interns hired prior to September 1, 2004 will be grand fathered from the recruitment process.

**VI. REGULATION UPDATE**

The Office of the Mayor and the Department of Human Resources shall be responsible for modifications to this Policy.

**APPROVED:**

**MAYOR**

**Administrative Regulations**  
**Office of the Mayor**  
**Title: TUITION ASSISTANCE POLICY**



**A.R. Number: 7.6 Effective Date: 7/1/2023 Page: 1 of 5**  
**Supersedes: TUITION ASSISTANCE POLICY A.R.: 7.6 DATED: 2/1/2007**

**I. PURPOSE**

It is the policy of the City of Richmond to encourage city employees to develop in their field of work and maintain a high level of job performance. The city's tuition assistance program is a benefit designed to attract and retain a premier workforce. It helps the city invest in existing talent, expand the range of knowledge, skills, and abilities employees possess, and enhance the quality of services the city provides. The program provides assistance for approved coursework contingent on annual funding availability.

Tuition assistance is a citywide program. Changes to the program may not be made without the express approval of the Director of the Department of Human Resources (HR) and the Chief Administrative Officer (CAO).

**II. POLICY**

**A. Eligibility**

1. Employees. Permanent and full-time or part-time benefits-eligible employees may apply for tuition assistance. Employees must have successfully completed their twelve (12) month probationary period with a satisfactory performance evaluation.
2. Courses. Courses must be taken through an accredited U.S. institution of higher education or technical or vocational center. Workshops, seminars, or city-sponsored training programs are not eligible.
3. Expenses. Tuition costs only are eligible for assistance or reimbursement. Textbooks, learning aids and materials, university fees, laboratory fees, technology fees, transportation, parking, and/or activity fees are not reimbursable.

**B. Funding**

Tuition assistance shall be administered on a first-come, first-serve and course by course basis, contingent upon annual appropriation of funds. Tuition assistance may be provided through reimbursement or upfront assistance in cases of demonstrated financial hardship. Tuition assistance shall not be approved unless funding exists. If funds are exhausted for the year, tuition assistance shall stop prospectively until funding is refreshed. Funding for the program is subject to the final approval of the CAO.



**A.R. Number: 7.6 Effective Date: 7/1/2023 Page: 2 of 5**  
**Supersedes: TUITION ASSISTANCE POLICY A.R.: 7.6 DATED: 2/1/2007**

**C. Overall Conditions of Assistance**

1. Assistance shall be approved according to maximum limits per employee determined by HR in consultation with the CAO.
2. If an employee is receiving educational benefits such as scholarships or other forms of tuition assistance, the employee must first exhaust those sources before applying for assistance from the city. City-provided assistance shall not exceed the difference between the amounts paid under the other resource and the total cost of the course(s).
3. The tuition assistance program shall be administered in accordance with Internal Revenue Service Code Section 127.<sup>1</sup> Employees are responsible for paying any required tax on assistance over the IRS maximum.
4. Employees must maintain employment with the City of Richmond for two full years following completion of the last course. If an individual leaves city employment within two years of completing the coursework for which the city funded tuition under this program, the individual shall repay all funds received through the program in full.

**D. Conditions of Reimbursement**

1. Employees must earn a grade of "C" or better for undergraduate courses, a "B" or better for graduate courses, or a "pass" in pass/fail courses to be eligible for reimbursement.
2. Reimbursement will not be made for any courses that did not receive prior authorization as stated in this policy.
3. Reimbursement will not be made for any dropped courses or course changes.
4. An individual who leaves city employment prior to receiving payment for requested tuition forfeits payment of the requested funds.

---

<sup>1</sup> See 26 U.S.C. § 127, Educational assistance programs: <https://www.law.cornell.edu/uscode/text/26/127>



---

**A.R. Number: 7.6 Effective Date: 7/1/2023 Page: 3 of 5**  
**Supersedes: TUITION ASSISTANCE POLICY A.R.: 7.6 DATED: 2/1/2007**

**E. Conditions of Upfront Assistance**

1. Eligible employees can apply for upfront tuition assistance. Upfront tuition assistance means that funds will be provided by the city in advance to cover authorized tuition costs as opposed to the employee being reimbursed for tuition expenses.
2. To qualify for upfront assistance, employees must demonstrate financial hardship. Approval for upfront assistance shall be at the discretion of the HR Director or designee.
3. Employees must complete the approved course and earn a grade of “C” or better for undergraduate courses, a “B” or better for graduate courses, or a “pass” in pass/fail courses. If the employee does not complete the approved course at the required grade level, any and all upfront assistance provided shall be repaid to the city in full.

**III. PROCEDURE**

- A. Tuition assistance must be approved at least thirty (30) days before the beginning of the semester. Applications that are not submitted in a timely manner shall be denied.
- B. Applicants must complete and submit all HR-required tuition assistance program forms and provide them to the appointing authority and/or department head for approval. The appointing authority and/or department head shall review the proposed coursework to determine that it serves a professional benefit to the employee, would not interfere with position responsibilities, and that the employee meets the program requirements.
- C. The appointing authority and/or department head shall forward the request to HR for review and HR Director approval.
- D. Upon course completion, the employee shall provide the appointing authority and/or department head and HR with the official transcript and documentation of course hours, tuition cost after any scholarships or other tuition assistance, and final grade along a copy of the approved application within thirty (30) calendar days of the ending date of the course.

**Administrative Regulations**  
**Office of the Mayor**  
**Title: TUITION ASSISTANCE POLICY**



- E. Depending on the type of assistance approved, HR will work with the Department of Finance to issue either upfront assistance or reimbursement for the approved course(s) upon course completion.

**A.R. Number: 7.6 Effective Date: 7/1/2023 Page: 4 of 5**  
**Supersedes: TUITION ASSISTANCE POLICY A.R.: 7.6 DATED: 2/1/2007**

**IV. RESPONSIBILITY**

**Appointing Authorities and/or Department Heads** – Appointing authorities/department heads or designee are responsible for reviewing and approving proposed coursework and upfront assistance or reimbursement requests to ensure the applicant meets program requirements.

**Chief Administrative Officer** – The Chief Administrative Officer shall have final authority over the terms and conditions of the program, funding availability, and forms of assistance.

**Department of Finance** – The Department of Finance is responsible for issuing tuition assistance funds upon department and HR approval.

**Department of Human Resources (HR)** – HR is responsible for oversight and administration of this program, including providing guidance, procedures, and forms for tuition assistance.

**Employees** – Employees are responsible for submitting tuition assistance requests and documentation in a timely fashion and completing coursework and maintaining city employment in compliance with this policy.

**V. DEFINITIONS**

**Course** – A class provided through an accredited U.S. institution of higher education technical or vocational center and that is related to the business of the department and the employee's present position. This excludes workshops, seminars, or city-sponsored training programs.

**Reimbursement** – Payment by the city made to cover an eligible employee's tuition costs following coursework completion and approval.

**Tuition** – The cost of a course eligible for reimbursement after deduction of any scholarships or other assistance. Textbooks, learning aids and materials, university fees, laboratory fees, technology fees, transportation, parking, and/or activity fees are not considered tuition costs and are not reimbursable.



**Administrative Regulations**  
**Office of the Mayor**  
**Title: TUITION ASSISTANCE POLICY**




**Upfront Assistance** – Payment made by the city in advance to cover an eligible employee’s authorized tuition costs.

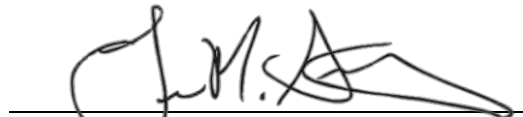
**A.R. Number: 7.6 Effective Date: 7/1/2023 Page: 5 of 5**  
**Supersedes: TUITION ASSISTANCE POLICY A.R.: 7.6 DATED: 2/1/2007**

**VI. REGULATION UPDATE**

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

**Approval**

  
\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

  
\_\_\_\_\_  
MAYOR



## **Administrative Regulations**

### **Office of the Mayor**

**Title: MAINTENANCE AND RELEASE OF PERSONNEL INFORMATION**

**A. R. Number: 7.7 Effective Date: 6/1/2007 Page: 1 of 6**

**Supersedes: N/A A.R.: N/A DATED: N/A**

#### **I. Purpose**

It is the City's objective to ensure compliance with the Government Data Collection and Dissemination Practices Act and the Virginia Freedom of Information Act. The maintenance and confidentiality of employee personnel and medical records is essential for the efficient operation of City services. An employee's official personnel file shall be maintained in the Department of Human Resources. This policy establishes guidelines for the maintenance of, access to and release of personal information on employees which is maintained by the Department of Human Resources.

#### **II. Policy**

##### **A. Information Maintained**

The City shall maintain personnel information on an employee which is essential for the administrative operation of the City, including, but not limited to:

1. educational records;
2. medical history (maintained in a separate file);
3. employment history;
4. salary history;
5. test data;
6. performance data;
7. tax withholding data;
8. personnel transaction data; and
9. any other information which is appropriate and directly related to the human resource operations of the City.

##### **B. Disclosure of Information to Third Parties**

1. Certain personnel information must be disclosed to third parties upon request and may be disclosed without the knowledge and consent of the subject employee. This information includes:
  - a. employee's position title;
  - b. employee's job classification title;
  - c. dates of employment; and
  - d. annual salary, official salary or rate of pay, if such pay exceeds \$10,000 per year.
2. Other personal information may not be disclosed to third parties without the written consent of the subject employee. This information includes, but may not be limited to:
  - a. performance evaluations;
  - b. mental and medical records;



**Administrative Regulations  
Office of the Mayor**

**Title: MAINTENANCE AND RELEASE OF PERSONNEL INFORMATION**

**A. R. Number: 7.7 Effective Date: 6/1/2007 Page: 2 of 6**

**Supersedes: N/A A.R.: N/A DATED: N/A**

- c. credit or payroll deduction information;
  - d. applications for employment;
  - e. records of disciplinary actions;
  - f. records concerning grievances or complaints;
  - g. scholastic records;
  - h. records of arrests, convictions, or investigations;
  - i. material relating to Workers' Compensation claims;
  - j. material relating to Unemployment Compensation claims;
  - k. retirement records;
  - l. confidential letters of reference or recommendation;
  - m. results of pre-employment tests; and
  - n. personal information such as race, sex, age, home address, home telephone number, marital status, dependents' names, insurance coverage, or social security number.
3. The following individuals/agencies may have access to employee records without the consent of the subject employee. This list is not all inclusive.
- a. The employee's supervisor and, with justification, higher level managers in the employee's supervisory chain.
  - b. The employee's agency head or designee and human resources employees, as necessary.
  - c. Specific private entities which provide services to the City through contractual agreements (such as health benefits, life insurance, Workers' Compensation, etc.) in order to provide such services.

**C. Requests for Information – General**

- 1. All requests for information about employees by third parties should be directed to the Department of Human Resources. It is not necessary for these requests to be in writing.
  - a. Requests for information which do not make specific reference to the Virginia Freedom of Information Act should be treated under the requirements of that Act (see Administrative Regulation 3.1, Virginia Freedom of Information Policy).
  - b. Requests under the Virginia Freedom Information Act must be answered by the custodian of the record within five workdays of their receipt (see Administrative Regulation 3.1, Virginia Freedom of Information Policy).
- 2. Requests for verification of employment.
  - a. Employment verifications shall be provided by designated Department of Human Resources employees for both current and former employees.
  - b. Any requests for verification of employment sent to individual agencies should be promptly forwarded to Human Resources for processing.



**Administrative Regulations  
Office of the Mayor**

**Title: MAINTENANCE AND RELEASE OF PERSONNEL INFORMATION**

**A. R. Number: 7.7 Effective Date: 6/1/2007 Page: 3 of 6**

**Supersedes: N/A A.R.: N/A DATED: N/A**

3. Personal employment references may be provided by agency managers and supervisors.
  - a. Agencies are under no obligation to provide personal employment references on current or past employees to prospective employers including other City agencies.
  - b. If personal employment references are provided, the information given should be accurate, verifiable and should be limited to employment-related information.
4. Before releasing verification of employment or personal employment references, written authorization from the subject employee should be received (See Attachment A).
5. Employee information needed to affect transfer, rehire, etc., may be released to other City agencies by telephone.

**D. Requests for Information – Court Orders**

1. Agencies must comply with subpoenas ordering employee records to be turned over to the court.
2. Agencies may inform subject employees of such subpoenas, but are not required to do so.
3. When the court requests but does not order employees' files, copies of the requests and files should be forwarded immediately to the City Attorney's Office. That office will respond to the request.

**E. Reviewing Personnel Files**

1. Employees have access to information retained in their own personnel files of which they are the subject, in accordance with law. The following exception will apply:

When employees' physicians have requested in writing that employees' medical and/or mental health records remain confidential, their request shall be honored and employees will be denied access to those records.

2. Individuals seeking access to their personnel files should arrange an appointment with the Department of Human Resources.
  - a. Employees are not required to obtain their supervisors' approval prior to reviewing their official personnel file. However, they must provide adequate notice to supervisors when they wish to obtain releases from work to review their files.
  - b. Human Resources employees, authorized by the Director of Human Resources, may designate the location in which personnel files may be reviewed.

**F. Challenge of Records**

If an employee gives written notice that he or she would like to challenge or correct information contained in his or her personnel file, the following minimum procedures shall apply:



**Administrative Regulations  
Office of the Mayor**

**Title: MAINTENANCE AND RELEASE OF PERSONNEL INFORMATION**

**A. R. Number: 7.7 Effective Date: 6/1/2007 Page: 4 of 6**

**Supersedes: N/A A.R.: N/A DATED: N/A**

1. The Department of Human Resources shall conduct an investigation and record the current status of such information.
2. If after such investigation, information found to be incomplete, inaccurate, not pertinent, not timely nor necessary to be retained, shall be promptly corrected or removed.
3. If the investigation does not resolve the dispute, the employee may file a statement of not more than 200 words setting forth his position.
4. Whenever a statement of dispute is filed, the Department of Human Resources shall supply any previous recipient from the past year a copy of the employee's statement, any subsequent dissemination or use of information in question, and clearly note the dispute and supply the statement of the employee along with the information within 30 days of receipt of the statement of dispute.
5. The City shall clearly and conspicuously disclose to an employee his or her rights to make such a request.
6. Following any correction or purging of information, the Department of Human Resources shall furnish to past recipients (up to one year) notification within 30 days of the removal or correction of information.

**G. Copying Records**

Agencies may charge fees for providing information to requestors. These charges may not exceed the actual cost of providing the information. Charges may include the actual copying costs plus the costs for labor involved in locating and copying the information. Refer to Administrative Regulation 3.1 (III) (E).

**III. Responsibility**

**A. Agency Responsibilities**

1. Review information for accuracy before it is submitted to Human Resources to be maintained in the employee's record.
2. Inform employees of their right to correct information in their files and the process by which it can be corrected.
3. Agency heads must notify employees regarding appropriate handling of confidential information as well as disciplinary actions which may be taken for violations of confidentiality or this policy.
4. Agency heads must ensure consistent application of this policy within their agency.

**B. Department of Human Resources Responsibilities**

1. Establish a process by which inaccurate information may be corrected (See section II, F).
2. Inform employees of their right to correct information in their files and the process by which it can be corrected.
3. Utilize a written request form for individuals seeking personal information.
4. Notify subject employees if information is changed or purged.
5. Record the names of any third party who has had access to personal information in employees' files over the last three years.
6. Ensure responsible precautions are used to maintain the security of employees' personnel files.
7. Establish procedures for agencies to follow when responding to personal work references. Such procedures should be communicated to all employees.
8. Ensure consistent application of this policy.



**Administrative Regulations  
Office of the Mayor**

**Title: MAINTENANCE AND RELEASE OF PERSONNEL INFORMATION**

**A. R. Number: 7.7 Effective Date: 6/1/2007 Page: 5 of 6**

**Supersedes: N/A A.R.: N/A DATED: N/A**

**IV. Definitions**

**Official Records** - All written or printed books, papers, letters, documents, maps and tapes, photographs, films, sound recordings, reports or other material, regardless of physical form or characteristics, prepared, owned, or in the possession of a public body or any employee or officer of a public body in the transaction of public business.

**Personal Information** -Describes, locates or indexes anything about an individual including his or her real or personal property holdings derived from tax returns, and his or her education, financial transactions, medical history, ancestry, religion, political ideology, criminal or employment records, or that affords a basis for inferring personal characteristics, such

as finger and voice prints, photographs, or things done by or to such individual; and the record of his or her presence, registration, or membership in an organization or activity, or admission to an institution.

The term does not include routine information maintained for the purpose of internal office administration; nor does the term include real estate assessment information.

**Third Parties** - Individuals other than the subjects of the records, including other City agencies, who request information from the records maintained by agencies.

**V. Authority**

Government Data Collection and Dissemination Practices Act, Virginia Freedom of Information Act

**VI. Policy Update**

The Department of Human Resources shall be responsible for modifications to this policy.

**APPROVED:**

A handwritten signature in cursive script, appearing to read "L. Douglas Wilder".

---

**MAYOR**



## MAINTENANCE AND RELEASE OF PERSONNEL INFORMATION

### CONSENT TO RELEASE INFORMATION

In accordance with Administrative Regulation # 7.7 Maintenance and Release of Personnel Information I, *(Employee's Name)* \_\_\_\_\_ hereby authorize the City of Richmond, Department of Human Resources, to release information regarding *(Subject of Request)* \_\_\_\_\_ to *(Third Party)* \_\_\_\_\_.

I agree to hold the City harmless for the way in which the requesting entity uses the information.

\_\_\_\_\_  
*(Print Employee's Name)*

\_\_\_\_\_  
*(Employee's Signature)*

\_\_\_\_\_  
*(Date Signed)*



## **Administrative Regulations**

### **Office of the Mayor**

**Title:** SUBSTANCE ABUSE POLICY

**A.R.:** 4053 **Effective Date:** December 1, 2021 **Page 1 of 19**

**Supersedes:** Substance Abuse Policy **A.R.:** 4053 **DATED:** July 1, 2021

## **SECTION A**

### **GENERAL PROVISIONS**

#### **I. PURPOSE**

The City of Richmond (City) is committed to establishing and maintaining a safe and healthy workplace that is free from alcohol abuse and illegal drug use for its employees and to protect the safety of its citizens by providing the highest quality of services.

#### **II. POLICY**

- The possession, consumption, or being under the influence of alcohol or illegal drugs, and the unauthorized use of drugs, is prohibited in the workplace. This prohibition is inclusive of all breaks and meals, without regard to whether the break/meal is taken in or outside of the workplace.
- Code of Virginia Section 40.1-27.4 effective July 1, 2021 prohibits employers from discharging, disciplining or discriminating against their employee for their lawful use of cannabis oil pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate symptoms of the employee's diagnosed condition or disease. The law does not restrict the City's ability to take any adverse action for any impairment caused by the use of cannabis oil or to prohibit possession during the work hours, or require the City to commit any act that would cause the City to be in violation of federal law or that would result in the loss of a federal contract or federal funding.

**Note:** This law does not impact those employees and applicants who are subject to the U.S. Department of Transportation (DOT) regulations. It remains unacceptable for employees and applicants subject to the U.S. DOT regulations to use alcohol or drugs, including marijuana and cannabis oil.

- This Policy applies to applicants and all classified and unclassified employees regardless of service, position, or appointment status.
- All Department and Agency Heads shall take such steps as may be necessary to ensure employee awareness of and compliance with this Policy. In addition, the Department of Human Resources (DHR) shall create and maintain an alcohol and drug awareness program for all City employees.
- The City retains the right to search, without employee consent, all areas and property in which it maintains either joint control with the employee or full control, including City vehicles, property and equipment.





## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: SUBSTANCE ABUSE POLICY**

**A.R.: 4053 Effective Date: December 1, 2021 Page 2 of 19**

**Supersedes: Substance Abuse Policy A.R.: 4053 DATED: July 1, 2021**

**Note:** Supervisors shall not physically search employees under any circumstances. If containers or items with beverages containing alcohol or illegal drugs are found in City vehicles or equipment, the items shall be obtained by a supervisor and security or police personnel may be contacted to conduct further investigation or physical searches.

- **Violations of this Policy shall result in disciplinary action, up to and including dismissal from City service.**

#### **A. PRE-DUTY ALCOHOL PROHIBITED CONDUCT**

Employees are prohibited from using alcohol within 4 hours prior to reporting for duty, or, if an employee is called to duty to respond to an emergency, within the time period after the employee has been notified to report to duty. If the City or its agents has actual knowledge that an employee has used alcohol within 4 hours prior to performing duties or within the time period after the employee has been notified to report for duty, the employee will not be permitted to perform or continue to perform any duties.

Employees who are on a “normal” time period off and who are called to duty to respond to an emergency or call-back situation who have been using alcohol, are required to inform their supervisor or the management person responsible for the call-back, that they have consumed alcohol or medication containing alcohol. In such instances, the employee shall not be required to report to duty.

#### **B. EMPLOYEE RULES OF CONDUCT**

All City employees shall abide by the rules of conduct outlined in this Policy. Failure to meet these responsibilities shall be the basis for imposing discipline. An exception to this Policy is with prior approval by the Chief of Police for a police officer to have possession of or consume, as required, alcoholic beverages or narcotic substances for the purpose of conducting an investigation while performing official position duties.

An employee shall:

- not have their ability to perform job duties impaired by alcohol or any drugs, whether legal or illegal, while on duty or on call, while on City premises in an official capacity, while acting in any official capacity representing the City, or at any time while operating City vehicles and/or equipment.
- not be under the influence of alcohol or illegal drugs under any of the circumstances described in the preceding paragraph.
- not use alcohol at all while on duty or report to work under the influence of alcohol.



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: SUBSTANCE ABUSE POLICY**

**A.R.: 4053 Effective Date: December 1, 2021 Page 3 of 19**

**Supersedes: Substance Abuse Policy A.R: 4053 DATED: July 1, 2021**

- not use, possess, sell, distribute, or manufacture illegal drugs at any time, or assist another in such acts, regardless of whether on duty or off duty.
- submit to alcohol and drug substance detection testing when requested to do so by management pursuant to this Policy.
- provide to the Medical Review Officer (MRO) a legally valid prescription or valid written certification issued by a practitioner for the treatment or to eliminate symptoms of the employee's diagnosed condition or disease issued by a practitioner for the treatment or to eliminate symptoms of the employee's diagnosed condition or disease consistent with the Controlled Substances Act (CSA) for a positive test result.
- provide notification to management of any criminal drug-related conviction within 48 hours of the conviction.
- provide notification to management of any suspension, revocation, or other loss of commercial driver's license privileges within 1 work day (24 hours) of the event.

#### **C. EMPLOYEE ASSISTANCE PROGRAM**

An Employee Assistance Program (EAP) is available to all employees under this Policy to provide appropriate education regarding the use of alcohol and illegal drugs. In addition, the EAP will coordinate training with DHR to provide supervisors with the necessary training on performance indicators of possible drug and alcohol use for reasonable suspicion drug awareness and testing. The EAP is also available for employees to confidentially seek voluntarily assistance to obtain counseling, rehabilitation, and other assistance for drug and alcohol abuse problems.

#### **D. EMPLOYEES IN MANAGEMENT POSITIONS**

Employees serving in any management position with supervisory or lead responsibilities shall be under a duty to ensure compliance with this Policy and to set an example for other employees. Any management who knowingly violates or fails to enforce any provision of this Policy shall be subject to immediate disciplinary action, up to and including dismissal.

#### **E. CONTRACTOR PERSONNEL**

All contractors utilized by the City shall be notified of the testing and reporting regulations of this Policy.



## **Administrative Regulations**

### **Office of the Mayor**

**Title:** SUBSTANCE ABUSE POLICY

**A.R.:** 4053 **Effective Date:** December 1, 2021 **Page 4 of 19**

**Supersedes:** Substance Abuse Policy **A.R.:** 4053 **DATED:** July 1, 2021

### **III. SUBSTANCE DETECTION TESTING**

Substance detection testing procedures will test for the following prohibited substances which could impair an employee's ability to effectively and safely perform required position duties:

- Alcohol
- Marijuana Metabolites
- Cocaine Metabolites
- Opioids
- Phencyclidine (PCP)
- Amphetamines

All employees are subject to Reasonable Suspicion testing. Employees operating a City vehicle or certain equipment are subject to Post-Accident testing. Employees changing positions may be subject to Movement testing. After a positive substance detection test is received, eligible employees are subject to Return-to-Duty testing with placement in the follow-up testing pool.

The following positions within the City have been identified as a “covered position” for the purpose of this Policy and shall be subject to Pre-employment and Random testing:

- Federal Motor Carrier Safety Administration (FMCSA) for commercial driving license (CDL)
- Pipeline & Hazardous Materials Safety Administration (PHMSA) for gas pipeline operations
- “City-sensitive” positions defined as:
  - the duties authorize or require the carrying of a weapon;
  - work is predominately with or around children, adults, or individuals with disabilities providing services, transportation, or access to facilities within the Departments of Justice Services, Social Services, and Parks, Recreation & Community Facilities;
  - positions within the Department of Emergency Communications performing dispatch and those who supervise employees with dispatching duties;
  - positions within the Departments of Fire, Police, and Animal Care & Control performing duties that if neglected would have a significant impact on public safety;
  - positions providing fleet management responsibilities within the Department of Social Services; and
  - positions with access to confidential and susceptible system information within the Department of Information Technology.

#### **A. TYPES OF TESTING**

##### **1. PRE-EMPLOYMENT TESTING**

When an offer for employment is accepted, the City shall require applicants who will be assigned to a “covered position” to undergo alcohol and drug substance detection testing. Any applicant who refuses to provide written authorization for release of information, refuses to



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: SUBSTANCE ABUSE POLICY**

**A.R.: 4053 Effective Date: December 1, 2021 Page 5 of 19**

**Supersedes: Substance Abuse Policy A.R.: 4053 DATED: July 1, 2021**

take any substance detection test, who tests positive, or who engages in conduct that clearly obstructs the testing procedure shall be ineligible for employment or a personal services contract with the City for a period of 1 year.

#### **2. MOVEMENT TESTING**

When a current employee transfers, is reassigned, demoted, promoted, or moved to a “covered position” substance detection testing shall be conducted. However, movement within the same testing pool without interruption of service shall not require substance detection testing.

#### **3. RANDOM TESTING**

“Covered positions” are subject to the following random substance detection testing:

- a. Random Alcohol Testing
  - o “City-sensitive”
  - o FMCSA
  
- b. Random Drug Testing
  - o “City-sensitive”
  - o FMCSA
  - o PHMSA

The random selection procedure will be a computer-based number generator process. The percentage of persons to be tested from each of these pools will be determined as mandated by federal, state or City regulations.

Once notified for random testing, the employee will be tested at the City's Occupational Health Services (OHS) provider's testing site. With no exceptions, the employee will have a total of 45 minutes to report to the OHS testing site from the time of notification of a random alcohol detection test.

#### **4. REASONABLE SUSPICION TESTING**

Reasonable suspicion testing is designed to provide the City with a tool to identify “covered positions” and all other employees affected by the use of alcohol or prohibited drugs who may pose a danger to themselves and others in their job performance. Supervisors shall follow the below-mentioned guidelines when there is reasonable suspicion that an employee is under the influence of alcohol and/or drugs.

Reasonable suspicion is a belief based on objective and clearly stated facts sufficient to lead a supervisor, exercising sound judgement, to suspect that an employee is under the influence of alcohol or drugs. By way of example, and without limitation, any of the following conditions alone, or in combination, may comprise reasonable suspicion:



## Administrative Regulations

### Office of the Mayor

#### Title: SUBSTANCE ABUSE POLICY

A.R.: 4053 Effective Date: December 1, 2021 Page 6 of 19

Supersedes: Substance Abuse Policy A.R.: 4053 DATED: July 1, 2021

- Unexplained inability to perform normal job functions;
- Slurred speech;
- Smell of alcohol on breath or body;
- Any unusual lack of physical coordination or loss of equilibrium;
- Unexplained hyperactivity or depression and withdrawal;
- Unexplained inability to think or reason at the employee's normal levels;
- Bizarre behavior;
- Possession of alcohol, or the presence of alcohol or alcohol containers in an area subject to the employee's control;
- On-duty use of alcohol, either during work time or on City premises;
- Information obtained from a reliable person with personal knowledge.

Two supervisors, one of whom has received at least 120 minutes of EAP training on the specific indicators and symptoms of alcohol and drug misuse or abuse, must make the determination as to whether there are grounds for reasonable suspicion testing. If it is determined by both parties that reasonable suspicion exists, the following shall be promptly followed for the employee to receive both alcohol and substance detection testing:

- Both supervisors shall document in writing the facts constituting reasonable suspicion that would lead to believe the employee is under the influence of alcohol and/or drugs.
- The supervisor shall either transport or arrange to have the employee transported to the City's designated OHS provider to conduct the necessary tests. In no case, shall the employee be allowed to drive or report to the OHS provider alone.

## 5. POST-ACCIDENT TESTING

“Covered positions” and all other employees shall be tested for drugs and alcohol immediately after a motor vehicle accident that occurred while operating a City vehicle or certain equipment.

An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying the supervisor or Department representative of their location if they leave the scene of the accident prior to submission to such test, shall be deemed by the City to have refused to submit to testing.

If an employee is injured, unconscious, or otherwise unable to grant consent to the drug test, all reasonable steps must be taken to obtain a urine sample. The City or its agents may decide not to test; however, such a decision must be based on the best information available immediately after the accident that the employee's performance could not have contributed to the accident or that, because of the time between that performance and the accident, it is not likely that a drug test would reveal whether the performance was affected by drug use.

Each employee shall be required to submit to an alcohol test within 2 hours of the accident. If a test is not administered within 8 hours following the accident, the City shall cease all attempts



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: SUBSTANCE ABUSE POLICY**

**A.R.: 4053 Effective Date: December 1, 2021 Page 7 of 19**

**Supersedes: Substance Abuse Policy A.R.: 4053 DATED: July 1, 2021**

to conduct an alcohol test and shall prepare and maintain on file written documentation indicating why the alcohol test was not conducted. A copy of all such determinations shall be forwarded to the designated DHR staff and, upon request, made available to FMCSA or PHMSA officials.

#### **6. RETURN-TO-DUTY TESTING**

After certain positive test results have been received, applicable employees shall undergo alcohol or drug testing and assessment before returning-to-duty. The return-to-duty testing and assessment processes may be observed or face-to-face as deemed by an EAP professional or U.S. DOT-Certified Substance Abuse Professional (SAP).

If the EAP professional or U.S. DOT-Certified SAP makes a determination that some form of evaluation, rehabilitation program, training, or treatment is required, the employee must comply in order to be considered eligible to return-to-duty. The employee may be eligible for Family Medical Leave if they are in an alcohol and/or drug abuse rehabilitation program. When the employee exhausts all available leave time, the period of time in rehabilitation will be recorded as Leave without Pay (LWOP). If there is unsuccessful completion of the prescribed plan, the employee shall be placed on LWOP to proceed with the disciplinary process. Covered employees subject to the U.S. DOT-Certified SAP return-to-duty process pursuant to the DOT regulations are responsible for the cost and completion of the process.

After returning-to-duty, the employee shall be subject to at least 6 unannounced alcohol or drug follow-up tests during the first 12 months. Employees placed in the follow-up testing pool will be randomly tested by the City in addition to any and all other test pools in which they may be included.

#### **B. MULTIPLE MODALS**

In several cases, employees may be responsible for performing different modal functions. For example, an employee may have duties covered under both the U.S. DOT FMCSA and PHMSA guidelines. When these cases arise, the substance detection testing pool will be determined based on the duties that are performed more than 50% of the time.

#### **C. PAY STATUS DURING SUBSTANCE DETECTION PROCEDURES**

Employees shall remain in pay status and no leave time charged, when sent for substance detection testing, awaiting tests to be conducted by the medical provider, or are being searched. Applicants shall not be compensated during the pre-employment testing processes.



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: SUBSTANCE ABUSE POLICY**

**A.R.: 4053 Effective Date: December 1, 2021 Page 8 of 19**

**Supersedes: Substance Abuse Policy A.R.: 4053 DATED: July 1, 2021**

#### **D. CHALLENGES OF TEST RESULTS**

For alcohol testing, the second test serves as the confirmation test to determine the alcohol concentration. Accordingly, an applicant or employee shall not have the ability to challenge the alcohol test results.

All positive tests for a prohibited drug may be challenged by notifying the designated DHR staff in writing within 72 hours of receiving the test results. The original sample will then be retested by a laboratory other than that of the City's medical service provider. The laboratory selected must be one of those certified laboratories maintained on the list of the OHS provider. If a retest is requested, the individual shall pay the costs of the retest.

Any person who is taking a drug legitimately or under supervision as part of a court-approved or court-supervised drug rehabilitation program shall not be deemed to have violated this Policy because of a positive test result, provided they can show a current valid prescription, valid written certification issued by a practitioner for the treatment or to eliminate symptoms of the employee's diagnosed condition or disease, or court order for that drug(s).

#### **E. RECORDKEEPING**

The City will make every effort to keep the results of drug and alcohol tests confidential. Employees should be advised, however, that test results may be used in arbitration, administrative hearings, grievances, and/or otherwise required by law or court order. Also, results will be sent to federal agencies as required by federal law. If the employee is referred to a treatment facility for evaluation, the test results will be made available to the employee's counselor.

### **IV. CONSEQUENCES AND DISCIPLINARY ACTIONS**

#### **A. REFUSAL TO SUBMIT TO ALCOHOL & DRUG TESTS**

An applicant or employee refusing to submit to an alcohol or drug substance detection test shall be deemed "not qualified" for employment or duty. Employees refusing testing shall not be forced to have a test administered, but be reminded that a refusal constitutes insubordination and is a violation of this Policy and shall result in dismissal.

The following shall be deemed to have "refused" to take a substance detection test:

- a. Failure to appear for any test within the prescribed 45 minutes time after being requested and notified to do so.
- b. Failure to remain at the testing site until the testing process is complete.
- c. Failure to provide a sufficient urine specimen or blood alcohol sample and the MRO has determined through a required medical evaluation, that there is no medical explanation for the failure.





## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: SUBSTANCE ABUSE POLICY**

**A.R.: 4053 Effective Date:** December 1, 2021 **Page 9 of 19**

**Supersedes:** Substance Abuse Policy **A.R.: 4053 DATED:** July 1, 2021

- d. Failure to cooperate with any part of the testing process; or, engages in conduct that clearly obstructs the testing procedure.
- e. Failure to complete required return-to-duty testing or prescribe plans provided by the EAP professional or U.S. DOT-Certified SAP.
- f. Providing a urine specimen that is someone else's.
- g. Failure or decline to take a second test as directed by the employer or MRO in accordance with the collection procedures.
- h. Is reported by the MRO as having a verified adulterated or substituted test result for drugs.
- i. Failure to provide a legally valid prescription or valid written certification to the MRO shall give rise to a presumption that the applicant or employee did not legally possess or use the drug.

## **B. POSITIVE TEST RESULTS**

Upon request of the MRO, a valid prescription, or valid written certification issued by a practitioner for the treatment or to eliminate symptoms of the employee's diagnosed condition or disease must be presented within 5 days of said request. Once the MRO makes a determination that there is no legally valid prescription or a valid written certification issued by a practitioner for the treatment or to eliminate symptoms of the employee's diagnosed condition or disease for a confirmed positive test result consistent with the CSA and U.S. DOT, the test shall be reported as positive. If the MRO determines there is a legally valid prescription or valid written certification issued by a practitioner for the treatment or to eliminate symptoms of the employee's diagnosed condition or disease for a confirmed positive test result, the MRO shall report the test as negative.

Alcohol testing procedures will determine whether an employee may have a prohibited concentration of alcohol in a breath specimen. An employee shall be prohibited from reporting for duty or remaining on duty while having an alcohol concentration of 0.02 or greater. If a City representative has actual knowledge that an employee has an alcohol concentration of 0.02 or greater, the employee shall not be permitted to perform or continue to perform position duties.

After any positive substance detection test result is received from the MRO, all employees shall be immediately removed from duty and placed on LWOP. When applicable, the time served in the LWOP status shall be applied toward the suspension and the employee shall be placed in a follow-up random testing pool for 12 months. For FMCSA and PHMSA positions, the Department may determine non-safety sensitive functions the individual can perform if available after the suspension has been served and before released to return to work to resume performing those safety-sensitive functions.





**Administrative Regulations**

**Office of the Mayor**

**Title: SUBSTANCE ABUSE POLICY**

**A.R.: 4053 Effective Date: December 1, 2021 Page 10 of 19**

**Supersedes: Substance Abuse Policy A.R.: 4053 DATED: July 1, 2021**

CHART A

<b>POSITIVE ALCOHOL &amp; DRUG TESTING RESULTS</b>		
<b>Status</b>	<b>Consequence or Disciplinary Action</b>	<b>Employment Eligibility</b>
Pre-employment	Ineligible for Employment or Dismissal	Barred from employment with the City, participation in a personal services agreement, or employment with a direct coverage contractor for a period of one (1) year from the date of the test results.
Probationary		
Refusal to Submit to any Substance Detection Testing		
Dismissal after the applicable below positive testing results		
<b>Police Alcohol Testing Results</b>		
<b>Offense</b>	<b>Level</b>	<b>Disciplinary Action(s)</b>
1st	0.02 and above	Dismissal
<b>Fire, FMCSA, PHMSA, "City-Sensitive", &amp; All Other Employees Alcohol Testing Results</b>		
<b>Offense</b>	<b>Level</b>	<b>Disciplinary Action(s)</b>
1st	0.02 and less than 0.04	1 week (40 hours) suspension; Mandatory U.S. DOT-Certified SAP Referral; Return-to-duty and follow-up testing
1st	0.04 and above	2 week (80 hours) suspension; Mandatory U.S. DOT-Certified SAP or EAP Referral; Return-to-duty and follow-up testing
2nd	0.02 and above	Dismissal
<b>Police &amp; Fire Drug Testing Results</b>		
<b>Offense</b>	<b>Level</b>	<b>Disciplinary Action(s)</b>
1st	N/A	Dismissal
<b>FMCSA, PHMSA, "City-Sensitive", &amp; All Other Employees Drug Testing Results</b>		
<b>Offense</b>	<b>Level</b>	<b>Disciplinary Action(s)</b>
1st	N/A	2 week (80 hours) suspension; Mandatory U.S. DOT-Certified SAP or EAP referral; Return-to-duty and follow-up testing
2nd	N/A	Dismissal



**Administrative Regulations**

**Office of the Mayor**

**Title: SUBSTANCE ABUSE POLICY**

**A.R.: 4053 Effective Date: December 1, 2021 Page 11 of 19**

**Supersedes: Substance Abuse Policy A.R: 4053 DATED: July 1, 2021**

CHART B

<b>SUBSTANCE DETECTION TYPES FOR THOSE NOT IN A “COVERED POSITION”</b>	
Pre-employment	Not subject to pre-employment testing
Movement	May be subject to movement testing when changing to a “covered position.” If applicable, see CHART A for disciplinary actions.
Random	Not subject to random testing
Reasonable Suspicion	See CHART A for disciplinary actions
Post-Accident	See CHART A for disciplinary actions
Return-to-Duty	See CHART A for disciplinary actions

**Note:** The mandatory U.S. DOT-Certified SAP referral based on the applicable offense is required for FMCSA and PHMSA positions. The mandatory EAP referral based on the applicable offense is required for “City-Sensitive” positions.

**C. RESIGNATION**

If an employee attempts to resign or retire at any time during the testing process or disciplinary processes for a positive substance detection test, the Appointing Authority or designee, in consultation with the Director of Human Resources, may accept or reject the resignation or retirement submission.

If the request to resign or retire is rejected, the Appointing Authority or designee shall notify the employee in writing that a violation of this Policy is carried as a dismissal with appropriate re-employment bar.

If the request to resign or retire is accepted, the re-employment bar as mentioned above shall still be applicable and in effect.



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: SUBSTANCE ABUSE POLICY**

**A.R.: 4053 Effective Date: December 1, 2021 Page 12 of 19**

**Supersedes: Substance Abuse Policy A.R.: 4053 DATED: July 1, 2021**

## **SECTION B**

### **FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) COVERED EMPLOYEES**

This section provides additional requirements and information for employees who are required to maintain a CDL to perform any portion of their duties under Regulations administered by the FMCSA, U.S. DOT.

#### **I. PRE-EMPLOYMENT DRIVER SAFETY PERFORMANCE HISTORY CHECKS**

##### **A. Required Pre-Employment Driver Safety Performance History Check:**

Designated DHR staff shall make the following investigations and inquiries with respect to each driver it employs, other than a person who has been a regularly employed driver of the motor carrier for a continuous period which began before January 1, 1971:

1. An inquiry, within 30 days of the date the driver's employment begins, to each State where the driver held or holds a motor vehicle operator's license or permit during the preceding 3 years to obtain that driver's motor vehicle record.
2. An investigation of the driver's safety performance history with the DOT-regulated employers during the preceding 3 years.

##### **B. Required Drug & Alcohol History Check from previous DOT-Regulated Employers**

As of January 6, 2023, employers subject to CFR 382.701(a) must use the FMCSA DOT Drug and Alcohol Clearinghouse to comply with the requirements related to this section with respect to FMCSA-regulated employers.

With written authorization, designated DHR staff must investigate the information listed below from all previous DOT-regulated employers for whom the individual performed a safety-sensitive function that required alcohol and controlled substance abuse testing within the previous 3 years from the date of the employment application:

Whether, within the previous 3 years, the driver has violated the alcohol and controlled substances prohibitions under 49 CFR, Part 40 or Subpart B of Part 382, including:

- i. An alcohol test with a result of 0.04 or higher alcohol concentration;
- ii. A controlled substance test result of positive, adulterated, or substituted;
- iii. A refusal to submit to a random, post-accident, reasonable suspicion, or follow-up alcohol or controlled substances test;
- iv. Alcohol use while performing or within 4 hours of performing safety-sensitive functions;
- v. Alcohol use after an accident in violation of CFR 382.213;



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: SUBSTANCE ABUSE POLICY**

**A.R.: 4053 Effective Date: December 1, 2021 Page 13 of 19**

**Supersedes: Substance Abuse Policy A.R: 4053 DATED: July 1, 2021**

- vi. Controlled substances while on duty, except as allowed under CFR 382.213.

This verification must also include:

- a. If this person violated a DOT drug and/or alcohol prohibition, did they fail to begin or complete a rehabilitation program prescribed by an U.S. DOT-Certified SAP. If rehabilitation was required and it is not known that the individual began or completed such a program.
- b. If this person successfully completes an U.S. DOT-Certified SAP's rehabilitation program and remained at the previous employer, but subsequently had an alcohol test result of 0.04 or greater, or a verified positive test, or a refusal to be tested.

## **II. POST-ACCIDENT TESTING**

It is the applicable employee's immediate supervisor's responsibility to ensure that the provisions of post-accident testing are followed. As soon as possible following an accident involving a commercial motor vehicle (CMV), the City shall test the employee driver for alcohol and drugs when either:

- The accident involved a human fatality and a citation is issued to the CMV driver; or
- Human Fatality and no citation issued to the CMV driver; or
- Bodily injury with immediate medical treatment away from the scene and a citation is issued to the CMV driver; or
- Disabling damage to any motor vehicle requiring tow away and a citation issued to the CMV driver



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: SUBSTANCE ABUSE POLICY**

**A.R.: 4053 Effective Date: December 1, 2021 Page 14 of 19**

**Supersedes: Substance Abuse Policy A.R.: 4053 DATED: July 1, 2021**

## **SECTION C**

### **PIPELINE & HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA) COVERED EMPLOYEES**

This section of this Policy provides additional requirements and information for those employees who work in the gas utility and are covered by regulations under the PHMSA office of the U. S. DOT.

#### **I. REQUIRED DRUG & ALCOHOL HISTORY CHECK FROM PREVIOUS DOT REGULATED EMPLOYERS:**

Designated DHR staff must investigate the information listed below from all previous DOT-regulated employers for whom the individual performed a safety-sensitive function that required alcohol and controlled substance abuse testing within the previous 2 years from the date of the employment application:

Whether, within the previous 2 years, the driver has violated the alcohol and controlled substances prohibitions including:

- i. An alcohol test with a result of 0.04 or higher alcohol concentration;
- ii. A controlled substance test result of positive, adulterated, or substituted;
- iii. Alcohol use while performing or within 4 hours of performing safety-sensitive functions;
- iv. Alcohol use after an accident;
- v. Controlled substances while on duty, except as allowed

This verification must also include:

- a. If this person violated a DOT drug and/or alcohol prohibition, did they fail to begin or complete a rehabilitation program prescribed by an U.S. DOT-Certified SAP. If rehabilitation was required and it is not known that the individual began or completed such a program.
- b. If this person successfully completes an U.S. DOT-Certified SAP's rehabilitation program and remained at the previous employer, but subsequently had an alcohol test result of 0.04 or greater, or a verified positive test, or a refusal to be tested.

#### **II. POST-ACCIDENT TESTING**

##### **A. Alcohol Testing**

- The City will promptly determine and test each covered employee for alcohol if that employee's performance contributed to an accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer an alcohol test shall be based on the respective supervisor's determination, using the best available information at



## **Administrative Regulations**

### **Office of the Mayor**

**Title:** SUBSTANCE ABUSE POLICY

**A.R.:** 4053 **Effective Date:** December 1, 2021 **Page 15 of 19**

**Supersedes:** Substance Abuse Policy **A.R.:** 4053 **DATED:** July 1, 2021

the time of the determination that the employee's performance could not have contributed to the accident.

#### **B. Drug Testing**

- Any employee who is involved in an accident while on duty or whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident shall be tested for drugs as soon as possible, but not later than 32 hours after the accident. In addition, all steps shall be taken by supervisors to follow the procedures established in the "Reasonable Suspicion Testing" paragraph of this Policy.
- The refusal of an employee to submit to a post-accident test as soon as possible, but not later than 32 hours of such a request, shall be a violation of this Policy.



## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: SUBSTANCE ABUSE POLICY**

**A.R.: 4053 Effective Date: December 1, 2021 Page 16 of 19**

**Supersedes: Substance Abuse Policy A.R: 4053 DATED: July 1, 2021**

## **SECTION D**

### **COVERAGE FOR ALL REMAINING CITY GROUPS**

This section of this Policy provides additional requirements and information for employees who are in a “City-sensitive” position and for all other remaining employees not listed in sections B and C of this Policy.

#### **I. POST-ACCIDENT TESTING**

##### **a. Motor Vehicle Accident:**

As soon as possible following a motor vehicle accident, the City shall test the employee driver for alcohol when either:

- the accident involved a fatality; or
- the employee driver receives (or is expected to receive) a citation within 8 hours under state or local law for a moving violation arising from the accident; or
- bodily injury with immediate medical treatment away from the scene and a citation is issued to the driver; or
- one or more of the motor vehicles incurred disabling damage as a result of the accident requiring a motor vehicle to be transported away from the scene; or
- total property damage exceeds (or is expected to exceed) \$10,000; or
- at the time of the accident, it is determined by any supervisor in the employee's supervisory chain of command or safety officer to have been preventable and/or is a result of the employee driver's negligence, poor judgment, or failure to follow standard operating norms.

##### **b. Motorized Equipment Accident:**

If at the time of the accident, it is determined to have been preventable and/or the result of the employee driver's negligence, poor judgment or failure to follow standard operating norms, the City shall promptly test each employee who is involved in a motorized equipment accident while on duty if that employee's performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident.

##### **c. It is the responsibility of the applicable employee's supervisor or supervisory chain of command to ensure that the provisions of post-accident testing are followed.**

##### **d. The decision not to administer an alcohol test shall be based on the respective supervisor's determination, using the best available information at the time of the determination.**

##### **e. All reasonable steps will be taken to obtain an evidential urine drug sample and blood alcohol test from the employee after an accident. However, if the employee is unable to give an evidential breath sample, a urine or blood sample test may be performed for employees covered by Section D. If the employee is conscious and able to give one of the tests described in this section (in the**



## Administrative Regulations

### Office of the Mayor

#### Title: SUBSTANCE ABUSE POLICY

A.R.: 4053 Effective Date: December 1, 2021 Page 17 of 19

Supersedes: Substance Abuse Policy A.R.: 4053 DATED: July 1, 2021

opinion of a medical professional) and refuses to be tested, that employee shall be immediately removed from duty. The refusal of an employee to submit to a post-accident test within 45 minutes of such a request shall constitute insubordination and shall be the basis for the imposition of discipline.

- f. Under no circumstances shall a supervisor cause a breath, blood, or urine sample to be taken from an unconscious employee.
- g. The City may require a covered employee to submit to drug follow-up testing when the City's EAP substance abuse professional has reason to suspect drug involvement.

## II. DEFINITIONS

The following words and terms, when used in conjunction with the City's Substance Abuse Policy, shall have the following meaning:

**Accident (PHMSA)** - an unplanned occurrence that results in a release of oil or natural gas from the pipeline that can sometimes result in extensive property loss, environmental insult, injury, and death. Accidents are failures occurring in liquid pipeline systems for which the pipeline operator must make a report to the Office of Pipeline Safety. Specific criteria defining events that are considered accidents are contained in Code of Federal Regulations (CFR). Events or failures of similar magnitude related to gas pipelines are considered incidents and are also defined in the CFR.

**Commercial Driver's License (CDL)** - a license issued by a government agency that allows an individual to operate a commercial motor vehicle.

**Commercial Motor Vehicle (CMV)** - defined as:

- A single vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds or more
- A combination of vehicles with a gross combination weight rating (GCWR) of 26,001 pounds or more if the vehicle(s) being towed has a GVWR of more than 10,000 pounds
- A vehicle that carries 16 or more passengers, including the driver
- Any size vehicle that transports hazardous materials and that requires federal placarding

**Covered Employee (PHMSA)** - any person who performs on a pipeline or LNG facility in an operating, maintenance, or emergency response function regulated by Parts 192, 193, or 195. As applied in the regulations, "employee" and "applicant for employment" have the same meaning for the purpose of these requirements. Covered employee and "individual" or "individual to be tested" have the same meaning for the purposes of the alcohol regulations. Clerical, truck driving, accounting, or other job functions not covered by Parts 192, 193, and 195 are not subject to the regulations. Such persons may be employed directly by the City, or by a contractor engaged by the City.

**CFR** - Code of Federal Regulations.





## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: SUBSTANCE ABUSE POLICY**

**A.R.: 4053 Effective Date: December 1, 2021 Page 18 of 19**

**Supersedes: Substance Abuse Policy A.R: 4053 DATED: July 1, 2021**

**Covered Function (safety-sensitive FMCSA function)** - any of the following on-duty functions:

- All time at a carrier or shipper plant, terminal, facility, or other property waiting to be dispatched, unless the driver has been relieved from duty by the City; or
- All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; or
- All time spent at the driving controls of a commercial motor vehicle; or
- All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in a sleeper berth); or
- All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining ready operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; or
- All time spent performing the driver requirements associated with an accident; or
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

**Covered Function (safety-sensitive PHMSA function)** - an operation, maintenance, or emergency response function that is performed on a pipeline or LNG facility and the function is regulated by parts 192, 193, or 195.

**Driver (FMCSA)** - any person who operates a commercial motor vehicle. For the purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle.

**Medical Review Officer (MRO)** - the licensed physician, either a Doctor of Medicine, or a Doctor of Osteopathy, responsible for receiving laboratory results generated by the City's drug-testing program who has knowledge of substance abuse disorders, including the medical effects of prescription drugs and the pharmacology and toxicology of illicit drugs, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with their medical history and other relevant biomedical information.

**Performing a Covered Function** - an employee is considered to be performing a covered function (safety-sensitive function) during any period in which they are actually performing, ready to perform, or immediately available to perform such covered functions.

**U.S. Department of Transportation-Certified Substance Abuse Professional (SAP)** – For FMCSA and PHMSA-covered employees, trained knowledgeable individual designated by the U.S. DOT who is charged with the evaluation, assessment, referral for training or rehabilitation, return-to-duty release, and follow-up testing schedule of those employees who have had a positive drug and/or alcohol test.



**Administrative Regulations**

**Office of the Mayor**

**Title:** SUBSTANCE ABUSE POLICY

**A.R.:** 4053 **Effective Date:** December 1, 2021 **Page 19 of 19**

**Supersedes:** Substance Abuse Policy **A.R.:** 4053 **DATED:** July 1, 2021

**III. REGULATION UPDATE**

The Department of Human Resources shall be responsible for modification to this Policy.

**RECOMMEND APPROVAL:**

  
\_\_\_\_\_  
**CHIEF ADMINISTRATIVE OFFICER/DESIGNEE**

**APPROVED:**

  
\_\_\_\_\_  
**MAYOR**