

**COLLECTIVE BARGAINING  
AGREEMENT**

**between**

**CITY OF RICHMOND, VIRGINIA**

**and**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION,  
VIRGINIA 512**

**Effective From**

**July 1, 2024 through June 30, 2027**

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## **Preamble**

This Collective Bargaining Agreement (“Agreement”) entered this 1st day of July 2024, by the City of Richmond, Virginia, (hereinafter the "City"); and by the Service Employees International Union (“SEIU”), and its affiliate, Service Employees International Union Virginia 512, CTW, CLC, (hereinafter the "Union"), and has as its purpose the promotion of harmonious relations between the Union and the City (collectively, the “Parties”).

## **Article 1: Recognition**

- A. The City recognizes the Union as the exclusive collective bargaining representative of all full time and part-time employees of the City in job titles in the Administrative and Technical Unit, as certified by the Labor Relations Administrator (“LRA”) in the Certification of Representation dated June 30, 2023, in accordance with the Collective Bargaining Ordinance (“CBO”).
- B. An employee covered by this Agreement shall be those job titles certified by the LRA as noted above and as defined in the CBO approved by the Richmond City Council on July 25, 2022.
  - a. An employee covered by this Agreement shall include a change in a job title when the duties of the job remain as defined within the CBO (Administrative Employee and Technical Employee).

## **Article 2: Management Rights**

The provisions of the CBO Sec. 2-1301.4 prescribe the City’s rights and authorities. This Agreement is not intended to, and does not, waive the Union’s right to negotiate topics listed as negotiable in Sec.2.1301.4(a), subsections (3) through (6).

## **Article 3: Union Security**

### **Section 1. Deductions.**

The City agrees to deduct Union dues with each paycheck from the pay of employees who voluntarily authorize such deductions by submitting the appropriate signed authorization to the City.

An employee may withdraw such consent in accordance with the terms of the membership and dues deduction agreement between the employee and the Union. The Union will notify the City when it is appropriate to stop dues deduction in accordance with the terms of the membership and dues deduction agreement between the employee and the Union.

Deductions shall be made for each employee as certified by the Union as required as a condition of acquiring or maintaining membership, and shall be made in accordance with the terms of said authorization. The City agrees to remit to the Secretary-Treasurer of the Union all such authorized deductions no later than the end of the calendar month following the month in which the deductions

were made. Any change in the amount of dues to be deducted by the City will become effective thirty days following the City's receipt of notice from the Union. Each pay period, included with the dues remission, will be a list of each bargaining unit employee whose dues were deducted. The list shall contain the following information:

- Name
- Employee ID
- Pay rate
- Dues remitted

This information shall be provided electronically, in a password protected Microsoft Excel spreadsheet. The information will be sent to [info@seiuva.org](mailto:info@seiuva.org) with the subject line "DUES REPORT" and the date of the report.

### **Section 2. New Hires.**

The City shall advise all new employees at the time of hire that the Union is their collective bargaining representative and of the union security clause in this Agreement. The City shall provide the union with ten days' notice of the time and place of new employee orientations, and by the Friday before the Monday orientation, a list of expected participants, to include their job titles.

### **Section 3. Monthly Report.**

The City will provide, to the extent available to the City, the Union with the following information regarding all bargaining unit members on a Monthly basis:

- Name (First, Middle, Last, Suffix);
- Home Street Address;
- Home State;
- Home Zip Code;
- Employee ID;
- Work Phone Number;
- Work Email;
- Department;
- Job Title;
- Hire Date;
- Work Location Title (if applicable);
- Work Location Address;
- Work Location City;
- Work Location State;
- Work Location Zip Code;
- Rate of Pay;
- Date of termination (if applicable).

This information shall be provided electronically, in a password protected Microsoft Excel spreadsheet. The information will be sent to info@seiuva.org with the subject line “BARGAINING UNIT LIST REPORT” and the date of the report.

#### **Section 4. Indemnification.**

The Union shall defend, indemnify, and hold harmless the City, its officers, and employees from/for (a) any and all claims, demands, suits, or any other cause of action made by any third party, including employees, arising from deductions made based on representations by the Union; and (b) any and all claims, demands, suits, or any other cause of action made by an employee for deductions made based on representations of the Union regarding changes or cancellations to the deduction authorization.

#### **Section 5. Settlement of Grievances or Arbitration.**

When, as the result of the settlement of a grievance or arbitration award the City awards back pay to an employee, dues shall be deducted from the back-pay payment. Any deduction for dues under this Section 5, is subject to a valid dues deduction authorization from the employee.

### **Article 4: Union Business**

#### **Section 1. Union Representation.**

Union officials who are bargaining unit members, including but not limited to Worksite Leaders (as defined in Section 4 below), will be permitted access to the premises of the City for the performance of official Union business, provided the Union provides sufficient notice so that there is no disruption to the City’s operations. Requests for such access will not be unreasonably denied.

#### **Section 2. Paid Leave for Union Business.**

- A. In each fiscal year of this Agreement, the Union will be given a shared bank of 1,000 hours (“Union Leave”) of organizational paid leave hours to handle labor relations matters, including, but not limited to, contract dispute processing and assisting members in internal administrative investigations. Union Leave hours will not accumulate from year to year. Employees must use a separate pay code for Union Leave hours.
- B. The Union, on an annual basis, will identify the bargaining unit members, including but not limited to Shop Stewards (as defined in Section 4 below), who will be permitted to use Union Leave. The Union must immediately notify the HR Department of any changes in the list of bargaining unit members eligible to use Union Leave.
- C. Requests for Union Leave shall be made to the City with sufficient notice by individuals authorized by the Union to make such requests, in accordance with this Article. The City shall approve such requests when they are made in this manner, and provided they do not disrupt the operations of the City. Should the City wish to deny said requests, they shall immediately notify the Union of their intent to deny and provide the rationale for proposed denial. The Parties agree to work collaboratively to ameliorate any concerns to ensure

requested Union leave can be arranged. On a monthly basis, the City will submit to the Union the records of Union Leave hours pay code selections for the Union to review and, if applicable, to reject as unauthorized. A lack of response from the Union within seven days will act as agreement that the submitted Union Leave hours were correct. The monthly report will also include the balance of Union Leave. In the event the Union rejects hours used as unauthorized, the employee who used the hours will be debited vacation leave in the amount of unauthorized time.

- D. Union Leave hours will be used in a minimum increment of one hour. Union Leave hours will always be paid at the employee's straight time rate of pay.
- E. The Union must provide at least seventy-two hours' advance notice of the need for Union Leave unless the need for leave could not have been reasonably anticipated. Union Leave may be used at the Union's discretion, subject to providing sufficient advance notice to the employee's supervisor and that there is no disruption to the City's operations.

### **Section 3. Unpaid Union Leave of Absence.**

Upon request by the Union, one employee shall be granted a leave of absence without pay, or benefits, to perform full-time official duties on behalf of the Union. Such leave of absence shall be for a period of up to one year and may be extended for one or more additional periods of one year or less at the request of the Union. Approved requests will be granted by the City.

### **Section 4. Shop Stewards/Worksite Leaders.**

The Union will designate no more than twenty-four employees to act as Shop Stewards/Worksite Leaders and inform the City of such designations and changes. Shop Stewards may not assist employees with grievances or incidents where the Shop Steward is in the employee's chain of command or is involved in the investigation or incident.

Unless otherwise indicated by the Union, these individuals do not have the authority to settle contract grievances. Should any Union official who is also a member of the bargaining unit have more authority to resolve contract disputes than other Shop Stewards/Officers/Worksite Leaders, the Union will inform the City of those individuals authorized to do so.

### **Section 5. Union Use of Premises.**

Employees shall have the right to hold informal conversations and interactions with one another to discuss workplace and employee organization issues while on duty, provided that such conversations do not interfere with the employee's job duties.

The Union is permitted to meet with employees on City premises to which access is not restricted for security reasons during times when employees are on break or off duty, including the right to conduct worksite meetings during meal periods and other breaks and outside the employees' working hours. Employees are allowed, and shall not be penalized or retaliated against for, using City electronic mail, telephone, facsimile transmission, bulletin boards, or other communication systems owned by the City to discuss employee organization business or activities or employee

organizing activities; however, the City remains the owner of such communication systems, and no employee shall have any expectation of privacy in the use of such a communication system.

### **Section 6. Orientation.**

- A. The Union shall be able to meet with newly hired employees, in person, without charge to the pay or leave time of any of the employees for up to sixty minutes, within thirty calendar days from the date of hire, during new employee orientations conducted by the City and in the same City location or, if the City fails to conduct new employee orientation, during other group or individual meetings of new hires on City premises. The Union orientation shall be considered a part of any required new City employee orientation, in the sequence described above. The City shall provide the union with ten days' notice of the time and place of new employee orientations, and by the Friday before the Monday orientation, a list of expected participants, to include their job titles, and the opportunity to provide materials for distribution.
- B. The City shall not provide any information about the Union to employees except for the following information:
- SEIU Virginia 512 has been certified as the exclusive bargaining agent for the bargaining unit;
  - Contact information for the Union, to be provided by the Union.

### **Section 7. Anti-Bias Training.**

The City agrees that it will conduct anti-bias training congruent to the City's Administrative Regulations that address this topic. Such training will be mandatory for all new hires and routine training for all existing City employees. The City and Union acknowledge that concerns around issues of bias impact the workplace culture and the delivery of services to those we serve. The Parties also recognize that education concerning explicit and implicit bias are important components in training all employees.

The Parties further agree that this training shall be provided within three months of hire or promotion to a bargaining unit position. The City shall retain final determination of both the training curriculum and implementation.

### **Article 5: Department Labor/Management Committees**

The Parties agree that it is often advantageous to the Union, the City, and the residents of Richmond to address issues directly as they arise in less formal ways wherever possible. It is the shared goal of the Parties to have the City government running in the most effective manner to ensure a smooth delivery of services to the residents and visitors of Richmond. Towards this end, the Parties agree that each department will establish a labor/management committee ("Committee") for the purpose of addressing issues within the scope of this Agreement. The Committees will meet in accordance with the following guidelines:



- The composition of a Committee will consist of no more than three members selected by the City and no more than three department employees selected by the Union. The Union will notify the City of names of the employee members of the Committee. The makeup of the members of the committee can rotate at either side's choosing.
- Meetings will be scheduled at the request of either the Union or the City. Such request will be in writing and specify the topic(s) to be discussed and proposed solutions. The Parties will have up to forty-five days to meet or to address the matters stated in the request. If the matter is addressed to the satisfaction of the Union by the City within the forty-five) day period, the meeting will be cancelled. The City shall communicate, in writing, the proposed solution and plan for implementation.
- Meetings will be scheduled based upon an agreement of the availability of the members of the Committee and so as to not interfere with the operations of the department.
- Meetings will be conducted during regular work hours. During the meetings employee members will be relieved from duty and paid for the time attending the meeting. Attendance at the meeting will be limited to the members of the Committee. There will be no more than six meetings per year. Meetings will be limited to a maximum of two hours.

The Union retains all of its rights and privileges afforded elsewhere in this Agreement and under applicable federal, state and local statute, regardless of what issues are brought to these Committees.

## **Article 6: Joint Labor/Management Committee**

### **Section 1. Purpose.**

The purpose of the Joint Labor/Management Committee ("JLMC") shall be to study and discuss possible solutions to matters affecting labor-management relations, including, but not limited to, compensation, evaluations, and staffing.

### **Section 2. Representation.**

The JLMC shall consist of one Union staff person and five bargaining unit members, as selected by the Union, and six members as selected by the City's Chief Administrative Officer ("CAO") or their designee. The Union or CAO/designee may substitute members where necessary, but continuity of membership is preferred. Members shall serve for the term of this Agreement. Three members from the Union and three members from the City will be required to establish a quorum. In the absence of a quorum, the Parties will reschedule the JLMC meeting.

- A. The Union representatives shall be paid for attendance at and work related to JLMC meetings, including attendance at subcommittee meetings. The bargaining unit representatives on the JLMC must draw from a JLMC Leave Bank of 100 hours. The bargaining unit members of JLMC subcommittees must draw from a JLMC Subcommittee Leave Bank of 60 hours.

- B. Representatives are responsible for notifying their supervisors of their attendance at JLMC meetings, and the City shall inform Representatives' supervisors of their approved attendance at JLMC meetings. Attendance is subject to providing sufficient advance notice to the employee's supervisor and that there is no disruption to the City's operations.
- C. No additional compensation or overtime shall be paid for attendance at JLMC meetings.

### **Section 3. Chair.**

The responsibility for chairing meetings shall alternate each meeting between the Union and the City. Each party will determine whether their chair assignment will be permanent or will rotate among their members.

### **Section 4. Authority.**

Matters of concern as stated in Section 1 above, shall be considered and recommendations may be made to either the City or the Union, or to both, by the persons present at any JLMC meeting. This JLMC shall have the authority to make non-binding recommendations to the Union and the CAO or designee. This JLMC shall have no power to add to or amend this Agreement or to discuss or adjust any grievances or contract disputes. Nothing in this section shall prevent the Parties from agreeing to modify this Agreement or creating a Memorandum of Understanding related to the JLMC recommendations.

### **Section 5. Reporting.**

Topics will be documented as they are discussed. Any recommendations developed from these meetings will be communicated in a confidential written report, approved by the consensus of the committee members, to the CAO and Union leadership. The confidential written report will not be released without the consent of both Parties. Drafts of the meeting minutes will be maintained by one designated representative from each party. Meeting minutes will be voted on for approval at the next meeting. Meeting minutes must be approved before inclusion in any report. To encourage a frank and open discussion, prior to the start of any JLMC meeting any member may request to designate any issue being discussed as confidential. Decisions on confidentiality shall be made only if there is unanimous consent.

### **Section 6. Date and Time of Meetings.**

Meetings will be held bimonthly, and they shall be limited to no more than three hours. The Parties may mutually agree to more time per each meeting. At each meeting the JLMC will decide the date and time for the next meeting. Every attempt shall be made to keep to a schedule, realizing that some flexibility is necessary. The Parties may mutually agree to meet on a more frequent basis.

To make the best use of this meeting time, the Parties agree to come prepared with any needed research, proposals, concepts, etc. in order to reach agreement on recommendations in a timely, efficient manner.

## **Section 7. Agenda.**

An agenda and prior meeting minutes shall be provided to members two weeks prior to the meeting. The party chairing the meeting shall be responsible for creating and distributing the agenda and meeting minutes. Topics for discussion must be submitted by JLMC members to the chair four weeks prior to the meeting. The agenda shall ideally include a brief description of each item to be discussed. Urgent items may be added to the agenda by mutual consent. Discussion of agenda topics will be alternated, with the party occupying the chair exercising the right to designate the first topic. If no agenda topics are provided, there will be no meeting for that bimonthly meeting.

## **Section 8. Subcommittee Formation.**

The Parties acknowledge that the JLMC may, from time to time, form subcommittees, capped at eight members, to discuss and/or provide recommendations addressing specific areas of concern. In the interest of labor/management cooperation, the Parties agree that any subcommittee will consist of one Union staff person and 50% bargaining unit employees chosen by the Union. The Union's selection of representatives for each such subcommittee will not require the City's approval. Attendance at subcommittee meetings shall be as prescribed in Section 2 above. To encourage a frank and open discussion, prior to the start of any subcommittee meeting any member may request to designate any issue being discussed as confidential. Decisions on confidentiality shall be made only if there is unanimous consent.

## **Section 9. Confidentiality.**

Any alleged breach of the confidentiality provisions of this Article, will be addressed via the contract dispute resolution process of this Agreement, and may result in the termination of the JLMC.

## **Article 7: Employee Expenses**

Administrative Regulation 6.4, effective July 1, 2007, appended to the CBA, will be followed for travel expenses. The Parties agree to study and discuss employee expenses under the JLMC.

## **Article 8: Job Posting/Promotions/Transfers/Contracting Out**

Job vacancies shall be posted and filled by qualified candidates in accordance with Administrative Regulation 5.16, Recruitment and Hiring Policy, effective July 1, 2023, appended to the CBA. The City will follow the provisions contained in Administrative Regulation 5.21, Reassignment, Transfer, Separation, and Reinstatement Policy, effective July 1, 2023, appended to the CBA. The Parties agree to study and discuss staffing issues under the JLMC.

## **Article 9: Out of Title Work**

Job vacancies shall be posted and filled as described in Administrative Regulation 5.16, appended to the CBA. An employee who performs work in another job grade will be administered in

accordance with Administrative Regulation 5.23, Pay Policy, Section D, effective July 1, 2023, appended to the CBA. The Parties agree to study and discuss out of title work under the JLMC.

### **Article 10: Layoff & Recall Procedures**

Layoff and recall procedures will be followed in accordance with the Administrative Regulation 5.21, appended to the CBA. The Parties agree to study and discuss layoff and recall procedures under the JLMC.

### **Article 11: Evaluations**

Evaluations and performance issues will be administered in accordance with Administrative Regulations 5.7, Performance Evaluations, effective July 1, 2023, and 5.18, Discipline Policy, effective July 1, 2023 (as it pertains to performance improvement plans), appended to the CBA. The Parties agree to study and discuss employee evaluations under the JLMC.

### **Article 12: Personnel Records**

#### **Section 1**

The City will maintain personnel information in accordance with Administrative Regulation 7.7, Maintenance and Release of Personnel Information (hereafter “Personnel Records”), effective June 1, 2007, appended to the CBA. Employees may access the City’s personnel information in accordance with Administrative Regulation 7.7. A Union representative will be allowed to accompany the employee while the employee reviews the employee’s Personnel Record. An employee may request their supervisor add performance-related documents to their Personnel Record, such as awards, letters of recognition, certificates of appreciation, etc.

#### **Section 2**

Employees shall be copied on any material related to work performance or discipline placed into their Personnel Record.

#### **Section 3**

- A. An employee may file a grievance challenging any written memorandum which reprimands the employee for prior conduct or omissions, and which warns the employee that further transgressions may result in suspension, demotion or discharge so long as such grievance is filed within the timeframe set out in the grievance process in this Agreement.
- B. The Parties agree that reprimands that are more than eighteen months old from the date of the issuance of the reprimand, provided there has been no subsequent discipline imposed, shall not be used as a basis for denial of a transfer or promotion, or used as a basis for evaluating an employee’s performance or for being subject to future disciplinary action.

### **Article 13: Training**

**Tuition Reimbursement.** Employees will be entitled to tuition assistance in accordance with Administrative Regulation 7.6, Tuition Assistance Policy, effective July 1, 2023, appended to the CBA.

### **Article 14: Health & Safety in the Workplace**

1. The City will comply with all federal, state, and local laws and regulations that apply to workplace conditions.
2. The City is strongly committed to safe and healthy working conditions for our workers. The City encourages employees to raise concerns about physical workplace conditions, and to work through the Committees described in Article 5, Department Labor/Management Committees to address them.
3. In addressing the workplace conditions described below, the City will take into consideration current health concerns, and will also attempt to anticipate future issues that might arise as conditions change. The issues that are deemed appropriate to be addressed by the Committees include, but are not limited to, as follows: physical hazards (broken windows, doors, furniture, etc.), mold, leaks, mildew, and other materials, HVAC systems equipment, vehicles, supplies for restroom facilities, including running water, soap, sinks, etc.
4. Concerns with security and physical safety should be reported immediately to the department head or other appropriate personnel. The City will respond according to the level of the threat. The City shall take immediate action to protect employees from any and all imminent hazards/danger. The City will notify the employee of the plan to ameliorate the reported issue. In circumstances of threats of workplace violence, unless such communication violates safety protocols or employee privacy, the City shall communicate to the affected employee(s) the proposed solution and plan for implementation.
5. When an employee reports an express threat of bodily or psychological harm, received as a result of the work they are conducting on behalf of the City, an appropriate safety plan shall immediately be developed between the affected employee(s) and management, and in consultation with City security, as appropriate. Said plan may include reassignment of caseloads/work locations, etc., with no retaliation to the employee(s).

### **Article 15: Anti-Discrimination**

#### **Section 1. Protected characteristics and activities.**

The City and the Union agree not to discriminate in any way against employees covered by this Agreement on account of any characteristics protected by applicable federal, state, or local law. This shall also include sexual orientation, gender identity, gender expression. The Parties agree to be bound by the City's anti-discrimination ordinances and regulations on race, religion, creed, color, national origin, gender, sex, sexual orientation, age, ancestry, ethnicity, disability, union

activity, gender identity, gender expression, military or veteran status, (including Vietnam-era veterans). Further, the City agrees it will not discriminate on the basis of union activity.

## **Section 2. City ordinances and regulations.**

The City and the Union agree to be bound by the City's anti-discrimination ordinances and regulations, including Administrative Regulation 4.6, Anti-Harassment, effective February 24, 2021, appended to the CBA.

## **Section 3. Contract Dispute Resolution.**

A contract dispute alleging a violation of Section 1 of this Article shall be filed initially at Step 1 of the contract dispute resolution process, unless it alleges conduct by the second-tier supervisor as defined in the Contract Dispute Resolution Process at Article 17 of the Agreement, in which case it shall be filed at Step II of the contract dispute procedure.

## **Article 16: Grievance Process**

### **Section 1. Disciplinary Action Disputes.**

The Parties recognize that employees are entitled to file and seek resolution of disciplinary action disputes as set forth in Administrative Regulation 5.19(II)(C), Grievance Policy for Classified Service, effective July 1, 2023, appended to the CBA, under the provisions of the negotiated procedure below. The Parties agree not to interfere with, restrain, coerce, or engage in any reprisal against a bargaining unit employee or SEIU VA 512 for exercising rights under this Article.

### **Section 2. Failure to meet time limits.**

If a grievance is not appealed by the employee to the next step in the grievance process within the time limits set forth herein, unless such failure to meet time limits is for good cause (e.g., illness) the grievance shall be deemed settled on the basis of the last response to the grievance by the City. If the City does not provide a response or fails to meet within the required time limits set forth herein, the grievance may be immediately appealed to the next step of the grievance process. The Parties by mutual consent may extend any or all of the time periods established in the grievance procedure. All time limits stated in Administrative Regulation 5.19(III) shall be counted in business days.

### **Section 3. Right to Union Representation in Grievances.**

The employee will have the right to have a Union representative present at all stages of the grievance procedure. Beginning with Step 3, the employee may also have counsel present. If the employee has counsel present, the City may also elect to have counsel in the meeting.

### **Section 4. Determination of Grievability**

Administrative Regulation 5.19, dated July 1, 2023, will remain in effect except as provided herein:

(1) The following sections will be deleted from Section 5.19(II):

Section E. Determination of Grievability; and

Section F. Appeals of Grievability Decisions.

### **Section 5. Standard/Burden of Proof**

Administrative Regulation 5.19, dated July 1, 2023, will remain in effect except as provided herein:

(1) The following language will be added to Section 5.19(II)(I):

In grievances involving employee discipline including reprimand, discharge, suspension, or demotion, the City must prove by the greater weight of the evidence that the discipline imposed, including termination, was imposed for just cause.

### **Section 6. Steps of the Grievance Process.**

Administrative Regulation 5.19, dated July 1, 2023, will remain in effect except as provided herein:

(1) Section 5.19(III)(A)(1) – (3) will be replaced with the following language:

Step 1 – The employee shall submit the grievance in writing to the immediate supervisor to the supervisor who issued the disciplinary action (“Second-Tier Supervisor”) specifying the facts involved and the remedy sought. The grievance must be submitted within thirty (30) business days after the date of the occurrence giving rise to the grievance. The second-tier supervisor shall hold a Step 1 meeting within fourteen (14) business days after the submission of the filing of the grievance. The second-tier supervisor will issue a Step 1 response in writing within ten (10) business days of the Step 1 meeting. In departments where the second-tier supervisor is the Department Head, a grievance shall be deemed filed at Step 2.

Step 2 – If the employee is not satisfied with the Step 1 response, the employee may appeal the matter to Step 2 by submitting the appeal to the Department Head or designee within fourteen (14) business days of receipt of the Step 1 response. The employee shall meet with the Department Head or designee to discuss the grievance within fourteen (14) business days after receipt of the Step 1 response. The Department Head or designee will issue a Step 2 response within fourteen (14) business days of receipt.

Step 3 – If the employee is not satisfied with the Step 2 response, the employee may appeal the matter to Step 3 by submitting the appeal to the Chief Administrator Officer (“CAO”) or the CAO’s designee within fourteen (14) business days of receipt of the Step 2 response. The CAO or designee shall hold a Step 3 meeting within fourteen (14) business days after the submission of the grievance. The CAO or designee will issue a Step 3 response in writing within ten (10) business days of the Step 3 meeting.

(2) Section 5.19(III)(A)(4) will be replaced with the following language:

Step 4 – If the decision of the Chief Administrative Officer or designee does not resolve the grievance, the complaint is still grievable. The Union may appeal such decision to an Administrative Hearing Officer (“AHO”) as provided for in Va. Code § 15.2-1507. Every Step 4 appeal shall be directed to the Department of Human Resources and shall be filed within fifteen (15) business days after receipt of the Chief Administrative Officer or designee’s decision.

(A) On receipt of the Step 4 appeal, the Department of Human Resources will request from the Federal Mediation and Conciliation Service (“FMCS”) a list of seven arbitrators from the FMCS’s “Sub-Regional” pool of arbitrators. The Parties will then alternately strike from the list until only one arbitrator remains, who will then preside over the case as the AHO. The party striking the first name will be chosen by random method.

The matter will proceed before the AHO as follows:

1. Hearings will be held in person except that the Arbitrator will have authority to conduct preliminary, non-evidentiary, matters via remote means.
2. Each party may be represented by counsel.
3. The City and the Union will equally share the AHO’s fees. If either party chooses to have a court reporter transcribe the proceedings, that party will pay that cost. The Parties may jointly agree to share the cost of a court reporter and transcript.
4. The AHO’s ruling will be final and binding as if it was issued as result of the pre-existing City grievance procedure.
5. If within 15 business days of the AHO’s decision, there is a question of whether the relief granted by the AHO is consistent with the City’s written policy, the CAO will fulfill the requirements of Va. Code § 15.2-1507(A)(10)(a)(7) by determining if the relief granted is consistent with written policy.

## **Article 17: Contract Dispute Resolution**

### **Section 1. Party Contract Dispute defined.**

“Party Contract Dispute” is defined as a dispute between the City and the Union concerning solely the meaning, administration, interpretation, and/or application of this Agreement. Only allegations that there has been a violation, misapplication or misinterpretation of the terms of this Agreement shall be filed under the provisions of this Contract Dispute Resolution Process. Contract Dispute under this section shall not include any disciplinary action grievance defined in Administrative Regulation 5.19.

### **Section 2. Time limits mandatory.**



No Contract Dispute shall be entertained or processed unless it is filed within the time limits set forth herein. The Parties by mutual consent and in writing may extend any or all of the time periods established in the Contract Dispute Resolution Process.

### **Section 3. Failure to meet time limits.**

If a Contract Dispute is not appealed to the next step in the Contract Dispute procedure within the time limits set forth herein, unless such failure to meet time limits is for good cause (e.g., illness) the Contract Dispute shall be deemed settled on the basis of the last response to the Contract Dispute by the City. If the responding party does not provide a response or fails to meet within the required time limits set forth herein, the Contract Dispute may be immediately appealed to the next step of the Contract Dispute resolution procedure.

### **Section 4. Contract Dispute steps**

Step 1 - The Union shall submit its Contract Dispute in writing to the immediate supervisor to the supervisor who made the decision at issue (“Second-Tier Supervisor”), specifying the facts involved, the section(s) of the CBA alleged to have been violated, and the remedy sought. The Contract Dispute must be submitted within thirty (30) business days after the date of the occurrence giving rise to the Contract Dispute or after the date the Union knew or should have known of the facts giving rise to the Contract Dispute, whichever is sooner. The second-tier supervisor shall hold a Step 1 meeting within fourteen (14) business days after the submission of the filing of the grievance. The second-tier supervisor will issue a Step 1 response in writing within ten (10) business days of the Step 1 meeting. In departments where the second-tier supervisor is the Department Head, a Contract Dispute shall be deemed filed at Step 2.

Step 2 – If the Union is not satisfied with the Step 1 response, the Union may appeal the matter to Step 2 by submitting the appeal to the Department Head or designee within fourteen (14) business days of receipt of the Step 1 response. The Union shall meet with the Department Head or designee to discuss the Contract Dispute within fourteen (14) business days after receipt of the Step 1 response. The Department Head or designee will issue a Step 2 response within fourteen (14) business days of receipt.

Step - 3- If the Union is not satisfied with the Step 2 response, the Union may appeal the matter to Step 3 by submitting the appeal to the CAO or the CAO’s designee within fourteen (14) business days of receipt of the Step 2 response. The CAO or designee shall hold a Step 3 meeting within fourteen (14) business days after the submission of the contract dispute. The City will issue its decision in writing within ten (10) business days of the Step 3 meeting.

In the event of a Contract Dispute by the City, the City shall notify the Union’s designee within twenty (20) business days of the alleged violation. The City shall meet with the Union to discuss the Contract Dispute within fourteen (14) business days after receipt of the Step 3 response. The Union will issue a Step 3 Response within fourteen (14) business days of receipt.

Step 4 - If the Union or City is not satisfied with the Step 3 Response, the Union or the City may, within fourteen (14) business days of receipt, notify the other party in writing that it is submitting the matter to arbitration. The arbitration process is set forth in the following Section.

### **Section 5. Binding Arbitration.**

(a) The party submitting the matter to arbitration will request a panel of seven arbitrators from the FMCS. The panel will draw from the FMCS's "sub-regional" pool and will only include members of the National Academy of Arbitrators ("NAA"). The Parties will alternately strike names from the panel until there is only one name left. The party making the first strike will be determined by random selection. In appointing the Arbitrator for any particular arbitration, the Parties may agree on a different method of selection or different criteria for an arbitrator to be appointed, but if they do not so agree the above rules will be the default.

(b) The jurisdiction and authority of the Arbitrator shall be confined exclusively to the interpretation of the express provisions of this Agreement. The Arbitrator shall not have the authority to add to, detract from, alter, amend or modify any provision of this Agreement. The Arbitrator shall not hear more than one (1) Contract Dispute without the mutual consent of the Parties. The written decision of the Arbitrator shall be final and binding on both Parties and all affected bargaining unit employees including the aggrieved employee(s).

(c) The Parties shall share equally the fees and expense of the Arbitrator and the cost of any transcript of the hearing. Expenses related to the calling of witnesses shall be borne by the party calling the witness.

(d) To resolve multiple minor Contract Dispute arbitrations rapidly and cost efficiently, the Parties may mutually agree to use a "Rapid Resolution" procedure. Up to three (3) Contract Disputes may be heard in one day. Each party will be allowed no more than 60 minutes to present its side of each case including openings and closings.

### **Article 18: Holidays**

Administrative Regulation 5.2, effective July 1, 2023, appended to the CBA, will be followed for holidays. Bargaining unit employees will receive a minimum of seventeen holidays each year.

### **Article 19: Leave**

Leave will be provided in accordance with the following Administrative Regulations as appended to the CBA: 4.8, Leave Policy, effective July 1, 2023; 4.18, Return to Duty Program (RTD), effective February 21, 2017; 5.1, Workers' Compensation, effective February 1, 2007; 4.15, Leave Status Pending Disciplinary Review and/or Investigation, effective February 1, 2007; 4.3-A, Paid Parental Leave Policy, effective April 8, 2023; and 4.3, FMLA, effective July 1, 2019.

### **Article 20: Workweek & Work Schedules**

**Section One. Work Week.**

The work period, workdays, and work schedules are determined by the department. The City will follow federal, state, and local laws regarding working hours. If the employees’ hours are scheduled with a meal period of 30 or more minutes, they are to have an uninterrupted meal period and will not be paid for this time. If the employees’ hours are scheduled with a break period of 15 minutes or less, then the employee will be paid for such a break.

**Section Two. Overtime.**

The City will administer overtime in accordance with Administrative Regulation 4.5, Overtime and Compensatory Time, effective October 8, 2022, as appended to the CBA.

**Section Three. On-Call Duty & Shift Differentials.**

Administrative Regulation 4.7, On-Call Duty, effective July 2, 2022, appended to the CBA, will be followed. Employees eligible to receive pay pursuant Section V of AR 4.7 will be paid in the following amounts:

Flat Rate Amount	Section V of the Policy
\$280	a. Each full weekly period
\$320	b. Each full weekly period if there’s a designated holiday(s)
\$40	c. Each day of regularly scheduled work hours
\$80	d. Any designated holiday(s) based on regularly scheduled work hours

Employees eligible to receive shift differentials shall receive said differential at the same rate and under the same eligibility requirements as in effect on July 1, 2023.

**Article 21: Language Differential Pay**

Administrative Regulation, 5.15, Language Differential Pay, effective July 1, 2023, appended to the CBA, will be followed.

**Article 22: Salary Rates**

- A. The City will maintain the current structure of the Pay Plan as in effect on May 15, 2023. The increases described below will be administered in accordance with the pay plan ordinance adopted by the City Council for the applicable fiscal year.
- B. Effective July 1, 2024, the City will provide bargaining unit employees with an across-the-board increase of four percent (4%).
- C. Effective July 1, 2025, the City will provide bargaining unit employees with an across-the-board increase of three and one quarter percent (3.25%).

- D. Effective July 1, 2026, the City will provide bargaining unit employees with an across-the-board increase of three and one quarter percent (3.25%).
- E. The City will continue to conduct class and comp reviews for job classifications in which Administrative and Technical Unit (“ATU”) employees are assigned. The results of such reviews will be used to inform salary adjustments for bargaining unit members. A minimum of \$500,000 in Fiscal Year 2026 (Year Two of the Agreement) and a minimum of an additional \$500,000 in Fiscal Year 2027 (Year Three of the Agreement) will be utilized to fund said adjustments.

The City and the Union shall meet at least two times each fiscal year to discuss and recommend identification and prioritization of job classifications to be studied and to review the results of the studies, including recommended salary adjustments. These meetings shall be referred to as the “Class and Comp Review” biannual meeting. The City may designate up to five attendees and the Union may designate up to five attendees. Employees attending such meetings during their regularly scheduled work hours shall be paid their regular rate and such time shall not be deducted from any leave bank.

- F. Effective January 1, 2026, the City and the Union shall participate in a Compensation Study Committee. The City may designate up to five committee members and the Union may designate up to five committee members. Employees attending such meetings during their regularly scheduled work hours shall be paid at their regular rate and such time shall not be deducted from any leave bank. The purpose of the Compensation Study Committee will be to gather and discuss the following information:

1. Potential options and costs of implementing performance-based salary increments and/or other performance-based monetary incentives;
2. Cost of Establishing a Step Schedule with 15 steps, including the potential options and costs related to implementation;
3. Cost of Establishing a Step Schedule with 20 steps, including the potential options and costs related to implementation;
4. Cost of Establishing a Step Schedule with 25 steps, including the potential options and costs related to implementation;
5. The salary structures of comparable jurisdictions.

The Compensation Study Committee shall meet six times, approximately once per month, unless the Parties mutually agree its purpose is fulfilled in fewer meetings. The information and/or recommendations developed by the Compensation Study Committee may be used by the City and the Union to inform negotiations for a successor agreement.

- G. In the event the Council does not appropriate funds in accordance with this agreement, the Parties will negotiate in good faith in accordance with the CBO.

## **Article 23: Effect of Agreement**

### **Section 1. Entire Agreement.**

The Parties acknowledge that during the negotiations which resulted in this Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter properly within the scope of negotiations and that understandings arrived at after the exercise of that right to negotiate with respect to any subject or matter referred to or covered in this Agreement or with respect to any subject or matter not specifically referred to or covered in this Agreement are waived. The express provisions of this Agreement, therefore, constitute the complete and total agreement between the City and the Union. It is further agreed that this Agreement can only be added to, amended, or modified by a document in writing, signed on behalf of the Parties hereto by their duly authorized representatives.

### **Section 2. Conflict with Law.**

If any term or provision of this Agreement is at any time during the life of this Agreement in conflict with any law or court decision that is binding on the City, such term or provision shall continue in effect only to the extent permitted by such law or the decision of a court. If any term or provision of this Agreement is or becomes invalid or unenforceable, such invalidity or unenforceability shall not affect or impair any other term or provision of this Agreement.



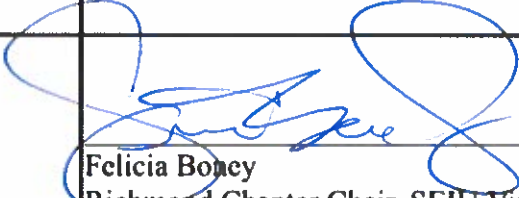

## **Article 24: Duration**

This Agreement shall be for the three year period, from July 1, 2024 to June 30, 2027 and the terms contained herein shall become effective July 1, 2024, unless otherwise specified. It is expressly understood and agreed that this agreement is subject to ratification by the Union Membership.

## **Article 25: Rules and Regulations**

All bargaining unit members shall comply with all terms and provisions of all applicable City rules, policies, procedures, and regulations, including but not limited to those related to conduct and work performance, unless explicitly modified by this Agreement.

IN WITNESS WHEREOF, the parties to this Agreement have caused their names to be subscribed below by their duly authorized officers and representatives on this   1   day of   April  , 2024.

City of Richmond, Virginia 	Service Employees International Union, Virginia 512 
Lincoln Saunders Chief Administrative Officer	LaNoral Thomas SEIU Virginia 512 President
	 Felicia Boney Richmond Chapter Chair, SEIU Virginia 512
	 Otissa Williams Richmond Chapter Vice Chair, SEIU Virginia 512

# **Appendix**



## 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

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- 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).



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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



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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



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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,



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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.



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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.



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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.



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#### 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.





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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 provider 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.



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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



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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.



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#### 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



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(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



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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* 6/27/19  
CHIEF ADMINISTRATIVE OFFICER

APPROVED:

*JMA*  
MAYOR



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#### 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

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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.

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<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>





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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

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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: 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 or 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:**

*J.E. Limon R. Sandoz*  
**CHIEF ADMINISTRATIVE OFFICER/DESIGNEE**

*2-24-21*

**APPROVED:**

*[Signature]*  
**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:**

A handwritten signature in black ink, appearing to be "J. R. [unclear]", written over a horizontal line. The signature is stylized and somewhat illegible.

**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**

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**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
Fifteen up to twenty	9.0	470.4
Twenty and above	10.3	537.6





**Administrative Regulations**

**Office of the Mayor**

**Title: LEAVE POLICY**

**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 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.



## Administrative Regulations

### Office of the Mayor

#### Title: LEAVE POLICY

**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.

#### 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.



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**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 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.



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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 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:



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- 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.

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.



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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.

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



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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.

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.



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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.





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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



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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



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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.
3. A parent or legal guardian of such a person who is a minor.



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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 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.



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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.

**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.



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**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.



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**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

**Levar M.  
Stoney**

Digitally signed by  
Levar M. Stoney  
Date: 2023.05.15  
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**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  
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**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  
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**Title: RETURN-TO-DUTY PROGRAM (RTD)**

**A.R. Number: 4.18 Effective Date: 02/21/2017 Page: 2 of 6**

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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**

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- 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 alternative 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

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### 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)**

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**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**

<b>Term</b>	<b>Definition</b>
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**

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**A.R. Number: 4.18 Effective Date: 02/21/2017 Page: 6 of 6**

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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.

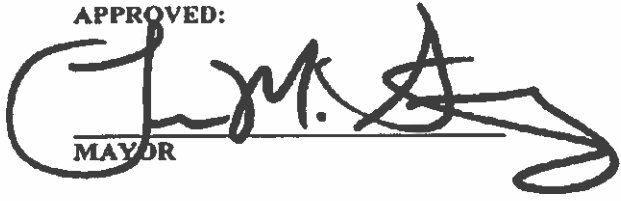
**VII. FORMS**

- 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 - RESTRICTIIONS / 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: \_\_\_\_\_

# RETURN TO DUTY

## Transitional Temporary Work Assignment Plan

Employee's Name: \_\_\_\_\_ Supervisor's Name: \_\_\_\_\_

Department: \_\_\_\_\_ HR Liaison: \_\_\_\_\_

Transitional Temporary Work Assignment Plan Dates: Start: \_\_\_\_\_ End: \_\_\_\_\_

### Checkpoint / Review Schedule

| Date | Prepared by<br>(Name) | Status | Comments /<br>Recommendation |
|------|-----------------------|--------|------------------------------|
|      |                       |        |                              |
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## 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:  $66 \frac{2}{3}$  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

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#### 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:**

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

**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.)
- 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



**Administrative Regulations**

**Office of the Mayor**

**Title: HOLIDAY POLICY**

**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 twenty-four (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 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





## Administrative Regulations

### Office of the Mayor

#### Title: HOLIDAY POLICY

**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

**Levar M. Stoney** Digitally signed by  
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**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.

**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.



**Administrative Regulations  
Office of the Mayor**

**Title: PERFORMANCE EVALUATIONS**

**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.



**Administrative Regulations  
Office of the Mayor**

**Title: PERFORMANCE EVALUATIONS**

**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**

  
CHIEF ADMINISTRATIVE OFFICER

  
MAYOR

**Levar M.  
Stoney** Digitally signed by  
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## Administrative Regulations

### Office of the Mayor

Title: LANGUAGE DIFFERENTIAL PAY

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





## **Administrative Regulations**

### **Office of the Mayor**

**Title: LANGUAGE DIFFERENTIAL PAY**

**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.



## Administrative Regulations

### Office of the Mayor

Title: LANGUAGE DIFFERENTIAL PAY

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.

#### 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



**Administrative Regulations**

**Office of the Mayor**

**Title: LANGUAGE DIFFERENTIAL PAY**

**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.



**Administrative Regulations**

**Office of the Mayor**

**Title: LANGUAGE DIFFERENTIAL PAY**

**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

**Levar M.  
Stoney**

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**Administrative Regulations  
Office of the Mayor**

**Title: RECRUITMENT AND HIRING POLICY**

**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.



## **Administrative Regulations**

### **Office of the Mayor**

**Title: RECRUITMENT AND HIRING POLICY**

**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.



**Administrative Regulations**

**Office of the Mayor**

**Title: RECRUITMENT AND HIRING POLICY**

**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.



**Administrative Regulations  
Office of the Mayor**

**Title: RECRUITMENT AND HIRING POLICY**

**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

**Levar M.  
Stoney** Digitally signed by  
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## **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.
12. Material falsification of any city document or employment application.



## Administrative Regulations

### Office of the Mayor

#### Title: DISCIPLINE POLICY

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 as any prior relevant corrective action plans. Management will outline the consequences for the employee of their continued failure to meet conduct expectations.



## **Administrative Regulations**

### **Office of the Mayor**

**Title: DISCIPLINE POLICY**

**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 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.



**Administrative Regulations**

**Office of the Mayor**

**Title: DISCIPLINE POLICY**

**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.

**D. Documentation**



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**Title: DISCIPLINE POLICY**

**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.



**Administrative Regulations**

**Office of the Mayor**

**Title: DISCIPLINE POLICY**

**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**

**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

**Levar M. Stoney** Digitally signed by  
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## Administrative Regulations

### Office of the Mayor

Title: GRIEVANCE POLICY FOR CLASSIFIED SERVICE

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





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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.



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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



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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



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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



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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



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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 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



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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.



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**Employees** – Employees are responsible for abiding by the requirements and processes of this policy.

**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.





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**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

**Levar M.  
Stoney**

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## Administrative Regulations

### Office of the Mayor

Title: REASSIGNMENT, TRANSFER, SEPARATION, AND REINSTATEMENT POLICY

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.



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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) re-organization, (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



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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 re-organization 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



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Office of the Mayor**

**Title: REASSIGNMENT, TRANSFER, SEPARATION, AND REINSTATEMENT POLICY**

**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, TRANSFER, SEPARATION, AND REINSTATEMENT POLICY

**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, TRANSFER, SEPARATION, AND REINSTATEMENT POLICY**

**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

  
CHIEF ADMINISTRATIVE OFFICER

  
MAYOR

**Levar M.  
Stoney** Digitally signed by  
Levar M. Stoney  
Date: 2023.05.15  
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## **Administrative Regulations**

### **Office of the Mayor**

#### **Title: PAY POLICY**

**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 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-





**Administrative Regulations**

**Office of the Mayor**

**Title: PAY POLICY**

**A.R. Number: 5.23 Effective Date: 7/1/2023 Page: 2 of 4**

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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 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.



**Administrative Regulations**

**Office of the Mayor**

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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.



**Administrative Regulations**

**Office of the Mayor**

**Title: PAY POLICY**

**A.R. Number: 5.23 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

**Levar M.  
Stoney**

Digitally signed by  
Levar M. Stoney  
Date: 2023.05.15  
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**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.



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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.



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**Office of the Mayor**

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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.



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(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.



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(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

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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



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- 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.



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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 Wilkins".

**MAYOR**

**VII. APPENDIX OF FORMS**



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**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.

| IN-STATE<br>Location<br>City-(surrounding Areas)                          | Lodging Rate<br><u>Excludes</u><br>Taxes and surcharges |
|---------------------------------------------------------------------------|---------------------------------------------------------|
| <b>STANDARD →<br/>EXCEPTIONS↓</b>                                         | <b>\$60</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                                                      |
|                                                                           |                                                         |



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**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</b><br><b>Location</b><br><b>City-(Surrounding Areas)</b>                 | <b>Lodging Rate</b><br><u><b>Excludes</b></u><br><b>taxes and surcharges</b> |
|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <b>STANDARD→</b>                                                                          | <b>\$88</b>                                                                  |
| <b>EXCEPTIONS↓</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>                                                                    |



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**OUT-OF-STATE**

**Lodging  
Guidelines**

| <b>OUT-OF-STATE<br/>Location<br/>City-(Surrounding Areas)</b>                                                     | <b>Lodging Rate<br/>Excludes<br/>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                                                       |



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**OUT-OF-STATE**  
**Lodging**  
**Guidelines**

| OUT-OF-STATE<br>Location<br>City-(Surrounding Areas)                        | Lodging Rate<br><u>Excludes</u><br>taxes and surcharges |
|-----------------------------------------------------------------------------|---------------------------------------------------------|
| <i>Queens (Queens) (7/1-8/31)</i>                                           | 153                                                     |
| <i>Queens (Queens) (9/1-9/30)</i>                                           | 177                                                     |
| <i>Orlando, FL (Orange County) (10/1-12/31)</i>                             | 89                                                      |
| <i>Orlando, FL (Orange County) (1/1-3/31)</i>                               | 114                                                     |
| <i>Orlando, FL (Orange County) (4/1-9/30)</i>                               | 89                                                      |
| <i>Philadelphia, PA (Philadelphia County)</i>                               | 138                                                     |
| <i>Phoenix/Scottsdale, AZ (Maricopa County) (10/1-12/31)</i>                | 103                                                     |
| <i>Phoenix/Scottsdale, AZ (Maricopa County) (1/1-3/31)</i>                  | 141                                                     |
| <i>Phoenix/Scottsdale, AZ (Maricopa County) (4/1-5/31)</i>                  | 109                                                     |
| <i>Phoenix/Scottsdale, AZ (Maricopa County) (6/1-8/31)</i>                  | 74                                                      |
| <i>Phoenix/Scottsdale, AZ (Maricopa County) (9/1-9/30)</i>                  | 103                                                     |
| <i>Pittsburg, PA (Allegheny County)</i>                                     | 100                                                     |
| <i>San Antonio, TX (Bexar County)</i>                                       | 103                                                     |
| <i>San Diego, CA (San Diego County)</i>                                     | 131                                                     |
| <i>San Francisco, CA (San Francisco County)</i>                             | 140                                                     |
| <i>Savannah, GA (Chatman County)</i>                                        | 95                                                      |
| <i>Seattle, WA (King County)</i>                                            | 136                                                     |
| <i>St. Louis, MO (St. Louis City and St. Louis, St. Charles Counties)</i>   | 103                                                     |
| <i>Washington, DC (1) (10/1-11/30)</i>                                      | 195                                                     |
| <i>Washington, DC (1) (12/1-5/31)</i>                                       | 188                                                     |
| <i>Washington, DC (1) (6/1-8/31)</i>                                        | 162                                                     |
| <i>Washington, DC (1) (9/1-9/30)</i>                                        | 195                                                     |
| <i>White Plains/Tarrytown/New Rochelle/Yorkers, NY (Westchester County)</i> | 137                                                     |

(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: 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.





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**Office of the Mayor**  
**Title: TUITION ASSISTANCE POLICY**  
**A.R. Number: 7.6 Effective Date: 7/1/2023 Page: 2 of 5**  
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**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.

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<sup>1</sup> See 26 U.S.C. § 127, Educational assistance programs: <https://www.law.cornell.edu/uscode/text/26/127>



## Administrative Regulations

### Office of the Mayor

Title: TUITION ASSISTANCE POLICY

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#### 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.
- 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.



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**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.

**Upfront Assistance** – Payment made by the city in advance to cover an eligible employee's authorized tuition costs.



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**Title: TUITION ASSISTANCE POLICY**

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**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

**Levar M.  
Stoney**

Digitally signed by  
Levar M. Stoney  
Date: 2023.05.15  
15:46:51 -04'00'



**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;



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- 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

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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:



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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:

MAYOR



## MAINTENANCE AND RELEASE OF PERSONNEL INFORMATION

### CONSENT TO RELEASE INFORMATION

In accordance with Administrative Regulation # 7.7 Maintenance and Release of Personnel Information 1, *(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)*