

# Upshur County

## Employee Handbook of Personnel Guidelines

Approved & Adopted  
July 6, 1995

by the  
Upshur County Commission  
&  
Upshur County Policy Board

Current Revision --- April 27, 2017

## Table of Contents

Introduction	Page 1
Equal Employment Opportunity	Page 2
Productive Work Environment Policy	Page 2
Appointment Procedures	Page 4
Employee Categories / Hours of Work	Page 5
Work Week / Record Keeping	Page 6
Courthouse Operations – Closure	Page 7
Holidays	Page 7
Seniority	Page 7
Overtime / Compensatory Time	Page 8
Vacation Guidelines	Page 9
Payment of Wages	Page 10
Group Health Insurance & Other Benefits	Page 11
Sick Leave	Page 11
Maternity Leave	Page 13
Drug Free Workplace Policy	Page 13
Family Medical Leave Act	Page 13
Workers' Compensation	Page 14
Military Leave	Page 14
Bereavement / Death in Family Leave	Page 15
Retirement Plan	Page 15

Safety	Page 16
Tobacco Free / Smoke Free Policy	Page 16
Cost Consciousness / Purchasing Procedures	Page 17
Telephone Usage	Page 17
Theft Policy	Page 17
Travel Expense Account	Page 18
Computer / Email / Internet Usage	Page 18
Social Media Policy	Page 19
Public Relations Statement	Page 19
Employee Political Activity	Page 20
Conflict of Interest	Page 20
Confidential Information Statement	Page 21
Leave Donation Program	Page 21
Use of County Owned Vehicle & Other Equipment	Page 23
Usage of Signature Stamp or Facsimile	Page 24
Jury Duty	Page 24
Court Witness	Page 25
Taxable Fringe Benefits	Page 25
Health Care Policy for Retirees	Page 26
Conclusion	Page 30

Appendix of Federal Statutes --- Appendix of State Statutes

County Forms: Employee Time Sheet  
Compensatory Time Agreement  
Leave Donation Forms  
Notification or Request to Attend Meeting  
WVCoRP Accident Questionnaires  
Affidavit of Non-Collusion

**Reference and Schedule of Adoption and Revisions**

Original Adoption:	July 06, 1996
Revision (1)	September 20, 1995
Revision (2)	October 30, 1995
Revision (3)	December 06, 1995
Revision (4)	January 22, 1996
Revision (5)	January 27, 1997
Revision (6)	July 23, 1997
Revision (7)	May 11, 2000
Revision (8)	August 10, 2000
Revision (9)	December 13, 2001
Revision (10)	October 16, 2003
Revision (11)	January 22, 2004
Revision (12)	February 09, 2006
Revision (13)	January 10, 2008
Revision (14)	August 12, 2010
Revision (15)	March 17, 2011
Revision (16)	April 14, 2011
Revision (17)	May 8, 2014
Revision (18)	July 30, 2014
Revision (19)	October 22, 2015
Revision (20)	December 3, 2015
Revision (21)	April 27, 2017

## INTRODUCTION

All elected officials wish to provide this manual to assist employees in understanding the personnel guidelines of Upshur County. This manual does not contain all the information you may need during the course of your employment. This Employee Handbook of Personnel Guidelines is provided as a reference and guide only. Employees should realize that the elected official or department head might have additional rules, regulations and/or policies concerning employment and job responsibilities for their department. Any item in the Employee Handbook of Personnel Guidelines that is, or may become, in conflict with state and/or federal statutes will be considered null and void, however, all other areas will remain effective. Employees covered under the protection of Civil Service should realize that certain guidelines of this handbook do not apply to their position. Specific questions should be directed to your supervisor.

**This Employee Handbook of Personnel Guidelines is not intended to create any contractual rights in favor of the employee. Nor does this Employee Handbook of Personnel Guidelines alter the “AT WILL” nature of the employment relationship between Upshur County and its employees, which means that the employee may resign at any time and the employer may discharge an employee at any time with or without cause. (R6)**

Upon adoption of this Handbook of Personnel Guidelines, an Upshur County Policy Board is established. The Upshur County Policy Board consists of the County Commission President, County Clerk, Circuit Clerk, Sheriff, Assessor, and Prosecuting Attorney as the voting members and two county employee representatives. (R21). The two remaining County Commissioners may serve in an advisory capacity and have no voting privileges. (R11) The Upshur County Policy Board reserves the right to modify, revoke or change any or all of the guidelines set forth, in whole or in part, at any time. The Upshur County Commission will consider revisions, modifications and/or changes for final approval after adoption by a majority vote of the Upshur County Policy Board. The Upshur County Commission has final authority on the interpretation and/or intent of any and all policies and procedures contained in this document. (R17) An opportunity for discussion with elected officials will be scheduled prior to the decision or interpretation by the Upshur County Commission. (R17)

The Upshur County Commission appreciates the cooperation of all elected officials in regards to the adoption of this handbook. The Commission respectfully requests that each elected official approve the adoption of these guidelines for their office. Upshur County and its employees will benefit if all are kept accurately informed.

## **EQUAL EMPLOYMENT OPPORTUNITY**

Upshur County is an “Equal Employment Employer.” It is, and has been, the expressed policy of Upshur County to comply with the letter and spirit of all laws. The policy on this subject stresses the importance on having the entire organization understand that, in its recruitment and all conditions of employment, the County seeks the best qualified applicants and workers in all categories of employment without regard to actual or perceived race, creed, color, national origin, sex, age or handicap and all other classes protected by Federal, State, Local Law, Code or Ordinance. (R21) The policy relates not only to the selection and hiring of personnel, but also to the promotion, training, compensation, conditions, and privileges of employment and promotion of all employees who will be treated equally on the basis of merit, efficiency and fitness. Employment with Upshur County is open to all qualified applicants.

## **PRODUCTIVE WORK ENVIRONMENT POLICY**

### **1. Background**

The Upshur County Commission is dedicated to ensuring that the Citizens of Upshur County receive the best quality public services and support from the public employees of the County. The Commission believes that the opportunity to render this public service is a privilege, and that every employee of the County must be provided with the means and environment to lead a happy and productive work life in service to our Citizens.

### **2. Gender Based Harassment / Sexual Harassment**

Both Federal and West Virginia law classify sexual harassment as an unlawful employment practice. Sexual harassment is defined as any kind of directed or general gender-based harassment including, but not limited to, unwelcome sexual advances, requests for sexual favors, lewd or suggestive comments or sounds, proliferation of pornographic materials/objects, threats or intimidations, and other verbal and/or physical conduct of a sexual nature when:

- a. Consent to or toleration of such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment; and/or
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; and/or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

The conduct described above is prohibited between Supervisors and subordinates, as well as between fellow employees. It is not necessary that there be a supervisory relationship between employees to sustain a sexual harassment charge. Furthermore, the Commission will not tolerate any non-employee third party harassment involving an employee of the County Commission.

3. Harassment Based Upon Race, Religion, National Origin, Disability, Age, or Any Other Protected Characteristic

This unlawful harassment is best described as conduct or words directed towards an employee or other person that has the intent or effect of poking fun, using slurs, name calling or making derogatory jokes or comments based upon race, religion, national origin, disability, age or any other protected characteristic. This conduct may have the purpose or effect of:

- a. Unreasonably interfering with an individual's work performance; or
- b. Creating an intimidating, hostile, or offensive work environment.

This behavior, which discriminates and/or creates a hostile work environment, should not be suffered by an employee and will not be tolerated by the Commission.

**Policy**

**It is the policy of the Upshur County Commission that every employee of Upshur County be treated with consideration and respect. The Commission views the respectful treatment of employees to include the absence of all forms of harassment in the work place, whether based upon sex, gender, race, age, disability, national origin, color, religion, or any other personal characteristic. Because the Upshur County Commission is dedicated to providing employees a work place free from any form of unlawful harassment or discriminatory behavior, harassment for any reason, and in any manner or form, is expressly prohibited. All employees must avoid any action or conduct which could be viewed as unlawful harassment, and all employees are responsible for the administration of this policy and the promotion of a safe and productive workplace.**

All alleged claims of harassment, as described herein, will be promptly, fairly, and thoroughly investigated and corrective action will be taken if warranted by the results of the investigation. Such action may include disciplinary measures up to and including immediate termination.

This policy also expressly prohibits retaliation of any kind against any employee bringing a complaint or assisting in the investigation of a complaint. Such employees may not be adversely affected in any manner related to their employment. Such

retaliation is also illegal under the laws of the United States and the State of West Virginia.

Any employee who feels that he or she has suffered / is suffering harassment prohibited by this policy shall clearly inform the harasser that the behavior is offensive, unwelcome, and prohibited and request that the behavior stop. If the behavior continues, the employee shall immediately report the incident to his/her immediate supervisor. If the immediate supervisor is involved in the harassing activity, the alleged violation may be reported to the supervising Constitutional officer/department head, the County Administrator, or any member of the County Commission. In the alternative, the employee may report the alleged harassment to the County Solicitor or the Commission's Special Counsel for Human Resources.

All complaints will be promptly, thoroughly, and fairly investigated by the Commission or its designated employee/agent. Investigations will be conducted to the fullest extent possible to protect the privacy of all parties concerned. Disciplinary and corrective action will be taken as appropriate, as determined by the County Commission. (R17)

## **APPOINTMENT PROCEDURES**

Any elected official or department head who wishes to fill any position shall arrange for advertisements in the local paper(s) on three separate dates in a format approved by the Office of the Upshur County Commission. (R12) If a vacancy occurs within six months of advertising, there is no need to re-advertise, in this instance the elected official may simply choose an applicant from the previously compiled resumes. (R21) Any exceptions to this procedure must be approved by the Upshur County Commission. (R14) An elected official or department head shall utilize the current employment application form as provided by the Upshur County Commission. (R12) All applicants will be subject to a background investigation(s) as stated in the employment application form with such investigation(s) to be coordinated or administrated by the Office of the Upshur County Commission. (R12) Before an individual commences employment, the elected official or department head shall inform and seek the advice and consent of the Upshur County Commission.

**Employees of Upshur County serve in an "at will" employment relationship as outlined in the introduction section of this handbook. Due to the "at will" nature of the employment relationship an employee may resign at any time and the employer may discharge an employee at any time with or without cause. (R6)**

## **JOB PERFORMANCE EVALUATION**

Job Performance Evaluation Section was deleted with revision of January 22, 2004

## DEFINITIONS OF EMPLOYEE CATEGORIES

Employees of Upshur County are assigned to one of the following categories:

Hourly Full-Time Employees / Professional / Administrative: An hourly full-time employee is one who regularly works (40) hours per week with the exception of E911 hourly staff. (R20) Hourly full-time E911 staff regularly work twelve (12) hour shifts alternating thirty-six (36) hours one week and forty-eight (48) hours the next week with an average of eighty-four (84) hours per pay period. (R20) Some employees who regularly work forty (40) hours a week are eligible for additional pay for hours worked over forty (40) a week. (Refer to Overtime Section of Handbook) If you were hired as a full-time employee, you are eligible for all benefits outlined in this booklet. All elected officials who meet the eligibility guidelines and the Assistant Prosecuting Attorney(s) are included in this category in regards to eligibility of benefits. (R6) (R14)

Hourly Part-Time Employees: An hourly part-time employee is one who normally works less than eighty (80) hours per pay period. (R20) An hourly part-time employee that works 1040 or more hours during the calendar year (averages twenty (20) or more hours a week) must be a member of the West Virginia Public Employees Retirement System (WVPERS). A part-time employee is paid an hourly rate for the number of hours worked. Hours worked in excess of forty (40) in a week will be paid at the overtime rate for that employee. A part-time employee is eligible for coverage by Workers' Compensation and WVPERS but is not eligible for holiday pay, annual or vacation leave or the like, paid sick leave, paid medical insurance, or any other County benefit. As of January 2015, a part-time employee working an average of at least thirty (30) hours per week but less than forty (40) hours per week will be eligible for medical insurance coverage as per federal statutes. (R17)

Hourly Temporary / Seasonal Employee: Temporary employees may be hired for specific periods or for the duration of specific assignments. Temporary employees are paid an hourly rate for the number of hours worked each week and are eligible for overtime compensation for more than forty (40) hours worked in a week. A temporary / seasonal employee is covered by Workers' Compensation but is not eligible for holiday pay, annual or vacation leave, paid sick leave, paid medical insurance, retirement coverage or any other County benefit. As of January 2015, temporary/seasonal employees working more than one hundred twenty (120) days in a calendar year and average at least thirty (30) hours per week may be eligible for medical coverage as per federal statutes. (R17)

Part-time Salaried Employees: Definition deleted in April 27, 2017 Revision.

## **WORK WEEK --- HOURS OF WORK RECORD KEEPING**

The workweek for Upshur County employees begins at 00:01 hours on Sunday and continues until 24:00 hours on Saturday. The Upshur County Courthouse will be open from 8:00 a.m. until 4:30 p.m. on Monday, Tuesday, Wednesday, Thursday and Friday. (R12) Some departments will maintain different hours of operations due to the nature of the work performed by employees of those departments. All employees are expected to observe the normal working schedule established by the elected official or department head. Inasmuch employees, including full-time and some (but not all) part-time, temporary and/or seasonal, are paid for at least an eight (8) hour workday. The elected official or department head shall establish the schedule of mealtime periods. Depending on staffing levels and emergency situations, where feasible and practical, employees will be provided up to a one (1) hour meal break. (R2)

Each employee shall be responsible for accurate recordkeeping regarding his/her hours worked, sick leave used, vacation used, and compensatory time accumulated and used. This information shall be documented on forms prescribed for employee payroll records and submitted to your supervisor on or before the last day of each work period. (R4) Hourly employees are required to report all hours worked. (R21) It is the employee's responsibility to insure their time sheets are accurate prior to forwarding the time sheet to their supervisor or payroll for approval. (R21) No other employee can fill out an employee's time sheet for them. (R21) In the event of an emergency a supervisor may complete an employee's time sheet. (R21)

The supervisor shall review, note necessary corrections and approve all employee time sheets for his/her department. The supervisor will forward the original time sheet to the payroll department by 12:00 p.m. on Monday before the scheduled pay date. (R10)

If compensatory leave time is utilized in an office or department, a written agreement must be on file with the signature of the employee and supervisor. The elected official or department head should maintain the original and forward a copy to the County Clerk's office to be included in the employee's personnel file. Elected officials must be aware that the Code of West Virginia (§21-5C) has placed certain parameters on these agreements. Absent any holiday pay, an employee may not receive compensation in excess of a forty (40) hour workweek in the utilization of compensatory time. (R11)

Employees must promptly inform their supervisor if he/she will be absent, late, need to leave early, etc. Tardiness for personal, avoidable reasons will not be excused and may result in a deduction from annual leave or pay. When overtime is scheduled in advance, failure to report on time is handled in the same manner as tardiness during regular work hours.

## **COURTHOUSE OPERATIONS – CLOSURE – STATE OF EMERGENCY**

During a state of emergency or a related condition (whether declared by the State or County) and the courthouse is closed by the County Commission,(R17) personnel will not receive any additional, premium or compensatory time for hours worked during such condition, unless hours worked are in excess of forty (40) for that week. Essential personnel are expected to report to their assigned work location as directed by their supervisor. (R17) Essential personnel are defined as operations that work seven (7) days per week, twenty-four (24) hours a day or subject to twenty-four (24) hour call. Essential personnel would be located in the E911 Communications Center, Law Enforcement Department and/or Maintenance Department. (R17) Other personnel may receive credit for up to eight (8) hours per day for a state of emergency or related condition in which the courthouse is closed. (R4) (R17) Employees credited this time will not receive in excess of forty (40) hours for the week. (R17) If employee has previously scheduled vacation, sick and/or any other leave and a state of emergency is declared, the employee will still be charged that type of leave. If a state of emergency has been declared or continues and the courthouse is open, all employees are expected to report to their work location. Any employee unable to report to their work location will be charged vacation or personal leave. On an annual basis, an employee may convert up to two (2) days sick leave into two (2) days personal leave. Personal leave may only be used for payment of wages of up to forty (40) hours during a state of emergency in which the courthouse is open and the employee is unable to report to their work location. If an employee has insufficient vacation time or does not convert sick leave to personal leave to cover the absence, the absence will be unpaid. (R17) If any elected official and/or employee have a question on the status of courthouse operations, he/she is directed to contact a member of the County Commission, the County Administrator or Assistant County Administrator. (R17)

## **HOLIDAYS**

A holiday schedule will be distributed every January to notify employees of the authorized paid holidays. Full-time employees will receive credit for eight (8) hours pay for a holiday. In addition, any hourly full-time employee who works a holiday will receive pay at their regular rate for all hours worked on that holiday. An employee will not be entitled to pay at the overtime rate until after forty (40) hours worked. (R3) (R4) (R11)

## **SENIORITY**

Seniority is based on the length of full-time employment with Upshur County. Whenever possible, employee seniority will be given preference in arranging vacation schedules. In granting promotions, seniority will be one of the factors considered, however, ability and qualifications will be the first and most important factors considered. Seniority does not grant the employee any right or privilege to continued employment with the County. All employment relationships with the County are of an “at will” nature as outlined in the introduction of this handbook.

## **OVERTIME / COMPENSATORY TIME**

Occasionally, an excessive amount of work accumulates or an emergency arises, necessitating overtime. If you are requested or required to work more than forty (40) hours a week, eligible employees will either be paid at a rate of one and one-half times their regular straight time rate or receive compensatory time calculated at a rate of one-and one-half times. Employees are only eligible for overtime compensation, including grant programs, for hours worked in excess of forty (40) hours. (R17) In order to be eligible for overtime compensation, an employee must be actually on the job and worked in excess of forty (40) hours. Employee classifications which are exempt from overtime compensation may be found under §21-5C-1, et.seq. of the West Virginia Code. Whether overtime compensation takes the form of compensatory leave or overtime pay shall be mutually determined by the employee and supervisor. All overtime and/or compensatory time must have prior approval of your supervisor, unless it is a result of an emergency situation. The Compensatory Agreement between supervisor and employee must be reviewed and renewed annually, by July 1 of the new fiscal year. Overtime which was a result of an emergency situation must be reported to the employee's supervisor the next normal workday.

With respect to the use of accrued compensatory leave time by the employee, the employee has the right to request the use of compensatory time at any point, provided the request is made in writing to the supervisor within at least three (3) working days in advance of the anticipated use, or per the departmental rules. The supervisor must allow for the use of compensatory leave time within a reasonable period after the request is made unless the employee's absence from work would unduly disrupt the operations of the department. Furthermore, at the supervisor's discretion, an employee may be required to use accumulated compensatory time periodically in order to reduce the total accumulated compensatory time. The legal maximum amount of time that may be accumulated as compensatory time depends on the employee classifications and responsibilities. Pursuant to current statutes, law enforcement personnel may accumulate no more than 480 hours of compensatory time; other Upshur County employees may accumulate 240 hours. Upshur County reserves the right to require employees to utilize compensatory time before these legal limits are reached. Elected officials and supervisors are responsible to insure that no employee has greater than forty (40) hours of compensatory time (40 hours compensatory time equals 60 hours straight time) as of December 31 of each calendar year. (R6) Any time worked in excess of the legal maximum amounts must be paid as overtime compensation. Once an employee has earned compensatory time it shall not be converted and paid as overtime compensation, with the exception of termination of employment. (R2) Upon termination of employment, an employee must be paid for any unused compensatory leave time. As per the West Virginia Code, compensatory time must be utilized within one (1) year of occurrence.

## VACATION GUIDELINES

The vacation period is the calendar year beginning January 1 and continuing through December 31. As used in this policy, "month end" and "year end" mean full calendar periods. Also, the term "service" refers to regular full-time employment and excludes part-time and/or temporary workers. Depending on date of hire, accumulated and unused vacation leave may be applied to credited service time or cost of insurance coverage for the purpose of retirement benefits. (R9) Employees of Upshur County may utilize such leave as outlined in Section thirteen, Article sixteen, Chapter five of the Code of West Virginia, (§5-16-13) as amended and in accordance with any local county policy concerning usage of such leave. (R9) (R14) In addition to any local county policy concerning the usage of said leave, Upshur County hereby adopts the procedure and policy of the State of West Virginia as outlined in said Code. (R9) (R14) If the procedures outlined by such local county policy and the Code would appear to be in conflict, the local county policy shall take precedence. The County will not allow employees to forego their vacation and elect to receive additional pay. Vacation days may be applied to maternity leave as hereinafter set forth. Vacation may be scheduled throughout the year with the approval of the employee's supervisor. An employee will submit a written request to their supervisor for periods of vacation. The elected official or department head will provide the employee a written approval or disapproval notice. Vacation requests that have been approved may need to be canceled if extreme staffing problems occur after approval has been granted. In this case, the elected official or supervisor will make every reasonable effort to accommodate the employee with the next time period available for vacation. Each office will start the scheduling of vacation during January and provide an opportunity for all employees to submit their request. Vacation periods of five or more days must be requested at least thirty (30) days in advance. Every effort will be made to accommodate the request of an individual employee. However, the needs of the County and balancing work schedules take precedence over vacation requests. If two or more employees request the same vacation period and this presents a conflict with the work schedules, demands or the needs of the County, the supervisor will consider length of service and the length of notice provided from the requesting employees in apportioning vacation time among those who have applied. Vacation carry over will be on a calendar basis of January 1 of each year. No more than eighty (80) vacation hours (R20) may be carried over to the succeeding year. Vacation hours exceeding the eighty (80) hour (R20) maximum carry over will be lost. If a paid holiday occurs during an employee's vacation and the employee was not and would not normally be scheduled or considered available to work the holiday, (R12) the employee may extend that vacation by another day upon advance approval or take the day at another time mutually agreeable to the employee and supervisor.

If an employee was scheduled or normally would be scheduled or considered available to work a paid holiday, for example law enforcement and E911 personnel, then the employee must utilize a vacation day so as to guarantee that he/she may have an approved absence. An employee in this situation would receive credit for their normal workday hours of holiday pay and credit for their normal workday hours of vacation pay for that day. (R12) Illness during a vacation will not extend the scheduled period or convert the absence to sick leave, except if the employee is hospitalized or becomes disabled for an extended period of time.

The amount of paid vacation time to which an employee is entitled depends on length of service with the County computed from the employee's anniversary of full-time hire date. The schedule of ratios of vacation time for eligible employees accrues as follows:

Years of Service =====	Earned Vacation Hours =====	Hours for Year =====
Less Than One Year	4 hours per month	48 hours or less
One < Five Years	8 hours per month	96 hours
Five Years < Ten Years	10 hours per month	120 hours
Ten < Fifteen Years	12 hours per month	144 hours
Fifteen < Twenty Years	14 hours per month	168 hours
Twenty and Plus Years	16.64 hours per month	200 hours (R20)

The civil service section of the West Virginia Code, §7-14-17a, covers accrued vacation time for deputy sheriffs. The above schedule will not apply to those positions. These employees should contact the Sheriff to review the earned days per month based on their years of service.

**METHOD OR PAYMENT OF WAGES**

All employees of Upshur County will be paid bi-weekly consisting on twenty-six (26) pay periods per year. Scheduled pay date will be every other Friday for the previous work period. (R3) As of March 2013, all new employees will receive payment of wages via direct deposit; all current employees as of March 2013 receiving payroll via direct deposit will remain on direct deposit; any employees who receive a payroll check as of March 2013 may continue doing so, but will be required to pick up their check in person in the office of the County Clerk Office. If the employee receiving a payroll check would like to designate a spouse or other individual to pick up the check, or would like the check mailed, the employee must sign a release form which will be provided by the County Clerk. (R17)

## **GROUP HEALTH INSURANCE & OTHER BENEFITS (R21)**

Group health insurance, prescription coverage, life insurance, dental/vision insurance and other voluntary benefits are available to all full-time employees and dependents that meet the guidelines as established by the Upshur County Commission. (R6) (R9) (R14) (R21) The eligibility date for these types of insurance will be the first of the month after forty-five (45) calendar days of employment. (R17) (R21) Allocation of the premium cost (employer's share and/or active employee's share and/or retired employee's share) will be determined by the Upshur County Commission. Such allocation of cost and/or procedures relating to any type of coverage may be changed, altered and/or modified by the Upshur County Commission at any time. (R9) (R17) The County provides eligible employees \$50,000 of life and accidental death and dismemberment insurance as per the guidelines of the provider or carrier. (R17) (R21) Additional life insurance may be acquired via payroll deductions. In case of termination, the insurance coverage ceases to be paid by the County during the month of your last pay period. However, pursuant to federal statutes (COBRA) you may continue carrying your medical insurance coverage, at your own cost, as outlined by the statute. In addition, an employee who takes an approved leave of absence without pay is responsible for the cost of insurance coverage during that term of absence. If an employee takes an approved leave related to the Family Medical Leave Act, the County will continue medical insurance coverage at no additional cost to the employee for up to a maximum of a twelve (12) week period.

For more detailed information, please refer to the Upshur County Commission's Plan Document/Summary Plan Description. (R21)

## **SICK LEAVE**

It is the policy of Upshur County that sick leave is provided only for, and is intended to be used only for, absences from scheduled work due to personal illness or injury which is not a result of or related to work activities. Sick leave benefits are not to be used for purposes of engaging in various forms of leisure, social or personal time, nor is it to be used as a way to extend holidays, vacation periods, or weekends. The County's sick leave policy is established to help employees cope with the financial burden of lost time incurred due to personal illness and, to the extent of available leave, an employee may utilize available sick leave to receive compensation for a forty (40) hour work week. (R9) Absent any holiday pay due an employee, available sick leave may not be utilized to receive compensation in excess of a forty (40) hour workweek. (R9) An employee will not receive sick leave compensation for utilizing sick leave on a holiday in which he/she was scheduled to work. (R9) Sick leave eligibility is granted each year to be used for bona fide personal illness absences during that year or maternity leave as hereinafter set forth. Employees accrue sick leave at the rate of one and one-half (1½) days per month.

Upshur County will not pay an employee for the balance of unused accumulated sick leave time upon the discontinuation of the employment relationship. When the employment relationship of an employee ends for any reason other than retirement, all

sick leave credit shall be canceled as of the last workday with the County. (R17) However, accumulated sick leave may be reinstated if the County rehires a full-time employee within a period of six (6) months from the date of separation. Depending on date of hire, (R9) accumulated and unused sick leave may be applied to credited time or insurance coverage for the purpose of retirement benefits. Employees of Upshur County may utilize such leave as outlined by section thirteen, article sixteen, chapter five of the Code of West Virginia, (§5-16-13) as amended and in accordance to any local county policy concerning usage of such leave. (R9) (R14) In addition to any local county policy concerning the usage of said leave, Upshur County hereby adopts the procedure and policy of the State of West Virginia as outlined in said Code. (R9) (R14) If the procedures outlined by such local county policy and the Code would appear to be in conflict, the local county policy shall take precedence. (R14) Sick leave time is to be utilized under the following conditions:

(a) When the employee is unable to perform his/her duties because of illness or injury, which is not incurred or suffered in the course of, and resulting from employment covered by the Workers' Compensation laws.

(b) When the employee undergoes medical, dental, optical examination and/or other treatment related to a medical condition which is not due to illness or injury incurred or suffered in the course of and resulting from employment covered by the Workers' Compensation laws.

(c) When a doctor requires the employee to be absent from work because of exposure to a contagious disease that would jeopardize the health and welfare of other employees, which disease was not incurred or developed in the course of and resulting from employment covered by Workers' Compensation laws.

Sick leave may be utilized under the above conditions for the employee, dependent and/or an immediate family member; spouse, child, parents, parents-in-law, siblings, son/daughter-in-law, grandparents, grandchildren, step-parents, step-siblings, step-children and other individuals in a legal guardian relationship with the employee. (R9) A doctor's excuse from the treating physician must be submitted to the employee's supervisor for future time off scheduled as "sick leave" or when the employee plans to utilize sick and vacation time in the same day. (example: Next month you have an appointment scheduled on Monday at 10:00 a.m. and you request to use sick time for ½ the day and vacation time for the remainder of the day). (R21) The same policy applies when the employee plans to utilize sick time immediately before or after scheduled vacation leave (example: You request to utilize a sick day for an appointment you have scheduled on Monday and then you intend to utilize vacation time for Tuesday through Friday). (R21)

Illness or injury must be reported to your supervisor as early as possible on the first day of absence. For an absence in excess of three (3) working days or for lesser periods if determined necessary by your supervisor, a medical certificate stating the employee was not able to work or other evidence of the reason for the absence may be required. In the absence of such evidence, annual or vacation leave shall be charged for the entire period.

An employee will not receive any payment or compensation for any balance of unused sick leave time upon the discontinuation of the employment relationship. Employees eligible to utilize sick leave time for retirement service credit need to refer to

the “Retirement Plan” section of this document. (R17)

### **MATERNITY LEAVE**

The following guidelines relating to absence for maternity reasons shall apply to all full-time employees of Upshur County.

For leave purposes, childbirth will be treated in the same manner as any other physical condition that temporarily incapacitates the employee from the performance of job duties. As a means of accommodating the temporary nature of this condition, appropriate leave may be granted to the employee. However, it should be recognized there is not a maternity leave policy separate and apart from employee’s sick leave. To the extent available, sick leave may be used to cover the time for delivery and recovery. (R1) In addition, accumulated sick leave may be utilized for prenatal examinations as required by the attending physician.

### **DRUG & ALCOHOL FREE WORKPLACE**

Upshur County is committed to the principle of keeping illegal drug use out of the workplace and society in general. The use of alcohol and drugs endangers fellow workers and public safety. Accordingly, Upshur County has implemented this policy in accordance with the Drug Free Workplace Act of 1988 to help ensure and maintain a drug-free, safe and secure working environment. For the purpose of this policy, the definition of a “drug” includes alcoholic beverages, inhalants and any illegal drugs.

The unlawful manufacture, distribution, dispensation, possession or use of a drug on County property or vehicles is absolutely prohibited. (This policy does not apply to lawful possession, storage or transportation of any drug by law enforcement and/or court personnel.) Violations of this policy will result in disciplinary action up to and including immediate termination. Depending on the circumstances, other action, including notification of appropriate law enforcement agencies, may be taken against any employee that violates this policy.

In accordance with the Drug-Free Workplace Act and as a condition of employment, county employees must comply with this policy and notify Upshur County officials within five (5) days of the conviction for any criminal drug violation occurring in the workplace. Failure to do so will result in immediate termination of employment. Please note that the employee may be terminated as per above paragraph. Upshur County, as required by the Act, will report such convictions within ten (10) days of learning of the conviction to the appropriate state and federal agencies.

### **FAMILY MEDICAL LEAVE ACT**

An employee shall be entitled to a maximum total of twelve weeks of unpaid family leave, following the exhaustion of all their vacation and sick leave, during a “rolling” twelve-month period for various family and/or medical conditions covered by the FMLA. (R3)(R21) An employee should direct questions to your supervisor. Requests

for leave under the FMLA must be presented in writing to your supervisor. (R6)

The position held by the employee immediately before the leave commenced shall be held for a period not to exceed the twelve week period of leave and the employee shall be returned to that position. An elected official must request the advice and consent of the Upshur County Commission before a temporary employee is hired to cover the period of leave by another employee.

Nothing in this section entitles any returning employee to the accrual of any employment benefits, with the exception of medical insurance, during the leave period. Upshur County is required to continue group health insurance coverage for an employee on family leave for up to a maximum of a twelve (12) week period.

All other requests for leave of absence without pay will be reviewed on an individual basis. Such requests must be made in writing to the supervisor stating specifically the reason(s) for the request and the time period covered. The elected official or supervisor needs to provide a written notice of approval or disapproval. The Upshur County Commission should receive a copy of all requests and responses. The elected official or supervisor must seek the advice and consent of the Upshur County Commission before a temporary employee is hired to cover an approved request.

### **WORKERS' COMPENSATION**

All Upshur County employees are covered by Workers' Compensation in the event of accidents or death occurring in the course of employment. There is no cost to the employee for this coverage. **An employee must notify his/her supervisor as soon as possible in the event of a work related accident. In no case should the employee delay notification longer than twenty-four (24) hours.** All Workers' Compensation forms (attached) shall be submitted to the County Administrator by the Supervisor or Elected Official within 24 hours of being notified. (R21) Upon returning to work, the employee must provide a release from the treating medical professional to his or her supervisor to be maintained in their personnel file. (R21) For administrative purposes all files will be maintained by the Upshur County Clerk's Office.

If an employee receives payment of all or part of his/her wages from Workers' Compensation, an equal amount will be deducted from the next payment(s) of wages. An employee is not entitled to regular wages plus wage payments from Workers' Compensation. When an employee is off work due to Workers' Compensation, he/she will not accrue annual or sick leave time.

### **MILITARY LEAVE**

Military leave will be granted to full-time employees who are members of the National Guard or any reserve component of the military or naval forces. To receive this leave the employee shall provide a copy of his/her military orders to their immediate supervisor. Employees accepting permanent employment in a regular branch of the armed forces will not be eligible for a military leave of absence. Each military leave of absence will be granted for the duration of the employee's active service in the armed

forces up to the limit set by law and the employee will be eligible for employment in accordance with applicable federal and state laws. Any full-time employee called to serve for a domestic emergency or to attend a summer camp, for a period not to exceed thirty calendar days, will receive their regular pay. Benefits shall not be applicable when individuals are ordered or called to active duty by the President of the United States.

### **DEATH IN THE FAMILY**

If there is a death in an employee's immediate family (spouse, child, parents, parents-in-law, siblings, son/daughter-in-law, grandparents, grandchildren, step-parents, step-siblings, step-children, and individuals in a legal guardian relationship with the employee) (R9) he/she will be allowed up to five (5) working days with pay, depending on travel and arrangements, for attending services and related affairs. The employee's supervisor should be notified as soon as possible of the death and need for this type of leave. Only full-time employees and part-time salaried employees are eligible for bereavement leave. (R6) Bereavement leave may be utilized towards the forty (40) hour normal work week. The granting and/or usage of bereavement leave may not be utilized for hours above forty (40) per week. (R14) In the event that an employee is on vacation when the death of an aforementioned family member occurs the employee qualifies to begin their bereavement leave on the day of the family members passing. The unused amount of vacation time will be available for use at a later date. Use of this time must adhere to the policy set forth in the Vacation Guidelines section of this handbook. (R18)

### **RETIREMENT PLAN (WVPERS & DSRS)**

All full-time and part-time employees who work in excess of 1040 hours during the calendar year (average twenty (20) or more hours per week) must be members of the West Virginia Public Employees Retirement System (WVPERS) or the Deputy Sheriffs Retirement System (DSRS), whichever is appropriate. Please note that the percentages of contribution are subject to change by the State of West Virginia. (R11)

Elected officials may utilize any unused vacation and/or sick leave, earned as a full-time employee of Upshur County prior to their election, as service credit for retirement purposes if the official meets the eligibility requirements of the state. "Elected officials," in this context, refers to the Upshur County Commissioners, Prosecuting Attorney, Circuit Clerk, Sheriff, Assessor, County Clerk, and Upshur County Magistrates, Circuit Court Judge, and Family Court Judge.

As of the date of the adoption of this policy (January 10, 2008), the maximum credit available for current elected officials is one hundred twenty (120) days. Full time employees elected to county office after the date of adoption are eligible for any and all unused leave to be converted to service credit as per the statutes of West Virginia (eligibility depends upon date of hire and other state regulations.) Within ninety (90) days of his/her initial election, the newly elected official shall submit a written request

with sufficient documentation and verification of the unused leave balance to the Upshur County Commission for inclusion in the official minutes. In the case of officials serving at the time of this policy's adoption, sufficient payroll records may be unavailable for verification of leave balance. In that case, the official will need to submit a sworn affidavit to the Upshur County Commission detailing their unused leave balance for inclusion in the official minutes.

If the employment relationship discontinues for any reason other than retirement and/or the employee / official has a break in service of more than six (6) months, those individuals who were members of WVPERS and/or DSRS will not receive verification of the balance of unused annual and/or sick leave for retirement service credit, and are not eligible to utilize such leave for retirement service credit (R17).

Useful tools and calculators may be found at:

<https://www.nrsforu.com/iApp/tcm/nrsforu/learning/tools/index.jsp> (R21)

You may contact WVPERS & DSRS at 304-558-3570 or 800-654-4406. (R21)

## **DISCIPLINARY ACTIONS & DISMISSAL**

Disciplinary Actions & Dismissal was deleted in July 2014 Revision.

## **SAFETY**

An employee needs to exercise good judgment and caution in the performance of his/her work. Upshur County expects all employees to be safety minded for themselves, fellow workers and the public. The existence of a safe place to work, a work environment conducive to safe practices and policies is of major concern to Upshur County officials. The County believes that performance geared toward safety is always more efficient and that inherent in every operation there must be a need and a desire to perform that work safely. The County realizes that the avoidance of accidents and injuries is of critical importance to all parties. The objective is to avoid all injuries or illnesses.

## **TOBACCO / SMOKE FREE POLICY**

The Upshur County Commission has designated the courthouse, annex, and all other county owned buildings and vehicles as tobacco / smoke free in accordance with the Upshur County Clean Indoor Air Regulation. (R20) Elected officials and employees, as well as the public, are to observe this policy and refrain from the use of any tobacco products, as well as electronic cigarettes, while inside county owned facilities and vehicles or within fifteen (15) feet of an entrance and/or exit. (R19) (R20)

## **COST CONSCIOUSNESS / PURCHASING PROCEDURES (R21)**

As all employees know, the County operates on tax dollars. Using equipment improperly, excessive ordering, and wasting supplies are all examples of inefficiency. Employees should be cost conscious to promote the most efficient operation of the County government.

Please refer to the Purchasing Card Procedures Handbook dated July 2010. In order to obtain a purchasing card the Department Supervisor / Elected Official must request one from the County Bookkeeper on the employee's behalf. Upon the Upshur County Commission's approval of an employee's resignation or termination of employment, purchasing cards will be deactivated and must be returned to the Department Supervisor / Elected Official promptly. It is the Department Supervisor / Elected Official's responsibility to make arrangements with the County Bookkeeper for at least one employee in each Department to participate in purchasing card training. (R21)

Bidding procedures outlined in WV State Code §7-1-11 must be utilized when making a purchase of commodities and printing in excess of \$15,000. The Upshur County Commission also requires the execution of an Affidavit of Non-Collusion (attached) for all bidding contracts. (R21)

During an emergency declared by the Upshur County Commission, emergency purchases may be made without following the guidelines above per WV Code §7-1-11. (R21)

## **TELEPHONE USAGE**

An employee will have many telephone contacts with other departments or the public as a part of his/her job. Answer all calls as promptly as possible. The County expects and appreciates your cooperation in limiting the use of the county telephone system for personal calls to those that are absolutely necessary. The County's telephone system must not be utilized for any long distance calls that are personal in nature.

## **THEFT POLICY**

Theft, misappropriation, embezzlement, unauthorized possession or removal of county property or the property of co-workers shall not be tolerated by any Elected Official or Supervisor. In the event that this unacceptable behavior occurs an employee may be subject to disciplinary action, up to and including termination of employment. (R19)

## **TRAVEL EXPENSE ACCOUNT**

Employees and authorized persons granted permission to travel on official business at the County's expense must present a form with all itemized receipts to request reimbursement. Commission Staff must submit "Notification or Request to Attend Meeting" (attached) paperwork *prior* to travel and with reimbursement requests after travel. (R17) Overnight expenses for lodging must be substantiated by an itemized bill. Meal expense must be substantiated with an itemized receipt and are only reimbursed with an overnight stay (effective as of 01-01-12). (R16) Itemized receipt and the reimbursement request (attached) must include the name of all individuals in which the expense was incurred. (R16) Lodging and meal expenses must fall within per diem regulations at the rate set forth by the General Services Administration. (R21) Current rates may be found at GSA.gov. (R21) If any employee uses their private vehicle for approved travel, the employee will be reimbursed the per mile rate as established by the IRS and in effect at that time. An employee utilizing their private vehicle for approved travel must submit a copy of their current driver's license and a copy of the insurance coverage with the reimbursement request. (R13) (R14) (R16) All travel requests must be approved by the supervisor prior to the expense being incurred. Reimbursement requests for employee's expenses must be supported with itemized receipts. Any request for reimbursement must be submitted within sixty (60) days from the date of expense for payment to be considered for approval. (R14) Any additional expense incurred on behalf of the employee's family will not be reimbursed by Upshur County.

As required by state and/or federal statute, employees will be compensated for necessary and required time for travel as authorized by their supervisor. Employees should record and note travel time on the prescribed forms as outlined (Work Week - Hours of Work - Record Keeping) on page 6 of these guidelines. (R7)

## **COMPUTER / EMAIL / INTERNET USAGE**

As an employee with Upshur County, you may have access to an email account, worldwide web and/or the Internet. These systems are paid for by Upshur County and provided to employees so that they may be better able to perform necessary and expected services for the citizens of Upshur County. Employees may not utilize these types of communication / information systems for harassing, discriminatory, fraudulent or other illegal purpose(s) or to obtain offensive material. This would include prohibitions against disseminating confidential information over the Internet or downloading copyrighted materials from the Internet.

Social Media use shall not interfere with employees responsibilities. Upshur County's computer systems are to be used for business purposes only. When using Upshur County's computer systems use of social media for business purposes is allowed, but personal use of social media networks or personal blogging of online content is discouraged and could result in disciplinary action. (R19)

In order to insure compliance with these requirements and to avoid legal liabilities, Upshur County Elected Officials and Supervisors reserve the right to routinely monitor, review, print and/or investigate employees' email transmissions, receptions and/or Internet usage in their office as they see fit. Therefore, due to the fact that Upshur County sponsors and incurs charges for these type of systems (email, web and/or Internet), employees should be aware that there is no expectation of privacy when utilizing County sponsored email, web and/or Internet access. (R13, R19)

Employees will need to establish a unique password to access some computer applications and/or programs. Once an employee has established a password(s), they are not to be shared with another employee, individual and/or official. In addition, employees will need to change his/her password on a monthly or regular basis. (R14)

### **SOCIAL MEDIA POLICY**

As employees of the county you represent Upshur County in your public appearances, including your social media presence. This policy provides guidance for employee use of social media, which should be broadly understood for purposes of this policy to include blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other sites and services that permit users to share information with others in a contemporaneous manner.

Employees should use their best judgement in posting material that is neither inappropriate nor harmful to the Upshur County Commission, other Elected Officials, Supervisors, employees or constituents.

Some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, slanderous, or that can create a hostile work environment. Employees shall not publish, post or release any information that is considered confidential or not public.

Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. Employees should refer these inquiries to the county administrator. Any breach of this policy may lead to disciplinary action, up to and including termination of employment. (R19)

### **PUBLIC RELATIONS**

Every employee of Upshur County represents the County government and shares responsibility for building good public relations. By efficiently and accurately performing daily work, each employee contributes to the County's success. By exercising courtesy and alertness in all direct dealings with the public, employees can influence the County's prestige and uphold its goal of service to the community.

## **EMPLOYEE POLITICAL ACTIVITY**

Employees of the County shall serve all residents and visitors equally. The political opinions or affiliations of any resident will in no way affect the amount or quality of service received from the County. An individual's political affiliation, preference, or opinion will not in any way influence appointment, retention or promotion as a County employee. No employee will, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration of or on account of any appointment, promotion or proposed promotion to a position in Upshur County.

Employees of the County will not solicit any assessment or subscription intended for any political purpose from other employees or from the general public during work time or on work premises. Employees cannot be required to contribute money to any candidate or any political party.

Employees who are paid in full by federal loans or grants must comply with the requirements and restrictions of the "Hatch Act Modernization Act of 2012". (R20) Employees considering participating and filing as a partisan candidate during an election are encouraged to review those statutory guidelines. (R17)

## **CONFLICT OF INTEREST**

The County believes that the holding of public employment is a public trust. Independence and impartiality of public employees are essential for the maintenance of the confidence of our citizens in the operation of a democratic government. The decisions and actions of public employees must be made free from undue influence, favoritism or threat, at every level of the government. Public employees who exercise the powers of their office or employment for personal gain beyond the lawful compensation of the position or who seek to benefit for personal economic or political interests at the expense of the public at large undermine public confidence in the integrity of a democratic government.

A public employee may not intentionally use his/her office or the prestige of the office for personal private gain or that of another person. An employee of the County may not solicit any gift. No employee may solicit any gift nor knowingly accept any gift, directly or indirectly, from any person whom the employee knows or has reason to know:

- Is doing or seeking to do business of any kind with their department
- Is engaged in activities which are regulated by their department
- Has financial interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of their official business

## **CONFIDENTIAL INFORMATION**

No employee may knowingly and/or improperly disclose any confidential information acquired in the course of his/her official duties nor use such information to further his/her personal interests or the interests of another person.

## **EMPLOYMENT REFERENCE / RECOMMENDATION**

Employment Reference / Recommendation was deleted in May 2014 Revision.

## **LEAVE DONATION PROGRAM**

Full time employees of Upshur County are eligible to participate in a voluntary leave donation program under which leave accumulated by an employee may, if voluntarily agreed to by the employee, be transferred as donated leave to another designated employee if a requesting employee has exhausted all available paid leave because of a medical emergency.

For purposes of this program, a “medical emergency” is a medical condition of an employee or an immediate family member of the employee that requires an absence of the employee from duty after the employee has exhausted all available paid leave. An employee’s “immediate family” consists of parents, children, stepparents, stepsiblings, stepchildren, and individuals in a legal guardian relationship.

In order to be eligible to receive donations of leave, an employee must:

1. Have a medical emergency involving the employee of a member or the employee’s immediate family.
2. Not be receiving or be eligible to receive compensation from the Workers Compensation fund for his/her absence.
3. Have exhausted all sick leave and all annual leave as well as any other accrued paid leave to which the employee is entitled.
4. Apply to receive donated leave, using the form “Application for Donated Leave” (if an employee is unable, because of illness, to apply to receive donated leave, the application may be made by a member of the employee’s immediate family.)
5. Provide written verification by a physician sufficient to reasonably establish that the medical condition of the employee or the member of the employee’s immediate family will require the absence of the employee from work after the exhaustion of the employee’s available paid leave (the required

physician verification form “Application for Donated Leave – Part II”)

## OFFICE OF THE COUNTY CLERK

The Office of the County Clerk must complete Part II and Part III of the “Application for Donated Leave” and must forward to the Upshur County Commission for final approval.

## LEAVE DONOR REQUIREMENTS

An employee who wishes to voluntarily donate accrued leave to another employee must:

1. Have sufficient accrued leave so as to have a remaining balance of 40 hours of leave after making the leave donation.
2. Submit to the Office of the County Clerk an application to donate leave, using the form provided “Application to Donate Leave”

## OTHER REQUIREMENTS AND CONDITIONS

All donations of annual leave and the use of donated leave are further governed by the following requirements and conditions:

1. Upon determining an employee’s eligibility to receive donated leave, the Office of the County Clerk shall sign and forward a “Notice of Leave Donation Request Application” to the Upshur County Commission.
2. Upon receipt of an employee’s application to donate leave, the Office of the County Clerk will complete the form and will deduct the total donation from the leave balance of the donor.
3. Donations must be in the form of whole days only.
4. Donors must specifically designate the recipient(s).
5. Donated leave is used at its dollar value established at the time of donation.
6. A recipient’s use of donated leave ceases when, for any reason, the recipient returns to work; he/she ceases employment with Upshur County; he/she voluntarily requests termination of the use of donated leave; he/she fails to provide the required physician verification; the circumstances requiring the employee’s absence ceases to exist; or the total dollar value of all leave donated to the recipient is exhausted.
7. Use and payment of donated leave shall be on a first-in/first-out basis (i.e. first

donated/first paid). Any donated leave remaining after a recipient's eligibility ceases shall be accounted for under the same principle and re-credited to the respective donors.

### **USE OF COUNTY VEHICLE & OTHER EQUIPMENT (R12) (R21)**

Authorized officials and/or employees will be allowed and at times required to drive county owned vehicle(s) and operate heavy machinery when necessary for completion of their job duties and responsibilities. Authorized officials and/or employees are expected to comply with and obey any and all statutes, regulations and/or laws in the operation of county owned vehicle(s) and heavy machinery. Under no circumstances shall an employee utilize a mobile phone to text message while operating county-owned vehicles or heavy machinery. (R17) (R21)

Authorized officials and employees must submit a photocopy of their valid driver's license to the Upshur County Administrator prior to operating a county owned vehicle and must provide updates upon expiration. (R21)

Officials and/or employees are to only utilize county owned vehicles and heavy machinery in completion of their job related functions and duties. (R14) No personal use of county owned vehicles or heavy machinery is allowed at any time by an official or employee. At no time will an official and/or employee be permitted to utilize county owned vehicles or heavy machinery for any activities other than duties and functions related to their position or employment with Upshur County. (R21)

There are to be no individuals not employed by Upshur County as passengers in a county owned vehicle unless the individuals are being transported by an official and/or employee in the completion of their job related functions, assisting an official and/or employee in completion of their job related functions or are an employee or official of another governmental agency.

An individual that provides assistance to an employee and/or official must be approved by the Upshur County Commission as a reserve deputy, volunteer, board member, intern and/or other such classification while providing such assistance.

With the exceptions as noted below, only employees of Upshur County are allowed to drive county owned vehicles and heavy machinery. (R21) An individual serving as a volunteer, board member, intern or such are not authorized to operate county owned vehicles or heavy machinery. (R21) A reserve deputy authorized to assist law enforcement personnel may be authorized by the Upshur County Sheriff to assist in the operation of a county owned vehicle in the transportation or extradition of individuals or other related functions. The Office of the Upshur County Sheriff shall request and review a Motor Vehicle Record (MVR) on the reserve deputy and provide necessary driver information to the Upshur County Commission Office before authorizing such assistance. (R21)

County vehicles are the only vehicles to be used to tow trailers or any other property of the Upshur County Commission. (R21)

The restriction applying to non-employees operating a county owned vehicle would not be applicable when an employee leaves a county owned vehicle at a repair facility.

Due to job duties or responsibilities, certain positions may require that the official and/or employee use a county owned vehicle to travel to and from their assigned work location. In those cases, the official and/or employee will utilize the county owned vehicle as outlined in this policy and not allow any unauthorized use of the county owned vehicle. County owned vehicles are to be used only while on duty at your work location or while traveling to and from your work location. (R14)

Upshur County reserves the right to perform Motor Vehicle Record (MVR) request on any authorized users of county owned vehicles. Pending review and discussion, negative findings on the MVR may require that the use of a county owned vehicle for an official and/or employee be suspended or terminated. (R21)

During an emergency situation and/or other extreme extenuating circumstances, an elected official and/or supervisor may waive the requirements and/or restrictions of this policy.

#### **USE OF SIGNATURE STAMPS / FACSIMILE SIGNATURES (R12)**

An employee must obtain written authorization from an elected official before using the official's signature stamp. An elected official should outline certain instances or restrictions, if any, in the authorization governing the use of such signature stamp. The Office of the Upshur County Commission is to receive a copy of the written authorization so that it may be recorded in the appropriate Law Order Book. (R12)

#### **JURY DUTY (R12)**

Upon receiving a summons or subpoena to report for jury duty, an employee shall notify their supervisor no later than the next business day and the employee shall be excused from employment for the time required in service as a juror in any court of competent jurisdiction. Employees are to obtain documentation from the Clerk of the Court which indicates time served as a juror, and provide the same to their supervisor.

Employees classified as non-exempt (eligible for overtime compensation) by the Fair Labor Standards Act (FLSA) or classified as exempt (not eligible for overtime compensation) by the Fair Labor Standards Act (FLSA) will receive the balance of their normal compensation, less any payments due and/or received as a member of a jury, for time required in service as a juror.

Employees will be entitled to all other benefits and accrual of benefits upon responding to a summons or subpoena in which they are required to serve as a juror.

## **COURT DUTY - WITNESS (R12)**

Upon receiving a summons or subpoena to report as a witness, an employee shall notify their supervisor no later than the next business day and the employee shall be excused from employment for the day or days required in service as a witness in any court of competent jurisdiction. Any employee required to serve or called as a witness due to their employment by the County shall be entitled to receive any and all regular or overtime compensation.

In all other circumstances, unless an employee would utilize annual leave and/or any earned compensatory time:

- an employee classified as non-exempt (eligible for overtime compensation) by the Fair Labor Standards Act (FLSA) will not receive any compensation for any time during their service as a witness.
- an employee classified as exempt (not eligible for overtime compensation) by the Fair Labor Standards Act (FLSA) will not receive any compensation for any day in which they performed no work related duties.

Employees will be entitled to all other benefits and accrual of benefits upon responding to a summons or subpoena in which they are required to serve as a witness.

## **TAXABLE FRINGE BENEFITS (R16)**

According to current IRS regulations, certain items purchased by the county and provided to officials or employees and/or other benefits provided to officials or employees are to be considered taxable income and reported as such on the W2 issued by the Upshur County Commission. The Office of the Upshur County Commission will coordinate with officials and/or employees that may be required to maintain certain records relating to this matter. The effective date to report such taxable fringe benefits will commence on January 01, 2012, unless an audit by the State of West Virginia and/or the IRS would require an adjustment for prior reporting periods. (R16)

## **Upshur County Commission - Health Care Policy for Retirees (R15) (R16)**

---

### **I. POLICY**

The intent of this policy statement is to provide cost assistance to employees, officials and/or eligible dependents with health insurance coverage upon retirement. Upshur County employees and officials who wish to enroll in the County sponsored retiree health care coverage program must be enrolled within thirty-one (31) calendar days of their effective retirement date. (R21) If the employee or official has not enrolled within that time period, then the employee or official and any of their eligible dependents will not be allowed to elect participation in the Upshur County Commission Health Care Program for Retirees or the Medicare Supplement Stipend Program.

The Upshur County Commission Health Care Program for Retirees is for county employees retiring from the Public Employees Retirement System (PERS) or the Deputy Sheriffs' Retirement System (DSRS). County employees covered by PERS must meet established eligibility guidelines and be between the ages of sixty (60) through sixty-four (64), inclusive or the qualifying age of Medicare. County employees covered by DSRS must meet established eligibility guidelines and be between the ages of fifty-five (55) through sixty-four (64), inclusive or the qualifying age of Medicare.

The Medicare Supplement Stipend Program is for retirees that have reached the qualifying age for Medicare, which is currently sixty-five (65). Retirees may not participate in both programs, but a retiree may participate in one program and their eligible dependent(s) may participate in the other program. Retirees and their eligible dependents that elect participation with the Public Employees Insurance Agency may not participate in the Upshur County Commission Health Care Program for Retirees or the Medicare Supplement Stipend Program. Under no circumstance may a retiree or dependent have the option to eliminate coverage under PEIA and elect coverage under the Upshur County Health Care Program. (R21)

If an employee has elected coverage in the Upshur County Commission Health Care Program for Retirees, a separate notification is not required to participate in the Medicare Supplement Stipend Program. Written notification is required if a retiree wants to cease participation in either program.

Participating retirees may change their health care coverage in the event of "qualifying family status changes", as long as the change corresponds with the qualifying event. Retirees must notify the Upshur County Commission within thirty-one (31) calendar days of the qualifying event if they wish to make a change to their health care coverage elections. (R21) Remarriage following the death of a retiree's spouse is not considered a "qualifying family status change" and the retiree may not elect the coverage level to include a new spouse. (R21) In the event of the retiree's death, the surviving spouse may continue coverage; however, the surviving spouse may not change the elected coverage level to include a new spouse. (R21)

Retiree coverage is offered in lieu of COBRA coverage. However, if the length of time on

Retiree coverage is less than the maximum continuation which you are eligible for under COBRA, you will be entitled to continue coverage for the difference in time with a COBRA election. (R21) Any questions should be directed to the Office of the Upshur County Commission.

## **II. ELIGIBILITY**

Upshur County employees who retire from PERS on or after January 1, 2011 with a minimum of twenty (20) years of full-time employment service with the County and are at least sixty (60) years of age are eligible for coverage in the Upshur County Commission Health Care Program for Retirees and the associated Medicare Supplement Stipend Program.

Upshur County employees who retire from DSRs on or after January 1, 2011 with a minimum of twenty (20) years of full-time employment service with the County and are at least fifty-five (55) years of age are eligible for coverage in the Upshur County Commission Health Care Program for Retirees and the associated Medicare Supplement Stipend Program.

Eligible employees or eligible dependents over the qualifying age for Medicare are not eligible for participation in the Upshur County Commission Health Care Program. Based upon years of service these employees may be eligible for the Medicare Supplement Stipend Program.

Any elected official, as defined within this section, over the age of sixty (60) who has served three or more terms as an elected official, as defined in this section, is eligible for enrollment and coverage in the Upshur County Commission Health Care Program for Retirees or the Medicare Supplement Stipend Program. An elected official must meet any eligibility requirement for years of service and/or any other established eligibility criteria. Total years of service as a county employee and an elected official may be combined to meet the years of service eligibility requirement. For program eligibility purposes, elected official is defined as a county elected position assigned duties and responsibilities under the Constitution of West Virginia and/or the Code of West Virginia and would be limited to include the following: County Commissioner, Clerk of the County Commission, Clerk of the Circuit Court, Assessor, Sheriff and Prosecuting Attorney. No other county elected position or elected office is eligible for the Upshur County Commission Health Care Program for Retirees or the Medicare Supplement Stipend Program.

An elected official, as defined within this section, over the qualifying age for Medicare who has served three or more terms as an elected official may only participate in the Medicare Supplement Stipend Program.

## **III. BENEFIT**

In an effort to provide assistance with health insurance costs to retired employees and their eligible dependents, a benefit in the form of a stipend has been established for both the Upshur County Commission Health Care Program for Retirees and the Medicare Supplement Stipend Program.

The plan(s) and plan provisions in effect will be those which are offered to the active employee group.

The following charts specify the monthly stipend benefits. An employee or official must elect and be enrolled in the appropriate program before he or she would be eligible to receive the monthly stipend benefit.

**Upshur County Commission Health Care Program for Retirees**

Age / Service Requirements	Monthly Stipend No Dependents	Monthly Stipend Employee & Dependents
<p>Public Employees Retirement System ***** Minimum age of sixty (60) years old and twenty (20) or more years of full-time service. Any eligible elected official is considered full-time for this program</p>	<p>Minimum of the following two options:  (1) fifty percent (50%) of the current monthly premium for single employee coverage  - OR -  (2) \$250 per month</p>	<p>Minimum of the following two options:  (1) fifty percent (50%) of the current monthly premium for employee plus spouse coverage  - OR -  (2) \$500 per month</p>
<p>Deputy Sheriffs' Retirement System ***** Minimum age of fifty-five (55) years old and twenty (20) or more years of full-time service.</p> <p>The elected coverage ends for a participant upon attainment of the Medicare qualifying age, currently sixty-five (65) years old. This would apply to all retirees, PERS and DSRS.</p>	<p>Minimum of the following two options:  (1) fifty percent (50%) of the current monthly premium for single employee coverage  - OR -  (2) \$250 per month</p>	<p>Minimum of the following two options:  (1) fifty percent (50%) of the current monthly premium for employee plus spouse coverage  - OR -  (2) \$500 per month</p>

**Medicare Supplement Stipend Program**

**Public Employees Retirement System and Deputy Sheriffs' Retirement System**

Age / Service Requirements	No Dependents	Employee & Dependents
<p>Minimum qualifying age of Medicare, currently sixty-five (65) years old and a minimum of twenty (20) or more years of full-time service</p> <p>Any eligible elected official is considered full-time for this program</p> <p>-----</p>	<p>Minimum of the following two options:</p> <p>(1 ) Current monthly market premiums for a Medicare Supplement Plan F plus a Part D Medicare Prescription Drug Plan as determined by the County Commission</p> <p>- OR -</p> <p>( 2 ) \$175 per month</p> <p>-----</p>	<p>Minimum of the following two options:</p> <p>(1 ) Current monthly market premiums for a Medicare Supplement Plan F plus a Part D Medicare Prescription Drug Plan as determined by the County Commission</p> <p>- OR -</p> <p>( 2 ) \$350 per month</p> <p>-----</p>
<p>Minimum qualifying age of Medicare, currently sixty-five (65) years old and between twelve (12) and nineteen (19) years of full-time service</p> <p>Any eligible elected official is considered full-time for this program</p>	<p>Minimum of the following two options:</p> <p>(1 ) Current monthly market premiums for a Medicare Supplement Plan F plus a Part D Medicare Prescription Drug Plan as determined by the County Commission</p> <p>- OR -</p> <p>( 2 ) \$75 per month</p>	<p>Minimum of the following two options:</p> <p>(1 ) Current monthly market premiums for a Medicare Supplement Plan F plus a Part D Medicare Prescription Drug Plan as determined by the County Commission</p> <p>- OR -</p> <p>( 2 ) \$150 per month</p>

#### **IV. RIGHT TO REVIEW - AMEND - MODIFY**

The Upshur County Commission reserves the right to review, amend, change and/or modify the provider of coverage, policy, eligibility guidelines, and monthly stipend benefits during the annual budget process currently conducted during March of each fiscal year. Any authorized modification or change will be effective for the upcoming fiscal year, (which is July 1<sup>st</sup> through June 30<sup>th</sup>), for all eligible employees and/or retirees.

Further, coverage and benefits in this program do not and are not intended to vest or otherwise accrue to current or future participants. The County fully intends to maintain this Plan indefinitely. However, the County reserves the right to terminate, suspend, discontinue or amend the Plan at any time and for any reason. If the Plan is terminated, amended or benefits are eliminated, the rights of Covered Persons are limited to Covered Charges incurred before termination, amendment or elimination. Changes in the Plan may occur in any or all parts of the Plan including benefit coverage, deductibles, maximums, copayments, exclusions, limitations, definitions, eligibility and the like. No oral interpretations can change this Plan.

Adoption & Approval of Upshur County Commission Health Care Policy for Retirees:

- March 17, 2011

Approval of Revision to Upshur County Commission Health Care Policy for Retirees:

- April 14, 2011

Approval of Revision to Upshur County Commission Health Care Policy for Retirees:

- April 27, 2017

#### **CONCLUSION**

The purpose of this “Employee Handbook of Personnel Guidelines” is to establish a ready reference regarding personnel procedures for all employees. The “Employee Handbook of Personnel Guidelines” does not create any contractual rights in favor of the employee nor does it alter the “at will” nature of the employment relationship, which means an employee may resign at any time or the employer may discharge the employee at any time. (R6)

If you have any questions, please contact your supervisor. Upshur County officials hope that you find the “Employee Handbook of Personnel Guidelines” a helpful reference during your employment with Upshur County.

#### **APPENDIX**

Overview of Statutory Limits of an  
Employer’s Right to Discharge Employees

Federal Statutes:

- a. National Labor Relations Act 29 USC 158 ...prohibits, among other things, discharging an employee for exercising rights protected by the Act, such as the right to organize and select an employee representative
- b. Occupational Safety and Health Act 29 USC 660 (c)(1) ...prohibits discrimination against an employee for asserting rights guaranteed under the Act
- c. Federal Mine Safety and Health Act 29 USC 801 et seq ...prohibits discharge of or discrimination against a miner or miner's representative for exercising rights protected by the Act or for commencing or participating in any proceeding under the Act
- d. Fair Labor Standards Act 29 UCS 215 (a)(3) ...prohibits discharging an employee for filing a complaint or instituting a proceeding under the Act
- e. Employee Retirement Income Security Act 29 USC 1140-41 ... prohibits discharging an employee for seeking information or benefits under an employee benefit plan
- f. Title VII, Civil Rights Act of 1964 29 USC 621 et seq ...prohibits discrimination in employment on account of race, color, religion, gender or national origin
- g. Age Discrimination in Employment Act 29 USC 621et seq ...prohibits discrimination based upon age against employees age 40 or older
- h. Americans with Disabilities Act of 1990 42 USC 1211 et seq ...prohibits discrimination of qualified persons with disabilities because of their disability in all aspects of employment by employers, employment agencies, labor organizations or joint management committees and penalizes employers that fail to accommodate disabled employees
- i. Rehabilitation Act 29 USC 793-794 ...prohibits recipients of federal funds from discriminating against handicapped individuals and requires government contractors or subcontractors to institute affirmative action to advance the employment of handicapped individuals
- j. Veterans Reemployment Rights Act 38 USC 2021 et seq ...guarantees the right to reemployment upon satisfactory completion of

military service and prohibits discharge “without cause” within one year of reemployment

- k. Veterans Readjustment Assistance Act 38 USC 2012 ...requires covered government contracts to employ and promote qualified disabled Veterans and Viet Nam era Veterans
- l. Atomic Energy Act 2 USC 7622 ...prohibits discharging or otherwise discriminating against an employee for commencing, testifying or participating in any proceeding under the Act
- m. Clean Air Act 42 USC 7622 ...prohibits discharging an employee for participating in proceedings against an employer for a violation of the Act
- n. Consumer Credit Protection Act 15 USC 1674 ...prohibits discharging an employee because a creditor garnished or attempted to garnish his wages
- o. Bankruptcy Act 11 USC 525(b) ...prohibits discharging or otherwise discriminating against an employee who is a debtor or is associated with a debtor solely because the debtor was a debtor, was insolvent before commencing a bankruptcy action, or has not paid a debt that was dischargeable in the bankruptcy action
- p. Judiciary and Judicial Procedure Act 28 USC 1875 ...prohibits discharging, threatening to discharge, or coercing a permanent employee because of the employee’s jury service in any court of the United States
- q. The Civil Rights Act of 1866 42 USC 1981 ...provides that all persons “shall have the same right in every state... to make and enforce contracts” and shall be entitled to “the full and equal benefits of all laws... as is enjoyed by white citizens...” Theories of recovery and burden of proof essentially the same as in Title VII cases
- r. The Civil Rights Act of 1871 42 USC 1981 ...provides that “every person who, under color of any statute... of any state... is subject, or causes to be subjected, any... person... to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured...” Theories of recovery and burden of proof essentially the same as in Title VII cases; however, 1983 is limited to claims involving state action
- s. The Equal Pay Act 29 USC 206(d) ...prohibits discrimination on the basis of gender in the compensation, including benefits, paid to employees

- t. The Employee Polygraph Protection Act 29 USC 2001 ...prohibits employers from directly or indirectly requiring an employee or prospective employee to take a polygraph test, from using or referring to such tests, or to discharge or discipline any employee or prospective employee for refusing to take such test

West Virginia Statutes:

- a. Human Rights Act WV Code §5-11-9 ...prohibits discriminating against an employee on account of race, religion, color, national origin, ancestry, gender, age, blindness, or handicap
- b. Workers Compensation WV Code §23-5A-1 ...prohibits discrimination by an employer because of an employee's receipt of or attempt to receive Worker's Compensation benefits; WV Code §23-5A-3 ... prohibits an employer from discharging an employee while the employee is receiving temporary total disability benefits except for a separate dischargeable offense, i.e. an offense unrelated to the injury or absence from work
- c. Voting WV Code §3-9-20 ...makes it a misdemeanor for an employer to refuse an employee time off to vote or attempt to prevent an employee from freely exercising the right to vote by threatening discharge
- d. Political Views WV Code §3-8-11(d) ...makes it a misdemeanor for an employer to make a threat to an employee intended or calculated to influence the employee's political view or actions; WV Code §61-5-25(a) ...an employer who threatens to discharge an employee for serving on a jury is subject to fine and/or imprisonment
- e. Jury Duty WV Code §52-3-1 ...after serving on a jury, an employee is entitled to reinstatement, although the employer is not required to pay the employee for the time spent in jury service; WV Code §61-5-25(a) ...an employer who threatens to discharge an employee for serving on a jury is subject to fine and/or imprisonment
- f. Legislative Services WV Code §6-5-11 ...makes it unlawful for an employer to discriminate against an employee who is a member of the legislature, with respect to any seniority rights, pension benefits or insurance benefits because of the employee's absence while attending legislative sessions

- g. State Militia WV Code §15-1E-135 ...members of state militia who have been ordered to active service by governor are entitled to the same reemployment rights as provided veterans under 38 USC 2021
- h. Polygraph Tests WV Code §21-5-5b and 5d ...no public or private employer can require an employee to submit to a polygraph test
- i. Wage Garnishment WV Code §46A-2-131 ...prohibits discrimination against an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to garnishment or like proceedings directed to the employer for the purpose of paying a judgment arising from a consumer credit sale, consumer lease or consumer loan
- j. Mine Safety WV Code §22A-1A-20 ...prohibits discharging or otherwise discriminating against a miner or miner's representation for reporting violations of the Act, instituting a proceeding under the Act, or testifying in a proceeding under the Act
- k. Mentally Ill Persons WV Code §27-5-9(a) ...prohibits depriving a person of civil rights solely because the person has received mental health services
- l. West Virginia Occupational Safety and Health Act WV Code §21-3A-13(a) ...no public employer may discharge or discriminate against an employee because the employee has filed a complaint or participated in proceedings held under this Act
- m. Volunteer Firefighters and Emergency Medical Personnel WV Code §21-5-17 ...prohibits an employer from discharging a member of a volunteer fire department who loses time from employment because he was responding to an emergency; WV Code §21-5-18 ...prohibits an employer from discharging an employee who is a member of an emergency medical service who loses time from employment because he was participating in a medical service call
- n. Whistleblower WV Code §6C-1-1 et seq ...no public employer may discharge or discriminate against an employee because the employee makes a good faith report about instances of wrongdoing or waste
- o. Wage Payment and Collection Act WV Code §21-5C-7 ...prohibits an employer from willfully discharging or discriminating against an employee for complaining to his employer or the Labor Commissioner of any underpayment of wages or for filing a wage collection civil action against the employer

- p. Equal Pay for Equal Work WV Code §21-5B-1 through 6 ...prohibits wage discrimination based on gender; also prohibits retaliation for instituting proceedings under this Act or participating in proceedings under this Act

Upshur County Employee Timesheet

Employee Name: Carrie Wallace

Social Security Number: XXX XX XXXX

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

Supervisor Approval: \_\_\_\_\_

\*\*\*\*\*  
 Week Ending Date:

Day of Week	Date	Report Status for Day	Location for Day	Comments / Notes
Sunday				
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Saturday				

Week Ending Date:

Day of Week	Date	Report Status for Day	Location for Day	Comments / Notes
Sunday				
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Saturday				

Vacation Time (1 Day = 8 Hours)	
Carryover from Previous Year	0 hours
Plus Current Year Vacation	hours
Total Vacation Hours Available	hours
Less Hours Used Previous Pay Periods	0 hours
Less Hours Used This Pay Period	0 hours
Balance of Vacation Available	hours

Sick Time (1 Day = 8 Hours)	
Balance From Previous Pay Period	0.00 hours
Less Hours Used This Pay Period	0.00 hours
Plus Hours Accrued This Pay Period	5.50 hours
Balance of Sick Time Available	0.00 hours

UPSHUR COUNTY EMPLOYEE TIMESHEET

EMPLOYEE NAME: \_\_\_\_\_ SOCIAL SECURITY NUMBER: XXX-XX-XXXX \_\_\_\_\_

EMPLOYEE SIGNATURE: \_\_\_\_\_ SUPERVISOR'S APPROVAL: \_\_\_\_\_

WEEK END:

	DATE	TIME IN	TIME OUT	TIME IN	TIME OUT	WORK HOURS	SICK HOURS	VAC HOURS	HOLIDAY HOURS	COMP HOURS	TOTAL HOURS
SUNDAY											
MONDAY											
TUESDAY											
WEDNESDAY											
THURSDAY											
FRIDAY											
SATURDAY											
TOTAL											

WEEK END:

	DATE	TIME IN	TIME OUT	TIME IN	TIME OUT	WORK HOURS	SICK HOURS	VAC HOURS	HOLIDAY HOURS	COMP HOURS	TOTAL HOURS
SUNDAY											
MONDAY											
TUESDAY											
WEDNESDAY											
THURSDAY											
FRIDAY											
SATURDAY											
TOTAL											
2 WEEK TOTAL											

VACATION TIME HOURS  
(8 HOURS = 1 DAY)

CARRYOVER PREV YR HRS    0.0  
 PLUS CURRENT YR VAC HRS    0.0  
 TOTAL HOURS AVAILABLE    0.0  
 LESS HOURS USED PREV PD    0.0  
 LESS HOURS USED THIS PD    0.0  
 TOTAL HOURS AVAILABLE  
     
                                   = DAYS                    0

SICK LEAVE  
(8 HOURS = 1 DAY)

TOTAL FROM PREV PD        0  
 LESS HOURS USED NOW        0  
 PLUS HRS ACCRUED      
 TOTAL HRS AVAILABLE    

COMP TIME

TOTAL FROM PREV PD        0  
 LESS HRS USED ABOVE        0  
 PLUS HRS ACCRUED ABOVE    0  
 TOTAL HRS AVAILABLE        0

(EMPLOYEE MUST COMPLETE AND RETURN TO THE ELECTED OFFICIAL ON OR BEFORE THE LAST WORK DAY OF THE PAY PERIOD.)  
 (ELECTED OFFICIAL MUST FILE WITH THE PAYROLL DEPT ON OR BEFORE NOON MONDAY FOLLOWING THIS PAY PERIOD.)  
 (ON THE LAST PAY PERIOD OF THE YEAR SICK TIME IS ACCRUED AT 6.5 HOURS)

**UPSHUR COUNTY EMPLOYEE TIMESHEET**

**MUST FILE WITH PAYROLL DEPT ON OR BEFORE NOON MONDAY FOLLOWING THE END OF PAY PERIOD.**

EMPLOYEE NAME: \_\_\_\_\_ SOCIAL SECURITY NUMBER:XXX-XX-XXXX

EMPLOYEE SIGNATURE: \_\_\_\_\_ SUPERVISOR'S APPROVAL: \_\_\_\_\_

WEEK END:

	DATE	TIME IN	TIME OUT	TIME IN	TIME OUT	TIME IN	TIME OUT	TOTAL HOURS
SUNDAY								
MONDAY								
TUESDAY								
WEDNESDAY								
THURSDAY								
FRIDAY								
SATURDAY								
TOTAL								

WEEK END:

	DATE	TIME IN	TIME OUT	TIME IN	TIME OUT	TIME IN	TIME OUT	TOTAL HOURS
SUNDAY								
MONDAY								
TUESDAY								
WEDNESDAY								
THURSDAY								
FRIDAY								
SATURDAY								
TOTAL								
<b>2 WEEK TOTAL</b>								

## COMPENSATORY TIME AGREEMENT

According to Chapter 21, Article 5-C, of the West Virginia Code county employees may receive compensatory time in lieu of overtime compensation, provided that the employee and employer agree. Review the following guidelines and if you desire compensatory time, please sign and return form to your supervisor. Once signed by both parties, the County Clerk's office must receive a copy of this form.

- Compensatory time is in lieu of overtime for hours worked in excess of forty (40) and must be calculated as one and one-half hours.
- A written agreement must be completed and signed by both the employee and employer. This agreement may be canceled at any time by either party.
- The maximum legal limits depend on job classification. Deputy Sheriff personnel may accrue up to 480 hours while other personnel may accrue up to 240 hours. Elected officials or supervisors have the right to direct employees to utilize compensatory time to reduce the accrued balance for an employee at any time.
- Elected officials or supervisors are responsible to insure that no employee has a balance greater than forty (40) compensatory hours as of December 31 of each calendar year.
- Upon termination of employment, an employee will be paid for the balance of their unused compensatory time.
- Compensatory time must be utilized within one year from the time it was accrued. Again, the elected official or supervisor may require an employee to utilize compensatory time at any time.
- Employee requests to utilize compensatory time should be made in writing at least three (3) days in advance, unless an emergency situation occurs.

Accepted and agreed to this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

---

Employee's Signature

---

Supervisor's Signature



Part II – To be completed by an attending physician

Patient's Name: \_\_\_\_\_

Date of Last Examination: \_\_\_\_\_

Relationship to Upshur County Employee: \_\_\_\_\_

The patient is/was under my care from \_\_\_\_\_ to \_\_\_\_\_  
and/or hospitalized from \_\_\_\_\_ to \_\_\_\_\_.

The absence from work has been necessitated by a medical condition of the patient since \_\_\_\_\_ and will conclude on \_\_\_\_\_. Please provide dates, even if approximate.

If the employee is not able to return to full duty employment, can the employee return to light or modified duty? \_\_\_\_\_

If yes, period of light or modified duty will be from \_\_\_\_\_ to \_\_\_\_\_.

Please describe any limitations, restrictions and/or modifications required for light or modified duty. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Other comments and/or information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Physician's Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# Notice of Leave Donation Request

\_\_\_\_\_ has completed an application for donated leave and is  
(Employee Name)  
eligible to receive voluntary donations of leave. \_\_\_\_\_ has  
(Employee Name)  
been absent from work since \_\_\_\_\_ and his/her available leave  
(Last Day of Work)  
was or will be exhausted on \_\_\_\_\_ and is expected to be off  
(Last Day of Pay)  
work until \_\_\_\_\_.  
(Expected Date of Return)

Any employee wishing to make a voluntary donation of leave to

\_\_\_\_\_ should complete a Leave Donation Application  
and submit to the Office of the County Clerk.

For the consideration aforesaid, I hereby direct the Upshur County Commission to provide any information, including opinions, medical records, personal records, and any other information requested by \_\_\_\_\_.

IN WITNESS WHEREOF, I have here and to set my hand and seal this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_.

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

STATE OF WEST VIRGINIA  
COUNTY OF UPSHUR, TO-WIT:

I, \_\_\_\_\_, a notary public of said county, do certify that  
\_\_\_\_\_, whose name is signed to the writing hereto  
annexed, bearing the date, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
has this day acknowledged the name before me in my said county.

Given under my hand and official this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Request to Attend Meeting

Name: \_\_\_\_\_ Request Date: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_ Location: \_\_\_\_\_

Purpose of Meeting and Benefit in Attendance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Estimated Cost:

Mileage: \_\_\_\_\_ Meals: \_\_\_\_\_ Lodging: \_\_\_\_\_  
Registration: \_\_\_\_\_ Other: \_\_\_\_\_ Total: \_\_\_\_\_

Funding Line Item: \_\_\_\_\_

Recommendation / Approval:

Recommendation of Supervisor: Yes: \_\_\_\_\_ No: \_\_\_\_\_  
Comment: \_\_\_\_\_

Signature of Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Individual Commissioners:

Reviewed by: \_\_\_\_\_ Recommend Approval: \_\_\_ Yes \_\_\_ No  
Reviewed by: \_\_\_\_\_ Recommend Approval: \_\_\_ Yes \_\_\_ No  
Reviewed by: \_\_\_\_\_ Recommend Approval: \_\_\_ Yes \_\_\_ No

Approved by Upshur County Commission: Yes: \_\_\_\_\_ No: \_\_\_\_\_

Date of Consideration: \_\_\_\_\_

**Attach a copy of the agenda or letter of explanation on topics to be covered at the meeting.  
This form should be submitted at least two weeks prior to meeting date.**

**Upshur County Commission**  
**General Liability Questionnaire**

**All fields are required**

**Please return to Carrie Wallace or Tabatha Perry in the Commission Office**

Full Name: \_\_\_\_\_

Contact phone number: \_\_\_\_\_ Department: \_\_\_\_\_

**Information regarding accident:**

Date of Loss: \_\_\_\_\_

Location of Accident: \_\_\_\_\_

Accident Description: \_\_\_\_\_

Describe damage: \_\_\_\_\_

Was medical attention needed? \_\_\_\_\_

If so, at which facility did you seek medical attention: \_\_\_\_\_

**If a third party is involved please answer the following:**

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

Address: \_\_\_\_\_

Home/cell phone: \_\_\_\_\_ Work phone: \_\_\_\_\_

Describe damage: \_\_\_\_\_

Any other comments regarding this claim: \_\_\_\_\_

**Witness information (if any):**

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

Address: \_\_\_\_\_

Home/cell phone: \_\_\_\_\_ Work phone: \_\_\_\_\_

Comments: \_\_\_\_\_

**Please attach photographs of damage**

**Upshur County Commission**  
**Property Questionnaire**

**All fields are required**

**Please return to Carrie Wallace or Tabatha Perry in the Commission Office**

Full Name: \_\_\_\_\_

Contact phone number: \_\_\_\_\_ Department: \_\_\_\_\_

**Information regarding loss:**

Date of Loss: \_\_\_\_\_

Kind of Loss: \_\_\_ Fire \_\_\_ Lightning \_\_\_ Flood \_\_\_ Wind \_\_\_ Hail \_\_\_ Theft \_\_\_ Vandalism \_\_\_

Other \_\_\_\_\_

Address of Loss: \_\_\_\_\_

Probable Amount of Loss: \_\_\_\_\_

Loss Description: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Please attach photographs, inventory lists, etc.**

**Upshur County Commission**  
**Automotive Claim Questionnaire**

**All fields are required**

**Please return to Carrie Wallace or Tabatha Perry in the Commission Office**

Driver's Full Name: \_\_\_\_\_

Contact phone number: \_\_\_\_\_

Department: \_\_\_\_\_

**Information regarding accident:**

Date of Loss: \_\_\_\_\_

Make, model and year of vehicle: \_\_\_\_\_

Location of vehicle: \_\_\_\_\_

Location of Accident: \_\_\_\_\_

Accident Description: \_\_\_\_\_

Describe damage: \_\_\_\_\_

Estimate amount: \_\_\_\_\_

**If a third party was involved please answer the following:**

Owner's Name: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Owner's home/cell phone: \_\_\_\_\_ Owner's work phone: \_\_\_\_\_

Describe damage: \_\_\_\_\_

Estimate Amount: \_\_\_\_\_

Location of vehicle: \_\_\_\_\_

Were there any injuries: \_\_\_\_\_ Yes \_\_\_\_\_ No

Any other comments regarding this claim: \_\_\_\_\_

**Please attach photographs of vehicle damage and photocopies of the estimate**

**Upshur County Commission**  
**Worker's Compensation Claim Questionnaire**

**All fields are required**

**Please return to Carrie Wallace or Tabatha Perry in the Commission Office**

**Employee Information:**

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

Job Title: \_\_\_\_\_ Department: \_\_\_\_\_

SSN: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Home phone: \_\_\_\_\_ Cell phone: \_\_\_\_\_

Gender: \_\_\_\_\_ Marital Status: \_\_\_\_\_

Injured employee is:  Full-time  Part-time  Volunteer  
 Owner/Partner  Officer  Retired

Date and time of injury: \_\_\_\_\_

Date employer notified of injury: \_\_\_\_\_

Supervisor notified: \_\_\_\_\_

Date of death if fatal: \_\_\_\_\_

Did injury occur on employer property:  Yes  No

Address of injury location: \_\_\_\_\_

Witnesses to injury: \_\_\_\_\_

What were you doing when the injury occurred: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

How did the injury occur:

\_\_\_\_\_

\_\_\_\_\_

Nature of injury or disease:

\_\_\_\_\_

Body part(s) injured:

\_\_\_\_\_

Location of treatment: \_\_\_\_\_

Emergency room:  Yes  No

Hospitalized:  Yes  No

**Lost time information (TO BE COMPLETED BY ADMIN):**

Date of hire: \_\_\_\_\_

Last date worked after injury: \_\_\_\_\_

Number of work days lost: \_\_\_\_\_

Date of return to work: \_\_\_\_\_

Hours worked per week: \_\_\_\_\_

Is light duty available:  Yes  No

Wage on date of injury: \_\_\_\_\_

Are wages being paid to injured employee during disability:  Yes  No

If employee has returned to work is it alternative or modified work:  Yes  No

If "yes" indicate current wage: \_\_\_\_\_

Daily rate of pay on date of injury: \_\_\_\_\_

Best quarter wages of preceding four quarters: \_\_\_\_\_

(BOOKKEEPER – ONLY NEEDED IF MISSED WORK)

# Affidavit of Non-Collusion

Affidavit of Non-Collusion

Upshur County, WV  
(Project Name)

State of \_\_\_\_\_  
County of \_\_\_\_\_

I, \_\_\_\_\_ (name and title) representative for  
\_\_\_\_\_ (vendor) being duly sworn does depose, say and  
certify :

Said vendor has not, either directly or indirectly, entered into any agreement, participated in any  
collusion or otherwise taken any action in restraint of free competitive bidding in connection with (Project  
Name/Service) in Upshur County, WV.

\_\_\_\_\_  
Vendor

\_\_\_\_\_  
Name and Title of authorized representative

State of \_\_\_\_\_  
County of \_\_\_\_\_

The foregoing affidavit was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_ by \_\_\_\_\_ representative for  
\_\_\_\_\_.

\_\_\_\_\_  
Notary

\_\_\_\_\_  
Commission expiration date

(seal)