

# Upshur County

## Employee Handbook of Personnel Guidelines

Approved & Adopted  
July 6, 1995  
by the  
Upshur County Commission  
&  
Upshur County Policy Board

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## 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 would 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. (\*\*)**

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 while the two remaining County Commissioners may serve in an advisory capacity they will have no voting privileges. (\*\*\*) The Upshur County Policy Board reserves the right to modify, interpret, revoke or change any or all of the guidelines set forth, in whole or in part, at any time.

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.

(\*) 01/27/97 change was deleted on 01/22/04    (\*\*) 07/23/97    (\*\*\*) 01/22/04

## **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 race, creed, color, national origin, sex, age or handicap. 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.

## **SEXUAL HARASSMENT POLICY**

It is the policy of Upshur County that all employees are responsible for assuring that the work place is free from sexual harassment in any form. Because of Upshur County's strong disapproval of offensive or inappropriate sexual language or behavior at work, all employees are required to avoid any action or conduct which would be viewed either gender as sexual harassment, including: (a) unwelcome sexual advances (b) expressed or implied request for sexual acts or favors (c) other verbal or physical conduct of a harassing or degrading nature. Any employee who has a complaint of sexual harassment by anyone including supervisors, coworkers, or visitors is required to bring the problem to the attention of appropriate Upshur County officials. If the complaint involves someone in the employee's direct line of command, then the employee may go to another supervisor with the complaint. All complaints will be handled promptly with privacy safeguards applied in sexual harassment complaints. All employees should be aware that all reasonable efforts would be taken to protect the privacy of the charging party and of the person accused of sexual harassment. (\*) The County will retain confidential documentation of all allegations and investigations and will take appropriate corrective action, including disciplinary measures where justified, to remedy all violations of this policy.

(\*) 07/23/97

## 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. (\*\*\*) An elected official or department head shall utilize the current employment application form as provided by the Upshur County Commission. (\*\*\*) 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. (\*\*\*) 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. (\*)**

## JOB PERFORMANCE EVALUATION

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

(\*) 07/23/97    (\*\*) 01/22/04    (\*\*\*) 02/09/2006

## 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. 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 as established by the Public Employees Insurance Agency (PEIA) and the Assistant Prosecuting Attorney(s) are included in this category in regards to eligibility of benefits. (\*)

Hourly Part-Time Employees: A hourly part-time employee is one who works 1040 or more hours during the calendar year, averages twenty (20) or more hours a week. 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. An employee included in this category must be a member of the West Virginia Public Employees Retirement System (WVPERS). 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.

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 employee is covered by Workers' Compensation but is not eligible for holiday pay, annual or vacation leave, paid sick leave, paid medical insurance, or any other County benefit. Temporary employees work less than 1040 hours during the calendar year and may not be a member of WVPERS.

Part-time Salaried Employees: Due to the nature of their job duties, a part-time salaried employee is not eligible for overtime compensation. Depending on the number of hours worked a part-time salaried employee may or may not be a member of WVPERS. (If greater than 1040 hours in a calendar year, must be a member of WVPERS) A part-time salaried employee is covered by Workers' Compensation but is not eligible for overtime pay, holiday pay, annual or vacation leave, paid sick leave, paid medical insurance, or any other County benefit.

(\*) 07/23/97

## **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. (\*) 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. (\*\*)

Each employee shall be responsible for accurate record keeping 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. (\*\*\*)

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. (\*\*\*\*)

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. (\*\*\*\*\*)

Employees must promptly inform their supervisor if you 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 your 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.

(\*) 02/09/06 (\*\*) 10/30/95 (\*\*\*) 01/22/96 (\*\*\*\*) 10/16/03 (\*\*\*\*\*) 01/22/04

## **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. (\*)

During a state of emergency or a related condition (whether declared by the State or County), essential 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 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 Communications Center, and/or Law Enforcement Department. Other personnel may receive credit for up to eight (8) hours of pay for a state of emergency or related condition. (\*\*)

## **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 additional 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. (\*) (\*\*) (\*\*\*)

## **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 first and utmost 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.

(\*) 12/06/95 (\*\*) 01/22/96 (\*\*\*) 01/22/04

## **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 your regular straight time rate or receive compensatory time calculated at a rate of one-and one-half times. 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 your 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. Overtime, which was a result of an emergency situation, must be reported to your 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 time, provided the request is made in writing to the supervisor three (3) working days in advance of the anticipated use. 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. (\*\*) 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. (\*) 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.

(\*) 10/30/95    (\*\*) 07/23/97

## 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 time or insurance coverage for the purpose of retirement benefits. (\*) 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. (\*) Upshur County hereby adopts the procedure and policy of the State of West Virginia as outlined in said Code. (\*) 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 your 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 the balancing of 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 ten (10) vacation days may be carried over to the succeeding year. Vacation days exceeding the ten (10) day 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, (\*\*) 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.

(\*) 12/13/01    (\*\*) 02/09/06

## VACATION GUIDELINES

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. (\*) 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:

<u>Years of Service</u>	<u>Earned Vacation Days</u>	<u>Days for Year</u>
Less Than One Year	.50 days per month	5.5 days or less
One < Five Years	1.00 days per month	12 days
Five Years < Ten Years	1.25 days per month	15 days
Ten < Fifteen Years	1.50 days per month	18 days
Fifteen < Twenty Years	1.75 days per month	21 days
Twenty and Plus Years	2.00 days per month	24 days

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.

## GROUP HOSPITALIZATION AND LIFE INSURANCE

Group hospitalization and life insurance is available to all full-time employees and dependents that meet the guidelines as established by the Public Employees Insurance Agency (PEIA) and the Upshur County Commission. (\*) (\*\*)  
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 may be changed, altered and/or modified by the Upshur County Commission at any time. (\*\*)  
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 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 cost to the employee for up to a maximum of a twelve (12) week period.

(\*) 07/23/97    (\*\*) 12/13/01

## 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. (\*) 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. (\*) An employee will not receive sick leave compensation for utilizing sick leave on a holiday in which he/she was scheduled to work. (\*) 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 on one and one-half (1½) days per month.

(\*) 12/13/01

## SICK LEAVE

Upshur County will not pay an employee for the balance of unused accumulated sick leave time upon termination of employment. When the services of an employee have been terminated, all sick leave credit shall be canceled as of the last day workday with the County. 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, (\*) 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. (\*) Upshur County hereby adopts the procedure and policy of the State of West Virginia as outlined in said Code. 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 an/or other treatment related to a medical condition, which is not required 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. (\*)

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.

Upon termination of employment, an employee will not receive any payment or compensation for any balance of unused sick leave time. Unless utilizing sick leave for retirement purposes any unused balance will be lost upon termination of employment. (\*)

## **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. (\*) In addition, accumulated sick leave may be utilized for prenatal examinations as required by the attending physician.

(\*) 09/28/95

## **DRUG FREE WORKPLACE POLICY**

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 twelve-month period for various family and/or medical conditions covered by the FMLA. (\*) An employee should direct questions to your supervisor. Requests for leave under the FMLA must be presented in writing to your supervisor. (\*\*)

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.

(\*) 12/06/95    (\*\*) 07/23/97

## 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 shall be co-signed by the supervisor and the President of the County Commission. 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 legal guardian relationship (\*\*)) you will be allowed up to five (5) working days with pay, depending on travel and arrangements, for attending services and related affairs. Your supervisor should be notified as soon as possible of the death and your need for this type of leave. Only full-time employees and part-time salaried employees are eligible for bereavement leave. (\*)

## RETIREMENT PLAN (WVPERS)

All full-time and part-time employees who work in excess of 1040 hours during the calendar year (average 20 or more hours per week) must be members of the West Virginia Public Employees Retirement System, WVPERS. The County contributes ten and a half percent (10.5%) toward the pension fund for non-civil service employees while the employee contributes four and a half percent (4.5%). If an employee is a member of the Deputy Sheriff's Retirement Plan, the employee contributes eight percent (8%) and the County contributes ten and a half percent (10.5%). Please note that the percentages of contribution are subject to change by the State of West Virginia. (\*\*\*)

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. As of the date of adoption for this policy, the maximum credit available for current officials would be one hundred twenty (120) days. Full time employees elected to a county office after the date of adoption would be eligible for any and all unused leave to be converted to service credit as per the statutes of West Virginia. Within ninety (90) days of policy adoption or election, an elected official would need to submit 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 time of adoption sufficient payroll records may be unavailable for verification of leave balance. In that case, the official would need to submit a sworn affidavit to the Upshur County Commission for inclusion in the official minutes. (\*\*\*\*)

(\*) 07/23/97      (\*\*) 12/13/01      (\*\*\*) 01/22/04      (\*\*\*\*) 01/10/2008

## DISCIPLINARY ACTIONS & DISMISSAL

Every elected official or supervisor needs to establish rules of conduct that apply to all employees of their office. These rules are necessary to assure a safe, efficient business operation; to assure compliance with state and federal laws; and to protect the well being and rights of all employees. The following list, which is not all-inclusive, outlines some of the acts and behaviors that are not acceptable during work time or on work premises. When circumstances warrant, Upshur County officials reserve the right to impose more disciplinary measures than called for at the various levels. **Please note that this policy does not alter the "at will" nature of your employment with Upshur County, which means that the employee may resign at any time and the employer may discharge an employee at any time with or without cause.** (\*) Unacceptable behavior makes an employee subject to disciplinary action, up to and including termination of employment.

First level offenses will result in a discussion between the employee and supervisor. These discussions need to be documented by a memo, which becomes a part of the employee's personnel record. Repetition of a first level offense will result in a warning notice from the supervisor to the employee and possible suspension without pay. (\*)

### First Level Offenses (Not All-Inclusive):

- Unauthorized or excessive absence
- Unauthorized time away from work station or area
- Failure to meet quality standards set by supervisor
- Failure to meet assigned housekeeping responsibilities
- Obscene, abusive or disruptive language or behavior
- Lack of attention to assigned job responsibilities
- Failure to follow prescribed work procedures

Second level offenses include behavior that is of such a nature that a violation may result in both a warning notice and suspension without pay. Repetition of this type of action usually results in dismissal.

### Second Level Offenses (Not All-Inclusive):

- Absences without approved leave
- Refusal to comply with legal instructions of a supervisor

(\*) 07/23/97

## DISCIPLINARY ACTIONS & DISMISSAL

(Continued)

- Deliberate or careless conduct endangering the safety of the employee, co-workers or the public
- Negligent handling of county property
- Reporting to work or working while intoxicated or when your ability is impaired by the use of alcohol or other drugs
- Unauthorized use of county materials or equipment

Third level offenses include behavior of such a serious nature that a first occurrence can be just cause for dismissal without prior notice or warning.

### Third Level Offenses (Not All-Inclusive):

- Refusal to comply with the specific legal instructions of a supervisor in the context of an assigned job duty, otherwise known as insubordination
- Intentional falsification of personnel records, time records, or any other county documents or records
- Fighting during work time or on work premises
- Use of alcohol or illegal drugs during work time or on work premises or the possession of same on county property
- Theft, misappropriation, embezzlement, unauthorized possession or removal of county property or the property of co-workers
- Violating any confidentially requirements
- Continued unsatisfactory job performance

Release or dismissal from employment occurs when Upshur County ends your employment for reasons such as a reduction in the work force, the end of an assignment, reorganization, and termination for unsatisfactory job performance. If your employment is terminated, you will receive a final pay to be calculated on your accumulated due and owing work time together with any accumulated vacation leave (unless converted for insurance or retirement benefits) and compensatory leave time. An employee will not receive compensation for any accumulated sick leave time nor will an employee receive any form of severance pay. The elected official or department head is to inform the County Commission of any and all disciplinary actions.

## **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 to 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 as tobacco / smoke free facilities. Elected officials and employees, as well as the public, are to observe this policy and refrain from the use of any tobacco products while inside county owned facilities.

## **COST CONSCIOUSNESS**

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.

## **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. Overnight expenses for lodging must be substantiated by an itemized bill. 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 declaration page of their insurance coverage to the Office of the Upshur County Clerk for inclusion in their personnel file. (\*\*) 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 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 5 of these guidelines. (\*)

## **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.

## **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.

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

(Continued)

In order to insure compliance with these requirements to avoid legal liabilities, Upshur County officials / personnel reserve the right to routinely monitor, review, print and/or investigate employees' email transmissions, receptions and/or Internet usage. 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. (\*\*)

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, an employee will need to change their password on a monthly or regular basis. (\*\*\*)

## **PUBLIC RELATIONS**

Every employee of Upshur County represents the County government and shares responsibility for building good public relations. By performing efficiently and accurately in your daily work, you contribute to the County's success. By exercising courtesy and alertness in all direct dealings with the public, you 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.

## **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 emoluments of the position or who seek to benefit narrow 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 private gain or that of another person. An employee of the County may not solicit any gift. No employee may 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 improperly disclose any confidential information acquired on 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**

Before an elected official, department head, and/or any other agent of Upshur County will provide an employment reference and/or recommendation for a current or former employee, the individual must provide a signed original of the "Upshur County Employment Reference Waiver & Release" form. Forms are available from your supervisor and/or the County Commission office.

# 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, siblings, spouse, parents-in-law, son/daughters-in-laws, grandparents, grandchildren, 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 or a member of 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. As long as the recipient is eligible, the employee will continue to receive payment to the extent of the available dollar value of leave donated to the recipient.
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

Authorized officials and/or employees will be allowed to drive a county owned vehicle when necessary for completion of their job duties and responsibilities. Certain job classifications will require the use of a county owned vehicle in the completion of those job duties and responsibilities. Authorized officials and/or employees are expected to comply with and obey any and all statutes, regulations and/or rules in the operation of a county owned vehicle.

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

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 to drive county owned vehicles. An individual serving as a volunteer, board member, intern or such are not authorized to operate county owned vehicles. 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 would request and review a Motor Vehicle Record (MVR) on the reserve deputy and provide necessary driver information to the insurance carrier of Upshur County before authorizing such assistance.

## USE OF COUNTY VEHICLE

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.

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. Any violation of this policy by an official and/or employee may result in the use of a county owned vehicle by that official and/or employee being terminated.

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.

(\*) 02/09/06

## **JURY DUTY (\*)**

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 would indicate 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 (\*)**

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 employees 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.

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

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. (\*\*)

## **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. (\*)

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.

(\*) 07/23/97 (\*\*) 02/09/06

## 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 USC 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 621 et 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, 1981 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 3-9-15 ...crime or corrupt practices includes an employer's threatening an employee with loss of employment if a particular candidate is elected or defeated.

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 institutions proceedings under this Act or participating in proceedings under this Act.

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 \_\_\_\_\_  
 PLUS CURRENT YR VAC HRS \_\_\_\_\_  
 TOTAL HOURS AVAILABLE \_\_\_\_\_  
 LESS HOURS USED PREV PD \_\_\_\_\_  
 LESS HOURS USED THIS PD \_\_\_\_\_  
 TOTAL HOURS AVAILABLE \_\_\_\_\_  
 = DAYS \_\_\_\_\_

SICK LEAVE  
(8 HOURS = 1 DAY)  
 TOTAL FROM PREV PD \_\_\_\_\_  
 LESS HOURS USED NOW \_\_\_\_\_  
 PLUS HRS ACCRUED 5.5 \_\_\_\_\_  
 TOTAL HRS AVAILABLE \_\_\_\_\_

COMP TIME  
 TOTAL FROM PREV PD \_\_\_\_\_  
 LESS HRS USED ABOVE \_\_\_\_\_  
 PLUS HRS ACCRUED ABOVE \_\_\_\_\_  
 TOTAL HRS AVAILABLE \_\_\_\_\_

(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)

## **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' Signature

**UPSHUR COUNTY**  
**EMPLOYMENT REFERENCE**  
**WAIVER AND RELEASE**

1. The undersigned hereby acknowledges that \_\_\_\_\_ has requested the Upshur County Commission and/or its affiliates and subsidiaries, for information, including all records on file about me. I understand and acknowledge that the Upshur County Commission has no obligation to provide any information whatsoever to \_\_\_\_\_. However, I have applied for employment with \_\_\_\_\_ and I have agreed to permit \_\_\_\_\_ to obtain information from the Upshur County Commission. This release that I signed to permit \_\_\_\_\_ to obtain information is attached hereto as "Exhibit A".

2. I further understand and acknowledge that the likelihood of my becoming employed by \_\_\_\_\_ is enhanced if the Upshur County Commission provides the information that has been requested about me by \_\_\_\_\_ . Although the Upshur County Commission has no obligation to provide any information to \_\_\_\_\_ in consideration of the Upshur County Commission providing \_\_\_\_\_ whatever information \_\_\_\_\_ requests, including information in the form of documents and information obtained by interviewing present and former employees and agents of the Upshur County Commission, I have for myself, my heirs, executors, administrators, and assigns, released, acquitted, and discharged and by these presents do hereby forever release, acquit, and discharge the Upshur County Commission and its directors, officers, shareholders, successors, agents assigns, servants and employees and related persons, firms and corporations of any and from any and all liability, claims, demands, controversies, damages, actions, and causes of action of every kind and character, including attorney's fees, costs, and other expenses heretofore or hereafter incurred, that I may now or hereafter have, directly or indirectly, or in any manner growing or arising out of or by reason of the information which is provided by the Upshur County Commission, its agents, employees, servants, and others, including but not limited to causes of action for defamation, invasion of privacy, tortious interference with business relationships or expectancies, violations of Title VII of the Civil Rights Act of 1964, as amended, and any other statutory of common law claims and causes of action.

4. It is further expressly understood and agreed that this release is intended to and does include and apply to all known and unknown damages and injuries of any kind to me and that it covers not only any damages, claims, and injuries resulting from information obtained by \_\_\_\_\_, But also all past, present and future effects of said investigation, interviews, etc., whether such effects are known or may become known in the future.

5. It is further expressly understood and agreed that I have been advised by the Upshur County Commission that I may wish to consult with an attorney before signing this document. Furthermore, I acknowledge that I have read and understand completely the contents of this document.

6. In executing this agreement, I understand and acknowledge that I am waiving potential liability arising from intentional, reckless, and/or grossly negligent conduct of the Upshur County Commission and its successors, assigns, agents, servants and employees. However, I am willing to release these possible claims in order to enhance the likelihood of obtaining employment with \_\_\_\_\_.

**Upshur County**  
**Application for Donated Leave**

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Part I – Applicant Information – To be completed by employee or designee

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

Reason for Request:

Personal Medical Condition: \_\_\_\_\_ Yes \_\_\_\_\_ No

Medical Condition of Immediate Family Member: \_\_\_\_\_ Yes \_\_\_\_\_ No

Relationship to Employee: \_\_\_\_\_

The reason for the request must be verified by a physician treating the individual with the medical condition. The physician must provide the information requested in Part II, sign and date the form.

In applying for leave donation, I agree to hold harmless and hereby release employees, agents and/or officials of Upshur County from any liability in the release of any type of information concerning this request, including but not limited to medical information.

Completed By: \_\_\_\_\_

Address/Phone: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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: \_\_\_\_\_

**Upshur County**  
**Application to Donate Leave**

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**Part I: Applicant/Employee Information**

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

Total Days to Donate: \_\_\_\_\_  
(must be in whole days, 1 day equals 8 hours)

Designated Recipient's Name \_\_\_\_\_

Employee's Signature & Date \_\_\_\_\_

**Part II: To be Completed by the Office of the County Clerk**

Donating Employee's Daily Rate of pay: \_\_\_\_\_  
(1 day equals 8 hours)

Total Value of Employee's Leave Donation: \_\_\_\_\_  
(Daily Rate x Number of Days Listed Above)

Employee's Leave Balance After Deduction: \_\_\_\_\_

Receiving Employee's Daily Rate of Pay: \_\_\_\_\_  
(1 day equals 8 hours)

Number of Days received By This Donation: \_\_\_\_\_  
(Number of Donated Days x Receiving Employee's Daily Rate)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Part III: To be Completed by the Office of the County Clerk

Employee/Applicant \_\_\_\_\_ Department: \_\_\_\_\_

Applicant's available leave balances as of \_\_\_\_\_ would be as follows:

Vacation: \_\_\_\_\_ Sick: \_\_\_\_\_ Compensatory: \_\_\_\_\_ Total: \_\_\_\_\_  
(Please provide leave in number of available hours - eight hours equals one day)

Date the above referenced employee leave balances will be exhausted: \_\_\_\_\_

The applicant's daily pay rate for an eight (8) hour work day is \$ \_\_\_\_\_. The total dollar value of leave donation(s) to the applicant is \$ \_\_\_\_\_, which provides the applicant with \_\_\_\_\_ work days of donated paid leave, eight (8) hours equals one (1) work day.

Signature \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

# UPSHUR COUNTY COMMISSION

Upshur County Courthouse Annex  
38 West Main Street, Room 302 • Buckhannon, West Virginia 26201

Telephone: (304) 472-0535  
Telecopier: (304) 472-2399

TDD Numbers  
Business: 472-9550  
Emergency: 911

## 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  
(Last Day of Work)  
leave 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 \_\_\_\_\_  
(Employee Name)

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 employec)

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 same before me in my said county.

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

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

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