

# CHAPTER 1

## GENERAL PRINCIPLES AND GOVERNING POLICIES

<b>PURPOSE AND INTENT .....</b>	<b>1</b>
<b>1.0 AUTHORITY .....</b>	<b>1</b>
<b>1.1 ADMINISTRATION AND ENFORCEMENT .....</b>	<b>2</b>
<b>1.2 INTERPRETATION .....</b>	<b>2</b>
<b>1.3 SCOPE .....</b>	<b>2</b>
<b>1.4 MERIT PRINCIPLES.....</b>	<b>3</b>
<b>1.5 EQUAL EMPLOYMENT OPPORTUNITY .....</b>	<b>3</b>
<b>1.6 EQUAL EMPLOYMENT OPPORTUNITY PLAN.....</b>	<b>6</b>
<b>1.7 EMPLOYEE ADVISORY COMMITTEE.....</b>	<b>7</b>
<b>1.8 PROTECTION OF PERSONNEL INFORMATION .....</b>	<b>7</b>
<b>1.9 AVAILABILITY OF POLICIES AND REGULATIONS.....</b>	<b>7</b>

## CHAPTER 1

### GENERAL PRINCIPLES AND GOVERNING POLICIES

**Purpose:** These Loudoun County policies and regulations ensure a system of personnel management based on merit principles and objective procedures for recruiting, classifying, appointing, promoting, transferring, training, disciplining, filing grievances, implementing reductions-in-force and other aspects of County employment.

**Intent:** These policies and regulations are intended to be in compliance with all applicable Federal and State laws and regulations.

#### 1.0 AUTHORITY

The Board of Supervisors establishes personnel policies for all employees and volunteers under its supervision and control. The Chairman of the Board of Supervisors on behalf of the corporate board provides direction to the County Administrator and other employees who are assistants to the Board of Supervisors.

##### 1.0.01 Delegation of Authority

The County Administrator may delegate vested powers and authorities to include ministerial, administrative, or clerical duties to deputies or assistants who report to the County Administrator.

##### 1.0.02 Department Head Authority

Department Heads implement and enforce these policies and regulations under the general supervision of the County Administrator or his/her designee. Department Heads have authority to establish department policy and have complete day-to-day control over employees and volunteers under their supervision including the responsibility to hire, direct, discipline and dismiss employees in accordance with these policies as interpreted by the County Administrator or his/her designee.

##### 1.0.03 Emergency Authority<sup>1</sup>

When a declaration of local emergency is made, the policies contained in this handbook may be amended or suspended by the County Administrator as deemed necessary to meet the operational needs of the County government. All actions taken with respect to HR policies during such declared emergencies must comply with applicable state and federal laws that remain in effect and must not infringe on the constitutional rights of any employee. Actions taken by the County Administrator pursuant to this section must be approved/ratified by the Board of Supervisors at their first meeting after the implementation of the policy amendments or suspensions, or as soon thereafter as possible.

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<sup>1</sup> Revised December 19, 2006

## **1.1 ADMINISTRATION AND ENFORCEMENT<sup>2</sup>**

The County Administrator implements and enforces these rules and regulations in adherence to the purpose and intent of the County's personnel policies. The County Administrator is authorized to make recommendations and provide information to the Board of Supervisors concerning any department of the County government or employee under its control and supervision. The County Administrator establishes procedures and/or guidelines regarding work activity and record keeping to ensure equitable and uniform administration and enforcement of these policies. All personnel policies or procedures which are date specific will be implemented at the beginning of the full pay period prior to the date.

## **1.2 INTERPRETATION**

These regulations cover personnel management questions and actions for which the County Administrator is responsible and are interpreted accordingly by the County Administrator or his/her designee in keeping with the intent of these regulations.

## **1.3 SCOPE**

- (A) These policy and regulations apply to all employees under the control and supervision of the Board of Supervisors, except as otherwise provided or prohibited by law.
- (B) Employees not under the Board of Supervisors' control and supervision, including officers and employees of Constitutional Officers, are not covered by this policy and these regulations except by agreement between the department/agency director, supervisor, or Constitutional Officer and the Board of Supervisors. The County Administrator may act as the Board of Supervisors' agent in negotiating and executing such agreement(s).
- (C) Should these regulations become applicable to officers and employees of those agencies, the director or Constitutional Officer having appointing authority over such officers and employees is vested with the powers and duties delegated to Department Heads except as otherwise specifically provided. Such directors or Constitutional Officers are not required to obtain Board of Supervisors approval to establish a new position when authorized and fully funded by the State. Once such a position is established, it is classified in accordance with the County Classification Plan.
- (D) This policy or these regulations shall not be interpreted to infringe on or limit the authority and responsibility of Constitutional Officers.

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<sup>2</sup> Revised July 30, 1997

#### **1.4 MERIT PRINCIPLES**

The County's personnel policies and procedures will be consistent with the following merit principles and are based on the Federal Merit System Standards.

Merit Principle I: Recruiting, selecting, and advancing employees will be on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment. Recruiting efforts will be planned and carried out in a manner that assures open competition. Selection procedures will be job related and will maximize validity, reliability and objectivity; selection procedures for promoting employees to higher level positions must provide eligible permanent employees an opportunity to be considered, and adequately assure that all persons promoted are qualified for the position.

Merit Principle II: Equitable and adequate compensation will be provided and maintained on a current basis in order to assure a high quality public work force.

Merit Principle III: Employees will be trained as needed to assure high quality performance.

Merit Principle IV: Employees will be retained on the basis of their satisfactory performance and provisions will be made for encouraging their best performance, and for providing an opportunity to correct unsatisfactory performance, and for separating employees whose unsatisfactory performance cannot be corrected.

Merit Principle V: Fair treatment of applicants and employees in all aspects of personnel management without regard to race, color, religion, sex, national origin, age, disability, political affiliation, sexual orientation, gender identity, or other non-merit factors<sup>3</sup> and with proper regard for their privacy and constitutional rights as citizens will be assured.

Merit Principle VI: Employees will be protected against coercion for partisan political purposes and will be prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

#### **1.5 EQUAL EMPLOYMENT OPPORTUNITY<sup>1</sup> /<sup>4</sup> /<sup>5</sup>**

The County of Loudoun is an Equal Employment Opportunity Employer. Consistent with the Civil Rights Act of 1964 as amended in 1991, the Rehabilitation Act of 1973, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990 and other relevant statutes, the county does not discriminate against employees in any aspect of employment or applicants for employment based upon race, color, religion, sex, national origin, age, disability, or genetic information. The Board of Supervisors has also declared that the county does not discriminate against employees or applicants for employment based on political affiliation, sexual orientation, or gender identity.

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<sup>3</sup> Revised January 5, 2010

<sup>4</sup> Revised July 20, 2010

<sup>5</sup> February 28, 2011

### Sexual Harassment

The County of Loudoun is committed to providing a work environment free of any form of sexual harassment or related intimidation. Sexual harassment is prohibited within the workplace, viewed as misconduct and subject to disciplinary action, up to and including termination.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a manager, supervisor, co-worker or non-employee (third party). Such conduct may constitute sexual harassment when:

- (A) Submission to conduct is made either an explicit or implicit condition of employment; or
- (B) Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
- (C) The harassment substantially interferes with the employees work performance or creates an intimidating, hostile, or offensive work environment.

All employees shall comply with this EEO policy. Employees with managerial/supervisory responsibilities, or who direct or assign the work of others, shall communicate the County's EEO policy to employees and immediately report incidents observed or reported that may be in violation of this policy to the Human Resources Division of the Department of Management and Financial Services.

### Sexual Harassment Procedures

#### (A) How to Recognize Sexual Harassment

In evaluating and determining whether behavior is sexual harassment, the following factors should be considered:

- Is the behavior directed toward employees of one gender only?
- Is it unwelcome?
- Has the employee objected to the behavior or indicated that the behavior is unwelcome? Remember that an employee needn't openly object to certain behavior for it to be unwelcome.
- Is the behavior or similar behavior repeated? Has it happened before?
- Does the behavior interfere with the employee's work performance?
- Does the behavior create an environment that is hostile, intimidating, or offensive for an employee?
- Does the employee feel demeaned, degraded, or embarrassed by the behavior?
- Have employment decisions been made on the basis of acceptance or rejection of the behavior?
- Has an employee who once voluntarily participated in the behavior expressly stated that the behavior is no longer welcome?

### Other Unlawful Harassment

Harassment on other grounds, including race, color, religion, national origin, age, disability, sexual orientation or gender identity is also prohibited. Harassment includes jokes, verbal abuse and epithets, degrading comments, the display of offensive objects and pictures, and other conduct that the individual might reasonably find to be offensive.

### If an Employee has a Harassment Complaint

The employee should tell the offender to stop the inappropriate behavior and report the complaint without delay or fear of reprisal to his/her supervisor, the Human Resources Division or to any member of management whom he/she feels can be of assistance.

### If a Supervisor Receives a Harassment Complaint

The supervisor shall listen to the employee, document facts relayed by the employee and immediately contact the Human Resources Division. The supervisor will maintain confidentiality on a need to know basis.

The Supervisor should **not**: assume the alleged perpetrator is at fault; tell the employee to ignore it; assume the employee “asked for it” or is at fault; make light of, laugh at, or discount the complaint; tell the employee to retaliate, e.g., embarrass the alleged harasser or react with physical aggression; or allow the behavior to continue.

### Departmental Responsibilities:

The Department Head will:

- (1) Ensure that the County's EEO policy is clearly posted in the department.
- (2) Designate a senior manager within the department, who is sensitive to and understand issues of discrimination, sexual harassment and other unlawful harassment to serve as a departmental contact in regard to such issues.
- (3) Contact Human Resources immediately if a complaint is received or an incident is observed.
- (4) Include discrimination, sexual harassment and other unlawful harassment awareness as part of any departmental orientation and training of employees.
- (5) Ensure that supervisors understand, actively enforce and communicate to employees this EEO policy and these procedures; and immediately report discrimination, sexual harassment or any other unlawful harassment complaints.

The County of Loudoun is also committed to providing a work environment free of any form of retaliation. Retaliation is prohibited within the workplace and is defined as overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or group for lawfully exercising rights under this Equal Employment Opportunity Policy.

The County will not tolerate any form of retaliation directed against an employee or third party who either files a complaint about discrimination, harassment, or retaliation, or who participates in any investigation concerning such misconduct.

Investigations Regarding Complaints of Discrimination, Sexual Harassment, other unlawful harassment or Retaliation

A full investigation of all complaints of discrimination, sexual harassment, other unlawful harassment or retaliation will be conducted, typically by Human Resources staff. Confidentiality will be maintained to the extent possible. In determining whether the alleged conduct constitutes discrimination, sexual harassment, other unlawful harassment or retaliation, the totality of circumstances, the nature of the act, and the context in which the alleged incident occurred will be fully investigated.

**1.6 EQUAL EMPLOYMENT OPPORTUNITY PLAN <sup>6/5</sup>**

It is the policy of the County of Loudoun to provide equal opportunity in all aspects of employment without regard to race, color, religion, sex, national origin, age, disability, political affiliation, sexual orientation, gender identity, genetic information or other non-merit factors<sup>3</sup>. The County Administrator is delegated all necessary authority to establish and administer appropriate procedures designed to support this policy and to comply with applicable state and federal employment laws.

The Equal Employment Opportunity Plan (the Plan) is established under guidelines provided by the Office of Civil Rights for the Department of Justice (28 CFR 42.207 and 42.301 et seq), and is intended to promote the principles espoused in the above statement of policy.

The Plan is effective June 4, 1997, and will remain in effect until amended or superseded by subsequent action by the Board of Supervisors. The Plan consists of two parts: 1) a statement of policy and guidance for implementation provided by the Board of Supervisors, and 2) a series of Appendices.

All elements of the Plan are to be governed by three principles:

(A) It is the County's intent to promote a work environment that values excellence in public service and supports equal opportunity for all individuals. To this end County personnel

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<sup>5</sup> Revised February 28, 2011

<sup>6</sup> Revised October 21, 2008

policies and practices must evaluate individuals strictly on the basis of merit, without regard to race, color, religion, sex, national origin, age, disability, political affiliation, sexual orientation, gender identity, genetic information, or other non-merit factors.<sup>3</sup>

(B) If a group is found to be under represented in certain job categories, efforts to improve representation of that group will be restricted to broadening recruitment activities to attempt to attract a wider range of qualified candidates to apply for County positions. These recruitment outreach efforts shall not provide a preference to any group; selections for all County positions are based exclusively on merit.

(C) The County will not implement any quota, timetable, goal or parity program.

Copies of the Equal Employment Opportunity Plan are available from Human Resources.

#### **1.7 EMPLOYEE ADVISORY COMMITTEE (EAC)**

The County Administrator will establish an Employee Advisory Committee (EAC) for the purpose of improving employee-management relations and disseminating information.

#### **1.8 PROTECTION OF PERSONNEL INFORMATION**

Personnel records, and personal information contained therein, including records pertaining to volunteers and to applicants for employment, will not be disclosed or disseminated except as required by law or for a proper purpose of the agency collecting or maintaining such records. Personnel records and personal information will be disclosed to the employee, volunteer, or applicant for employment who is the subject of the record or information, to the person designated by such employee, volunteer, or applicant to the extent that such disclosure is required by law, or to those with a need to know for official County business.

#### **1.9 AVAILABILITY OF POLICIES AND REGULATIONS<sup>7</sup>**

The County Administrator is responsible for maintaining a complete and current set of policies and regulations and for ensuring that these policies and regulations are easily accessible and available to all County employees. It is the responsibility of all County employees to read and comply with the County's policies and regulations, as well as any updates or revisions made thereto. County policies and regulations shall be available to employees and the general public, during the County's normal business hours.

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<sup>7</sup> Revised March 17, 2009