

Merrimac Center

Middle Peninsula Juvenile Detention Commission

Personnel Policy



Merrimac Center Personnel Policy

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Section 1.1 Authority

The Middle Peninsula Juvenile Detention Commission (“MPJDC” or “Commission”) is empowered under Sections 16.1-315 through 16.1-322, of the Code of Virginia, to establish facilities and programs, to employ personnel and fix their duties, qualifications and compensation and to remove such employees at pleasure. The Commission thereby adopts the personnel policies contained in this manual. Policies are subject to change at the discretion of the Commission. Any policy in conflict with federal, state, or local law shall be superseded by the pertinent law.

The Middle Peninsula Juvenile Detention Commission is an Equal Opportunity Employer. It shall provide equal employment opportunities to its employees and applicants for employment on the basis of fitness and merit without regard to race, color, religion, national origin, political affiliation, sex, age, or disability.

This policy shall be followed in recruiting, hiring, and promotion into all position classifications, compensation, benefits, transfers, layoffs, return from layoffs, demotions, termination, Commission-sponsored training programs, leave, and social programs. Any person employed by the MPJDC who fails to comply with this policy will be subject to disciplinary action.

Employees of the Merrimac Center are subject to the policies established by the Middle Peninsula Juvenile Detention Commission as provided to each employee during orientation and maintained in the Center Information System on the I drive.

Prison Rape Elimination Act of 2003. (PREA Standard § 115.311) See Program Manual Chapter 9

Merrimac Center maintains a zero tolerance for resident-on-resident sexual assault, staff sexual misconduct and sexual harassment toward offenders. Every allegation of sexual assault, misconduct and harassment will be thoroughly investigated.

The prohibited conduct identified below applies to all employees, volunteers and contract staff of the Merrimac Center. Sexual conduct between staff and residents is prohibited and subject to administrative disciplinary sanctions and referred for prosecution.

The QA/Operations Manager serves as the facility’s PREA Coordinator to develop, implement, and oversee the facilities efforts to comply with the PREA Standards. For the purpose of this procedure, the term “resident” will apply to anyone in the authority, custody or care of Merrimac Center. The terms “staff” and “employee” includes all Merrimac Center employees, contract personnel, contract employers, volunteers, official visitors or other Merrimac Center representatives.

Section 1.2 Administration

The Director, or a designee, is responsible for the administration of the Commission personnel program.

The MPJDC is the appointing authority for all positions. The MPJDC delegates to the Detention Director the responsibility for the recruitment, selection and appointment of employees within the guidelines of the approved budget.

This manual is intended to address most personnel situations and actions for which the Director is responsible. However, those situations not specifically covered will be interpreted and acted upon by the Director, or a designee, in keeping with the intent of these policies and procedures.

Section 1.3 Coverage of Personnel

The personnel policies and procedures apply to all employees unless exceptions are expressly stated.

Section 1.4 Severability

If any part, section, sub-section, sentence, clause or phrase of this policy is for any reason held to be unconstitutional or invalid, such decision will not affect the constitutionality or validity of the remainder of this policy.

Section 1.5 Management Rights

The Commission has the authority to:

- A. Establish and revise personnel policies.
- B. Establish, abolish, and revise staffing levels, positions, job classifications, salary ranges and salary actions.
- C. Establish, modify, and revise employee benefits.

The Director, as delegated by the Commission, reserves management rights in the administration of the personnel policies and programs, including:

- A. The right to interpret and administer personnel policies and procedures, at any time, including the right to suspend or supersede policies and procedures in emergencies.
- B. The right to hire, retain, promote, demote, transfer, and assign employees and to determine the methods by which such decisions are made.
- C. The right to terminate employees at any time due to misconduct, unacceptable attendance, failure to maintain job qualifications, inability to perform the duties and the

responsibilities of the position, unsatisfactory work performance, job abolition, reorganization, reduction in force, or other reasons related to the effective and efficient operations of the Commission. No employee in the classification plan is considered to have an employment contract or any agreement guaranteeing employment for any period of time.

- D. The right to determine the means, methods and procedures by which work is performed.
- E. The right to establish, revise, and administer job performance standards and conduct standards and to determine acceptable performance and conduct.
- F. The right to establish and change work schedules, work hours, and work places and work assignments.
- G. The right to establish and revise job content, job composition, and job requirements.
- H. The right to determine training and staff development activities appropriate to the job classification and performance.

Section 1.6 Employment Categories

- A. Regular position: A regular position is one established by the Commission, funded in the budget, and projected to continue indefinitely unless the Commission shall eliminate it. A regular position may be either a full-time or a part-time position.
- B. Temporary position: A temporary position is one established by the Commission to perform a specific function, such as a special project or to substitute for a regular employee, with the term of employment depending on the continuing need for the function being performed. A temporary position may be either a full-time or a part-time position. A temporary position will be maintained for no more than 12 months, although the Commission may renew the position.
- C. On-call position: An on-call position is one established by the Commission to serve the Commission on an as-needed basis to provide necessary service. Employees in on-call positions may be discharged at the will of the Commission. Unavailability of on-call employees for monthly work assignments or training activities will result in termination.
- D. Part-time position: A regular part-time, scheduled position that may be eligible for certain benefits as defined under the benefit section Chapter 5. Employees in part-time positions may be discharged at the will of the Commission.

Section 1.7 Hours of Employment

- A. **Full-Time Employment:** Full-time employment refers to all positions so declared by the Commission. The employee filling a full-time position is paid on 2080 hours annually.
- B. **Work Schedule:** Work schedules shall be established in a manner that provides appropriate coverage and the most efficient and effective service. There is no requirement to provide flexibility in an individual work schedule. Employees do not have the flexibility to change their work schedules without approval.
- C. **Official Work Week:** The official workweek begins at 12:01 A.M. on Saturday. Shifts beginning on Friday but ending on Saturday will be considered to be worked on Friday in their entirety for payroll purposes.
- D. **Work Day:** The 24-hour period beginning with the employees regularly scheduled daily reporting time. Shifts, which begin on one day and end on the next day, will be considered to be worked on the day on which they begin.
- E. **Business Hours:** The Merrimac Center business office will be open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding designated holidays. Work schedules for all employees vary to meet the needs of the Commission and the program.

Section 1.8 Recruitment for Employment Vacancies

- A. **Internal Recruitment Policy:** In those instances where employees within the organization may possess the knowledge, skills, and abilities required for a vacant position, recruitment may be restricted to current MPJDC employees.
- B. **External Recruitment Policy:** In those instances where recruitment is not restricted exclusively within the organization, recruitment for the vacant position shall be conducted externally, and applications from the general public and from employees shall be accepted. Positions will be advertised in appropriate locations and publications, which reach an applicant pool reflective of the community at large.

Recruitment is not necessary when a position becomes vacant within six months of a previous recruitment effort for a position performing similar duties or when there are qualified applicants on file from which to select for employment.

- C. **Recall:** A separated employee may be offered reinstatement to the employee's former position or any position for which the employee is qualified if such position is unfilled within one year from the date of separation. A new employee will not be hired for such positions until the separated employee has been offered a recall and given two days to accept or reject the recall. Recalled employees shall not be required to serve another probationary period.

D. Bona Fide Occupational Qualification: Due to the nature of the job responsibilities, Counselor positions may be advertised and employment selections made based on sex. Counselors' duties include supervising detainees when waking and going to bed, during showers and other personal hygiene matters, conducting strip searches, and conducting room checks. Counselors will be assigned to duty in a manner to ensure that only same sex counselors perform these duties. Also, safety and security considerations require the ability to maintain physical control of the facility and control of the detainees to ensure the safety of detainees and safety of staff.

Section 1.9 Employment Applications; PREA standard § 115.317 Hiring and promotion decisions.

A. Applications: Applications shall be accepted only for posted vacancies. Specific positions must be designated on all employment applications to guarantee full review of the application in the selection process. Resumes may not be substituted for a Commission application.

B. Refusal: Any applicant refusing to undergo any required tests or examinations shall be eliminated from further consideration. In such a situation, the applicant shall be deemed to have withdrawn the employment application.

C. PREA Employment Practices: Before hiring new employees who may have contact with residents, The Commission shall: (1) perform a criminal background records check; (2) consult any child abuse registry maintained by the State or locality in which the employee would work; and (3) consistent with federal, state, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

The Commission shall also perform a criminal background records check, and consult applicable child abuse registries, before enlisting the services of any contractor who may have contact with residents.

The Commission shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with residents or have in place a system for otherwise capturing such information for current employees.

The Commission shall also ask all applicants and employees who may have contact with residents directly about previous misconduct described in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The Commission shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.

Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

Unless prohibited by law, the Commission shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

When an offer of employment is made prior to the receipt of all components of the background check, the offer will be contingent upon acceptable criminal records report as required by law, regulation, or Commission policy. Before conducting a background investigation, the Commission shall obtain a written release from the applicant authorizing the background check.

Section 1.10 Physical Examinations

A. Purpose: Physical examinations, when required, are provided by the MPJDC to ensure that candidates offered employment and employees in designated job classes are able to safely and satisfactorily perform the required physical aspects of the duties of the position for which they have been selected; ensure a safe work environment for employees and detainees and reduce the prospect of future work-related injury or illness.

B. Pre-Employment Physicals: Physical examinations will be required for all individuals offered employment for Supervisor, Counselor, Maintenance, and Custodian positions. The Commission will pay the cost of required pre-employment physical examinations.

C. Content: The content of physical examinations may vary by position.

D. Post-Employment Physicals: The Director may require that an employee undergo a physical or psychological/psychiatric examination during the course of employment should the employee demonstrate difficulty in the performance of their duties which may reasonably be suspected to have a physical or psychological basis, or if there is evidence of the presence of a communicable disease. The Commission will pay the cost of required post-employment physical examinations.

Section 1.11 References

All applicants for employment with the MPJDC are required to provide at least three work/personal references. It is the responsibility of the Director or designee to verify these references prior to employment of an applicant.

Section 1.12 Hiring and Supervision of Relatives/ Dependents

No person shall hire or supervise, directly or indirectly, any family member, household member,

or other dependent person.

Section 1.13 Special Employment Conditions

Some job classes or positions require specific licenses or certifications, which are listed in the job description. Employees in positions requiring such licenses or certifications must maintain them in order to continue their employment.

Section 1.14 Orientation for New Employees

A. **Policy:** It is the Commission's policy to provide information to help all new employees learn what is expected from them as employees of the MPJDC.

B. **Merrimac Center Administrative Responsibility:** New employees must meet with the Director, or designee, to ensure that all formal paperwork related to employment is complete. During the first week of employment, the employee will be given 40 hours of training and orientation in policies and procedures and sign an acknowledgement of receipt of said training. Each new employee must complete a full orientation program before assuming position duties. The administrative team and the supervisor of a new employee will explain job responsibilities, duties, and working conditions and provide general information regarding the facility and organization. Staff can access all policies in an electronic format on the "Information" drive.

C. **Employee Responsibility:** It shall be the responsibility of the employee to be knowledgeable of and to follow all Commission policies, procedures, and regulations and all program standards.

D. **Employment Standards:** The Commission requires employees to develop and to consistently demonstrate the knowledge, skills, and abilities required to be fully proficient in the job. Employees are required to follow established procedures and instructions to produce work of acceptable quality and quantity and to exercise judgment in the discharge of their duties, to meet and maintain performance standards for the job.

Employees are required to follow the Standards of Conduct established by the Commission. The Commission requires employees to develop positive and productive work habits, including working relationships, initiative, and commitment to the job and Commission, to be available for work and in attendance except for approved leave, to maintain all required certifications, licenses, and training for the position, and to meet all medical and physical requirements of the job.

Section 1.15 Probationary Period

A. **Objective:** The probationary period is a trial period designed to give a newly hired or promoted employee and the Commission an opportunity to determine whether the correct employment decision has been made.

B. Duration: Employees appointed or promoted to full time, or newly hired part-time positions must serve a probationary period of twelve months. In order to get an accurate assessment of job performance, prolonged absences from duty may result in the probationary period being extended for that duration.

C. Termination: Employees serving probationary periods may be discharged or demoted by the Commission without cause. Probationary employees do not have access to the grievance procedures.

Section 1.16 Performance Evaluations

Each employee's job performance shall be reviewed and evaluated no less frequently than annually. The evaluation must be signed by the employee and becomes a part of the employee's personnel file. The employee evaluation will include a training plan for the following year.

Section 1.17 Employment Date

A. Defined: The employment date is the date on which an employee was initially employed in a regular position, provided there has been no break in service.

B. Purpose: The employment date is the effective date to determine length of service with the Commission for computing seniority, leave accrual, and service recognition.

Section 1.18 Transfer

A transfer is a lateral move of an employee from one position to another position in the same salary range. Transfers shall be authorized by the Director.

Section 1.19 Promotion; PREA standard § 115.317 Hiring and promotion decisions.

A promotion is the selection of an employee, after competition with internal or external applicants, to a different position at a higher salary range. The Internal Recruitment Policy encourages the promotion of employees. An administrative promotion from Counselor I to Counselor II may be made by the Director when an adequate number of minimum requirements of the Counselor II job description have been met as determined by and with the recommendation of the Deputy Director. The Commission shall not hire or promote anyone who may have contact with residents, and shall not enlist the services of any contractor who may have contact with residents, who:

- A. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
- B. Has been civilly or administratively adjudicated or convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats

of force, or coercion, or if the victim did not consent or was unable to consent or refuse.

The Commission shall consider any incidents of sexual harassment in determining whether to hire or promote anyone or to enlist the services of any contractor, who may have contact with residents.

Section 1.20 Demotions

A. Demotion: A demotion is a reduction in the salary grade of an employee in conjunction with a change of job duties and responsibilities or positions. A change in work assignment or duties without a reduction in salary grade is not a demotion.

B. Voluntary Demotion: A voluntary demotion is a demotion made at the request of an employee for personal reasons or to remain employed if his position is eliminated. A voluntary demotion may or may not require a reduction in salary.

C. Disciplinary Demotion: A disciplinary demotion is a demotion for the purpose of reprimanding an employee for inappropriate conduct as outlined in the Standards of Conduct.

Section 1.21 Temporary Assignments

A. Purpose: An employee may be temporarily assigned to a vacant position, or a prescribed set of duties, other than that to which officially assigned, to meet emergencies occasioned by abnormal workload or organizational changes, to cover absences pending official assignment of personnel or to perform duties pending the development and classification of a new position, or for other purposes necessary to provide quality service.

Section 1.22 Outside Employment

A. Conflict with Commission Employment: An employee may engage in supplemental employment, provided that the performance of assigned duties with the Commission is not impaired and provided a conflict is not created.

B. Approval: Each employee who desires to engage in supplemental employment must inform the Deputy Director or Director in writing and obtain approval prior to beginning such work. If the Deputy Director or Director determines at any time that the other employment creates an actual or potential conflict which reflects discredit or potential discredit upon the Commission, or that the performance of assigned duties with the Commission are impaired by the supplemental job, the employee will be requested to terminate the outside employment. Refusal to comply with such request will result in disciplinary action.

C. On-call Employees: On-call employees must disclose other outside employment to ensure a conflict is not created and any potential conflicts can be avoided.

Section 1.23 Political Activity

An employee may not serve as a member of any participating locality's Board of Supervisors or City Councils while employed by the Commission. This does not prohibit Commission employees from seeking election to a Board of Supervisors or Council; however, the employee must submit his or her resignation within seven days of being elected. In the event that he or she fails to resign, he or she will cease to be a Commission employee.

Section 1.24 Reductions in Force

A. Definition: A reduction in force is the elimination of a regular position by the Commission.

B. Policy: When a reduction in force occurs, every effort shall be made to place the employee in another position for which he or she qualifies. Job performance and seniority will be used to determine which employees shall be laid off, with job performance being the primary deciding factor.

Section 1.25 Separation from Employment

All employees serve at the pleasure of the Commission. All letters of resignation and all documentation relative to involuntary terminations or other types of terminations shall be filed in the employee's personnel file.

Normally, the effective date of termination will be the last day the employee actually worked. A payroll check for all compensation due will be issued on the payday following the effective date of the termination.

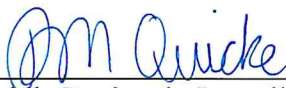
A. Voluntary Resignation: Employees in "exempt" positions as defined by the Fair Labor Standards Act are required to give the Director 20 working days' notice of an impending resignation. All other employees are required to give the Director 10 working days' notice of an impending resignation.

B. Discharge - Less Than Satisfactory Performance: An employee may be discharged for continued less than satisfactory performance or for any serious incident of less than satisfactory performance. All such actions must be thoroughly documented.

C. Discharge - Employment/Position Probationary Employees: An employee may be discharged or demoted during a probationary period without cause or hearing.

D. Discharge Violation of the Rules of Conduct/Misconduct: Employees may be discharged for violations of the Standards of Conduct as established by the Commission or for other misconduct.

- E. Discharge - Unavailability for Work/Job Abandonment: An employee may be discharged for unavailability for work when such unavailability adversely effects the operations of the Merrimac Center. This includes frequent absences, extended absences, even if legitimate and approved, and unavailability to work assigned schedules. An employee may be terminated for job abandonment under the Standards of Conduct.
- F. Discharge - Failure to Meet or Maintain Job qualifications or Job Conditions: An employee may be discharged for failing to meet conditions as required by the job description or other conditions or requirements as established by the Commission or the Director.
- H. Retirement: The effective date of retirement is either the last day the employee worked or in the case of a disability retirement, on the effective date established by the Retirement Board.
- I. Death: Upon the death of an employee in an active pay status, compensation will be paid to the surviving spouse or dependents through the end of the pay period in which the death occurred.
- J. References: Only the Director, or designee, may provide the Commission's official reference for current or former employees. The Administrative Services Manager may release dates of employment and salary.



Middle Peninsula Juvenile Detention Commission, Chairperson

Effective Date: 1/1/19

Section 2.1 Introduction

This chapter describes the Commission's compensation program - a program designed to pay employees competitively and reward employees for their efforts on behalf of the Commission.

The Director, who is responsible for interpreting, administering, and updating the program to keep it current and equitable in operation, administers the compensation program. The Director, Deputy Director, and the Commission work together to ensure that the salaries which individual employees receive are market competitive and commensurate with experience, skills, efficiency, and performance.

The compensation program provides employees opportunities for career growth both within and outside their own work area through growth within a job's salary range, promotion, and transfer.

A. Objectives - The objectives of the Compensation Plan are to:

1. Keep Commission salaries competitive in the labor market;
2. Provide flexibility;
3. Be easy to use and to understand;
4. Select, train, motivate, and keep highly qualified men and women as Commission employees; and
5. Reward quality performance.

Section 2.2 Definitions

A. Anniversary Date: Refers to the date from which an employee's benefits are calculated.

B. Administrative Promotion: Administrative movement of an employee from one job class to a designated job class at a higher salary range within the same job family as a result of achieving specified job requirements.

C. Compensation Plan: The official or approved assignment of job classes to salary ranges including: 1) list of job classes and assigned salary ranges; and, 2) policies for administration.

D. Computation of Time: All time worked or leave taken will be rounded to 15 minutes for compensation purposes. (i.e. If an employee works 7 minutes or less, that time will be rounded down and the employee will be paid on the previous quarter hour. If an employee works 8 minutes or more, that time will be rounded up and counted as a quarter hour of work time).

E. Job Family: Groups of jobs that perform work of the same nature but which require different skills and have different levels of responsibility.

- G. Position: A set of duties and responsibilities to be performed by one employee.
- H. Promotion: Movement of an employee from a position in one salary range to a position in a higher salary range.
- I. Salary Range: A minimum to maximum amount within which an employee whose job class is assigned to that salary range is paid.
- J. Transfer: Movement of an employee from one job class to another job class in the same salary range.
- K. Under-fill of Position: The employee does not fully meet the qualifications for the position but is expected to within a six-month period.

Section 2.3 Job Description

It is the policy of the Commission to maintain a current description for each position. The job description states the nature of the work, essential and additional job responsibilities, minimum knowledge, skills, and abilities, minimum required education and experience, and other requirements, including required physical abilities as applicable, acceptable background checks, etc. The job description does not limit the type and amount of work, which may be assigned to or performed by an employee. The Director may change the composition, scope and responsibilities of jobs as necessary.

Section 2.4 Placement and Movement in the Salary Range

- A. Starting Salary: The Commission determines a salary range for a position. The Director sets a starting salary for the individual. The salary is usually set at the minimum of the salary range for the position. Exceptions to this placement may be granted for a new employee substantially exceeding the minimum qualifications for the job.
- B. Compensation for Part-Time Positions: A part-time employee shall be paid on an hourly basis. The hourly rate shall be determined by dividing the annual salary by the number of hours per year that a full-time employee in that position or class would be required to work.
- C. Compensation for Temporary Positions: An employee in a temporary position shall be paid on an hourly basis. The range shall be determined in the manner described in Section 2.4.A.
- D. Compensation for On-Call Positions: An employee in an on-call position shall be paid on an hourly basis.
- E. Salaries of Employees in an Acting Capacity: No salary adjustment will be made for employees placed in an acting capacity of 30 calendar days or less. A salary adjustment not to exceed ten percent may be made for longer assignments, depending upon the extent to which the

appointee meets the qualifications for the job and the scope of duties and responsibilities assigned. The employee will continue to accrue benefits and maintain performance-based salary increase eligibility on the employee's base salary.

F. Promotion: An employee may be promoted with or without a competitive process. When an employee is promoted, the employee's salary shall be established as if the employee was a new hire, considering the new range minimum, relevant experience, internal salary equity, and changes in exempt status.

The Director may grant exceptions.

G. Transfer: The Commission occasionally offers and employees occasionally seek, the opportunity to take advantage of the valuable experiences available through a transfer to another job in the same salary range. Transfer assignments are considered lateral moves and employees' existing salaries are typically not changed.

H. Demotion: There are a variety of circumstances and good reasons that an employee may seek a position at a lower salary range. When an employee accepts a voluntary demotion, the salary may be reduced consistent with the position, responsibilities, and knowledge, skills and abilities of the employee.

I. Reclassification: Job reclassification means assigning a position to a different job class because the duties and responsibilities have changed significantly enough that they are no longer consistent with the original job class. This can occur as the needs of the organization change, requiring a significant change of responsibilities in a particular position. When this happens, the Director prepares a new job description, which identifies where the job has changed and meets with the Commission to determine if the salary range should be changed. The Commission or Executive Committee must approve reclassifications.

J. Legislative Adjustment: Upon recommendation by the Director that an employee should be retained, the Commission may, upon determining that it is cost effective and of significant benefit, move an employee's salary within the range to which the employee's job classification is assigned.

K. Commission-Issued Salary Increases:

1. Merit-Based: The Commission may approve merit-based increases based on budget allowances. In order to be eligible for a salary increase, the employee must meet and sustain job standards and performance for a higher salary level within the range. The annual performance evaluation provides a mechanism for supervisors to evaluate and reward staff performance. Rewards are based on the degree to which employees meet or exceed expected individual, team, work unit, and organizational goals. Because the Commission is dedicated to providing excellent services, the compensation program places a premium on performance rather than years of service with the Commission.

2. **Cost-of-Living:** The Commission may approve cost-of-living salary increases based on budget allowances. The same percentage of increase will be applied to all salaries, except those that are prorated (#5 below).
3. **Time between salary increases:** The minimum time between salary increases is twelve months. Salaries are adjusted on July 1 of each year. This also applies to employees who are assigned to other duties due to an inability to perform the work of their regular position.
4. **Amount of Increase:** Employees within the salary range shall be eligible for an increase up to a designated percent of their salary as set forth in the approved budget. No such increase shall cause the salary to exceed the maximum salary for the salary range.
5. **Proration:** Salary increases may be prorated based on the length of employment if less than twelve months. Part-time and on-call employee increases may be prorated based on the number of hours worked during the year. Exceptions are at the discretion of the Director.

Section 2.5 Overtime

A. **Responsibility:** The authorization and control of all overtime work is the responsibility of the assigned Deputy Director. Overtime assignments shall be permitted only when required by operational necessity. The Deputy Director and Supervisors may require employees to work overtime assignments as necessary. The Deputy Director shall ensure that adequate funds are available for payment for overtime work. Schedule adjustments shall be made to avoid overtime compensation if possible.

The supervisor-on-duty must approve all overtime. Any employee clocking in before the appropriate time or clocking out after the appropriate time is subject to disciplinary action and their time sheet may be adjusted by the supervisor based on actual hours worked.

B. **Eligibility:** All employees except those in bona fide professional, administrative, executive, or seasonal positions, as defined by the Fair Labor Standards Act as non-exempt, are eligible to earn overtime. Each position shall be reviewed to determine whether it is exempt or non-exempt from overtime payments. The status of classes shall be indicated in the class listing, and the status of individual positions shall be indicated in the personnel files.

C. **Minimum Increment of Overtime:** Overtime shall be earned in increments no smaller than 15 minutes.

D. **Computation of Overtime Hours:** Overtime shall be paid when, due to operational necessity, a non-exempt employee is required to work in excess of the maximum number of allowable hours in the work period, that is 40 hours worked in the established 7-day work week period for the individual employee.

E. **Computation of Overtime Pay:** Monetary overtime compensation will be one and one-half

times the employee's hourly rate of pay for each hour of overtime worked. The hourly rate of pay shall be determined by dividing the employee's annual salary by the number of hours per year that a full-time employee in that position or class would be required to work.

Paid or unpaid time off during which the employee is absent from the service of the Commission will not be counted as hours worked in determining if the maximum allowable number of hours has been exceeded. Such absences include, but are not limited to, sick, annual, compensatory, civil, personal and military leave, holidays, and leaves of absence.

F. Compensatory Leave or Compensatory Time: Non-exempt employees who are authorized to work in excess of their regularly scheduled work hours, but whose hours do not exceed the maximum allowable number of hours as defined above, may be granted compensatory leave. Compensatory leave must be specifically approved by the Deputy Director in advance of its being earned or taken.

Employees may accrue up to 40 hours of compensatory leave. Compensation leave will be scheduled by the employee's supervisor to avoid excess accumulation.

G. Exempt employees: Exempt employees are not entitled to overtime compensation. At their supervisor's discretion, administrative leave may be granted. Leave will not be granted on an hour for hour basis.

Section 2.6 Call Back Pay

Employees that are called back and report to work outside the employee's regular shift or at a time not previously scheduled shall receive a minimum of one hour of compensation at the hourly rate for his/her position. Any overtime will be compensated at one and one-half times the employee's hourly rate as provided in section 2.5(E).

Section 2.7 Emergency Status Pay

A. Overview: Because the services provided by the Commission are deemed to be essential and must continue regardless of any state of emergency, all employees of the Commission are considered essential personnel and are required to report to duty as directed and assigned in any state of emergency as determined by the Director.

B. Compensation: Regular work schedules may be superseded in a state of emergency. Employees who are required to work in a state of emergency are compensated by standard compensation policies. When a potential or actual state of emergency exists, including adverse weather conditions, the Director may institute a liberal leave policy.

C. Failure to Report: Employees who fail to report as directed will forfeit pay and be subject to disciplinary action unless the absence is specifically approved by the Director.

Section 2.8 Payroll Policies

- A. Method of Payment: All employees are paid by electronic transfer (direct deposit).
- B. Pay Dates: Standard pay periods for full time employees are the 1st through the 15th and the 16th through the end of the month. Paychecks are issued on a pre-payment status on the 14th and the 28th of the month. Should the normal pay date fall on a holiday or weekend, paychecks will be issued on the last working day prior to the weekend or holiday.

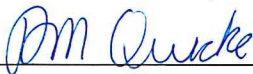
Pay periods for part-time and on-call employees are determined and posted each fiscal year for payroll.

- C. Final Payment: Final payment in the case of a discharged or deceased employee will be made on the payday following the last day the employee was on active status.
- D. Deductions From Pay: Federal Income Tax, State Income Tax, Social Security (FICA), and Virginia Retirement System contributions are deducted for each employee. Employees should report any changes in exemption or marital status to the Merrimac Center business office. Other deductions as authorized by the employee may be made. Garnishment of wages and Federal, State, or local tax liens may be made without the employee's consent.

Section 2.9 Record Keeping

- A. Work Schedules: A record stating the daily and weekly work schedule for each employee which includes time of day and day of week on which each employee's work week begins, and days of the week scheduled and hours scheduled each day. For employees on a fixed schedule, no further notation is needed provided no changes are made.
- B. Time Records: Time records for all part time and full time non-exempt employees must be maintained for a minimum of three years.

All payroll records must be maintained for a minimum of three years.



Middle Peninsula Juvenile Detention Commission, Chairperson

Effective Date: 1/1/19

Section 3.1 Personnel

The Virginia State Library and Archives' Records Retention and Disposition Schedule in accordance with the Virginia Public Records Act and applicable Federal laws govern the retention and destruction of official records. Records may be kept longer than the minimum required time at the discretion of the Commission.

Section 3.2 Personnel Transactions

All appointments, separations and other personnel transactions must be made on designated forms and maintained by the Director.

Section 3.3 Attendance/Payroll Reports

Attendance reports will be maintained by the Director in accordance with applicable Federal and State requirements.

Section 3.4 Medical Records

All medical records including records pertaining to mental health, drug and alcohol testing and/or use, or disabilities must be maintained in a locked file separate from the employees' personnel file.

Section 3.5 Public Inspection

A. The following information relative to employees and former employees will be available for public inspection at reasonable times and in accordance with such procedures as the Commission may prescribe:

- name
- class title
- salary

B. The Privacy Act, Freedom of Information Act and other State and Federal laws shall govern all such public availability of employee records.

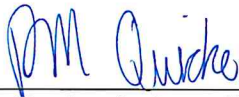
C. Other personnel information may be made available for official purposes at the discretion of the Commission.

Section 3.6 Employee Access

Each employee may review his or her employment file upon request to the Director during regular office hours. Documents, except those restricted by other policies or laws, may be reproduced for the employee.

Section 3.7 Private Information

Employees' names, home phone numbers, and addresses shall not be given to any unauthorized persons. Administration emergency contact numbers are readily accessible to authorized personnel on the secure supervisor's computer drive under the "Personnel Roster". Authorized persons are administrators, supervisors, controllers, and/or staff acting in a supervisory role.



Middle Peninsula Juvenile Detention Commission, Chairperson

Effective Date: 1/1/19

Section 4.1 Philosophy

Middle Peninsula Juvenile Detention Commission is a learning organization. This means the Commission is committed to continuous personal and professional employee improvement, as well as steady improvement of its own processes. It implies the work force knows how to learn, and the organization itself is always open to positive change and development. In concert with other organizational systems, the learning organization philosophy will facilitate a high performing work force serving the diverse needs of our youth and community.

Section 4.2 Objective

The purpose of training is to enable employees to continuously improve their performance in the most cost-effective manner possible. Training is a valuable tool for improving performance in employees' current jobs, including meeting changing requirements, as well as for developing the necessary skills to perform other jobs within the organization, including advancement opportunities.

It is the Commission's goal to offer training to all of its employees. This is accomplished by:

1. Continually assessing employee training needs and meeting those needs through the development of individual and organizational training plans.
2. Providing opportunities for training, education and development based on individual and organizational needs.
3. Using internal trainers wherever possible.
4. Encouraging the sharing of training experiences among employees.

Section 4.3 Employee Training, Education and Development

The Director shall be responsible and ultimately accountable for all staff training and development programs. The Deputy Director and others, as delegated by the Director, have responsibility for planning, coordinating, and implementing the training and staff development programs.

A. Direct Care Staff

All full, part-time, and on-call staff in direct supervision of youth or administering programs, interns, and volunteers shall receive training appropriate to the scope of their responsibilities prior to assuming their duties. Orientation shall include but not be limited to the program philosophy and services provided, as well as all other training required by the DJJ Regulations Governing Juvenile Secure Detention Centers.

All full time, part-time, and relief staff that provide direct services or supervision to residents shall

receive 40 hours of annual training to further job performance, enhance skills, and maintain certifications. This training includes a review of all mandatory trainings as outlined in the DJJ Regulations Governing Juvenile Secure Detention Centers.

B. Cook Training and Certification

Cooks will be trained and certified in Merrimac Center kitchen operations prior to working alone. Training records shall be documented and reviewed by the Operations Manager before a cook can work alone. Trainees work with a primary cook (on-the-job training) to gain confidence in the hygiene and documentation procedures. Critical tasks must be signed off before a cook can work alone.

Task certification occurs when the trainer and trainee sign the training record. The “Kitchen Orientation & Training” sheet shall be signed by both the trainer and the trainee verifying task certification, mutually agreeing the trainee is proficient at critical tasks. A total of 40-hours is required working a combination of all meals for certification. The record is forwarded to the Operations Manager and Deputy Director for review and placement in the staff training records. All cooks shall complete the James City County Health Department Food Handlers Course and post their cards on the bulletin board in the kitchen. The Head Cook shall successfully complete a certified Food Service Managers course. All cooks shall be given the opportunity on a recurring basis to attend Department of Juvenile Justice, Department of Education, and Department of Agriculture off-site training.

C. Medication Agent Training

The Center shall provide appropriate training in the administration of medication and the proper recording of such procedures. All non-medical employees who administer medication must be certified Medication Agents. It shall be the responsibility of the nurse to train employees in medication administration, provide refresher training annually, as well as ensure the medications are administered and recorded properly.

D. Controller Training and Certification

Staff shall be trained and certified in the Merrimac Center control room operations prior to working alone in the master control room. Trainees work along with a primary controller (on-the-job) to gain confidence in the systems and to get familiar with emergency and accountability procedures. Task certification occurs when the trainer and trainee sign the training record and the “Control Room Orientation & Training” sheet. A total of a minimum of 40-hours are required at the controls of the DCS System for certification. The record of training in critical tasks is then forwarded to the Deputy Director for review, approval, and placement in the staff training record.

E. Fire Plan Training

All new employees receive fire and safety familiarization during initial employment orientation. The Merrimac Center Fire Prevention/Reaction Plan (MCFP/RP) is the source of this training.

Shift Supervisors conduct monthly drills in accordance with the MCFP/RP to ensure all employees maintain a high degree of proficiency at operating systems and have confidence in their fellow workers' abilities to respond to emergencies and guide residents within the secure portion of the Merrimac Center. Each team will conduct at least one drill a month. Shift Supervisor's will coordinate to ensure drills are spaced throughout the month and that at least one is conducted when school is in session.

An annual refresher training is conducted for all employees, highlighting areas of attention and staff concerns.

Workshops and Seminars - Employees are encouraged to attend workshops, seminars, and other training programs which are approved as contributing to their professional development, training, and education plans. They will be reimbursed for reasonable expenses incurred in the participation of such programs provided they are previously approved and funds are available. The Commission may require that the employee enter into an agreement that the cost of the training program be reimbursed to the Commission by the employee if the employee does not remain in the employment of the Commission for up to a year after program attendance. Repayment shall be deducted from the final payroll proceeds of the employee or otherwise repaid to the Commission.

E. Training Attendance - All employees with responsibilities for direct child care are required to attend a minimum of annual training hours as established by licensure standards. As a part of, or in addition to this training, certain certifications and competencies must be maintained as a condition of continued employment. Employees will be scheduled for job -related training. Failure to attend scheduled training is considered failure to report for duty and will be subject to disciplinary action.



Middle Peninsula Juvenile Detention Commission, Chairperson

Effective Date: 1/1/19

Section 5.1 Holidays

A. Designated Holidays - The Commission will observe the following holidays:

New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veterans' Day	November 11
Thanksgiving Day	4th Thursday in November
Day-After Thanksgiving	4th Friday in November
Christmas Eve	December 24
Christmas Day	December 25
One floating holiday	

B. Additional Holidays: Any other day so declared by the Commission shall be an additional observed holiday.

C. Closing of Offices: The business office shall be closed on Commission-observed holidays.

D. Weekend Holidays: For staff working a Monday through Friday schedule, if a holiday falls on a Saturday, the preceding Friday will be observed as the holiday; if the holiday falls on a Sunday, the following Monday will be observed as the holiday.

E. All non-exempt staff that work a consistent 40-hour workweek or are on-call/ part-time will be compensated double time for the hours worked on a scheduled holiday. A 40-hour employee who is scheduled off on the holiday but works 40 hours as scheduled in the week will receive 8 hours of holiday pay for the holiday.

All other staff scheduled on a 4-day-on and 2-day-off rotation will not receive any additional compensation for working on a holiday.

F. Annual, Sick, PTO, and Compensatory Leave: An employee who is on authorized leave for the holiday will not be charged their leave for the holiday.

G. Military Leave: An employee who is on military leave with pay during a period in which a holiday falls will not receive any additional pay or compensatory leave for the holiday.

Section 5.2 Annual LeaveMonthly Annual Leave Accrual Rate in Hours

Employee Category	Annual Authorized Hours	Years of Service 0 - 5	Years of Service 5 - 10	Years of Service 10 - 15	Years of Service Over 15
Regular Full Time Employees – VRS Plan 1 or 2	2080	8	10	12	14

The Commission may make exceptions to the annual authorized hours for individual positions.

- A. Eligibility: Employees in full-time positions who are members of VRS Plan 1 or 2.
- B. Accrual of Leave: the length of service determines the amount of annual leave that an employee accrues per month. Annual leave is accrued upon completion of each full pay period of employment.
- C. Maximum Accrual Limited: An employee may accrue up to the amount of leave that can be earned in a two-year period. The employee's leave balance must be within the allowed maximum on July 1 of each year or the excess will be forfeited. Exceptions are at the discretion of the director.
- D. Purpose of Leave: Annual leave may be used by an employee to provide paid absences for vacation and other personal purposes including sickness or for absences in excess of hours available from other types of leave.
- E. Availability of Leave: An employee must accrue annual leave before it is used. No annual leave will be taken within the first six months of full-time employment. Exceptions are at the discretion of the director.
- F. Leave Requests: Requests of leave for less than one week should be made at least a week in advance. Requests of leave for one week or more should be made at least two weeks in advance. Such requests must be made in the time-keeping system and accompanied by an email to the direct supervisor. While the employee's leave requests will be given every consideration, all such requests are subject to approval by the assigned supervisor and/ or deputy director. However, if the leave request meets the criteria of the Family and Medical Leave Policy, the leave will be approved. It is the deputy director's responsibility to manage the leave schedules for employees within his/her scope of supervision.

- G. Minimum Increments of Leave: Annual leave must be taken in increments no smaller than 15 minutes.
- H. No annual leave may be taken after a resignation is tendered.

Section 5.3 Sick Leave

Monthly Sick Leave Accrual Rate in Hours

Employee Category	Annual Authorized Hours	Years of Service 0 - 5	Years of Service 5 - 10	Years of Service 10 - 15	Years of Service Over 15
Regular Full Time Employees – VRS Plan 1 or 2	2080	8	8	8	8

- A. Eligibility: Employees in full-time positions who are members of VRS Plan 1 or 2.
- B. Accrual of Leave: Regular full-time employees, who are members of VRS Plan 1 or 2, accrue eight hours of sick leave per month. Sick leave is accrued upon completion of each full pay period of employment.
- C. Maximum Accrual Unlimited: There is no maximum limit to the amount of sick leave that may be accrued.
- D. Purpose of Leave: Sick leave may be used by an employee to provide paid absences for the following reasons:
- A personal illness, injury or disability not incurred in the line of duty, which incapacitates the employee from being able to perform assigned duties;
 - Appointments for examination and treatment related to health when approved in advance and when such appointments cannot reasonably be scheduled during non-work hours.
 - An illness or appointment for examination and treatment related to health of an immediate family member (spouse, spouse's parent, staff's parent, son, daughter, brother, sister, grandparents, grandchildren, step-children, step-parents, and any persons residing in the same household as the employee) requiring the attendance of the employee as approved by his/her supervisor, not to exceed six working days per fiscal year. Additional leave requested in excess of the permitted allowance, unless recommended by the deputy director and approved by the director, will be deducted from annual leave. If the employee has exhausted annual leave, it will be regarded as leave without pay.

- E. Extended Leave: When it becomes evident an employee will be unable to be at work for a period of time exceeding three consecutive working days or at any time when requested by the supervisor, manager, or deputy director, the employee may be asked to furnish the supervisor with a written statement from a physician or health care provider. This statement shall include:
- the nature of the employee's condition; and
 - the anticipated date of medical release by the physician when the employee will be able to return and perform normal work duties.
- F. Minimum Increment of Leave: Sick leave must be taken in increments no smaller than 15 minutes.
- G. Availability of Leave: An employee must accrue sick leave before it may be used. Exceptions may be made by the Director.
- H. Submittal of Leave Form: Upon his or her return to work after an emergency sick leave absence, an employee must complete the leave request in the time-keeping system accompanied by an email to the direct supervisor. Leave requests for scheduled appointments or procedures must be requested as far in advance as possible.
- I. No sick leave may be taken after a resignation is tendered unless approved by the Director.
- J. VRS Plan 1 and Plan 2 employees are not eligible for short or long-term disability.

Section 5.4 Paid Time Off (PTO)

Monthly Paid Time Off Accrual Rate in Hours

Employee Category	Annual Authorized Hours	Years of Service 0 -5	Years of Service 5-10	Years of Service 10-15	Years of Service Over 15
Regular Full Time Employees – VRS Hybrid Plan	2080	12	14	16	18

Part-time, on-call, and temporary employees are not eligible for PTO.

- A. Accrual of PTO: the length of service determines the amount of PTO that an employee accrues per month. PTO is accrued upon completion of each full pay period of employment.

- B. Maximum PTO Accrual Limited: An employee may accrue up to the amount of leave that can be earned in one year. The employee's PTO balance must be within the allowed maximum on July 1 of each year or the excess will be forfeited. Exceptions are at the discretion of the director.
- C. Purpose of PTO: PTO leave may be used by an employee to provide paid absences for any purpose including illness, vacation, supplementing short-term disability payments, or for absences in excess of hours available from other types of leave.
- D. Availability of Leave: An employee must accrue PTO leave before it is used.
- E. Supplement to Short-Term Disability Payments: Accrued PTO may be used by full-time employees wishing to increase short term disability payments up to 100 percent or full pay.
- F. No PTO leave may be taken after a resignation is tendered, unless approved by the Director.
- G. VRS Hybrid Plan employees will receive short and long-term disability.

Section 5.5 Termination of Employment Payments

- A. Annual Leave: Upon separation from Commission service, VRS Plan 1 and 2 employees will receive the monetary equivalent of their accrued annual leave up to the annual maximum accrual, plus any accrued compensatory leave. Non-Exempt employees are required to give the director 10 working days' notice of an impending resignation. Exempt employees are required to give the director 20 working days' notice. Failure to provide proper notice will result in the application of accrued annual leave, if any, to the employee's final check. Any remaining accrued leave will be paid out during the next pay period.
- B. Paid Time Off: Upon separation from Commission service, VRS Hybrid Plan employees will receive the monetary equivalent of their accrued PTO up to the annual maximum accrual, plus any accrued compensatory leave. Non-Exempt employees are required to give the director 10 working days' notice of an impending resignation. Exempt employees are required to give the director 20 working days' notice. Failure to provide proper notice will result in the application of accrued PTO, if any, to the employee's final check. Any remaining accrued leave will be paid out during the next pay period.
- C. Sick Leave: Accrued sick leave for VRS Plan 1 and 2 employees will be forfeited.

- D. Death of Employee: In the event of the death of an employee, the designated beneficiary will receive terminal leave payments.

Section 5.6 Workers' Compensation

- A. Coverage: The Commission furnishes workers' compensation insurance for all employees as required by the Virginia Workers' Compensation Act. The insurance provides benefits to employees who have an accident or illness that arises out of and in the course of Commission employment. Some of the benefits include compensation for (1) temporary total disability, (2) temporary partial disability, (3) permanent partial disability, (4) permanent total disability, (5) medical expenses, (6) rehabilitation, and (7) death benefits.
- B. Injury Report: An employee who has an accident or illness that arises out of and in the course of Commission employment must immediately report the accident or illness to his or her immediate supervisor. Failure to report the accident or illness promptly may result in loss of compensation and payment of medical bills. The injury report must be forwarded to the business office the same day.
- C. Worker's Comp Nurse: After notification of an injury, the supervisor will instruct the injured employee to call worker's comp nurse to report the injury. Calling the worker's comp nurse must take place before medical treatment is sought, unless there is a medical emergency. In this case, the supervisor calls worker's comp nurse to report.
- D. Panel Doctors: In accordance with the Virginia Workers' Compensation Act, the Merrimac Center has established a panel of doctors to furnish medical care for all workers' compensation claims. The panel consists of primary care physicians. The employee must select a primary care physician from the panel for his/her medical bills to be covered under workers' compensation. worker's comp nurse will review the panel with the employee when explaining treatment options.
- E. Medical Treatment: Upon completion of the initial visit to the doctor the employee is required to report back to his/her supervisor and/or the administrative services manager as soon as possible in person or by phone. The employee is required to provide an update of his/her condition after each subsequent visit to the doctor.
- F. Incapacity from Work: If an employee is incapacitated from work due to the work-related incapacity, the Commission will maintain the employee on the regular payroll on sick or annual leave for up to seven calendar days on a reimbursable basis. If the incapacity is deemed compensable, workers' compensation will begin with the eighth calendar day of disability. If the incapacity continues for a period of more than three weeks, workers' compensation shall be allowed from the first day of such incapacity. The salary paid for the first seven days of disability will be reimbursed either by the use of sick leave or PTO on a

dollar for dollar basis. If the employee qualifies under the Family Medical Leave Act, it may run concurrently with worker's compensation.

- G. Use of Leave Pending Determination of Compensability: If a determination as to whether incapacity is compensable is pending, an employee may use accrued annual or sick leave. If the incapacity is ultimately deemed compensable, the employee will be credited with the portion of accrued leave for which compensation was received.
- H. Amount of Compensation: Workers' compensation payments will be the lesser of two-thirds of the employee's average weekly salary or the current maximum established by the Virginia Workers' Compensation Commission Industrial Commission. An employee may elect to supplement compensation up to the amount of the regular net pay by using the necessary amounts of annual, sick leave or PTO. However, in no case will the total compensation be greater than what the employee's net pay would be if he or she were not incapacitated.
- I. Light Duty Work: An employee incapacitated from regular duties on workers' compensation must accept any available alternate work duties offered by the Commission, if the treating physician does not restrict the employee from performing such alternate duties. A salary adjustment may be necessary if the alternative work assignment extends beyond thirty calendar days. If an injured employee refuses any suitable employment, he or she will not be entitled to any compensation at any time during the continuance of such refusal, unless in the opinion of the compensation program administrator, the refusal was justified. Light duty work may be unavailable or may be time-limited based on Commission needs as determined by the director.
- J. Health, Life, and Disability Insurance: The Commission will continue to pay its share of health and life insurance for all employees, as well as disability insurance premiums for hybrid employees, so long as the employee remains in a full-time position. If an employee is temporarily performing light duty work in a part-time position, he or she may continue to be considered as holding a full-time position even though paid on a part-time basis.
- K. Questions: Questions regarding workers' compensation and its application to Commission employees shall be directed to the Director's office.

Section 5.7 Funeral Leave

- A. Eligibility: Employees in full-time and regular part-time and limited term positions shall be entitled to three working day of funeral leave upon the death of members of the employee's immediate family.
- B. Immediate Family: Immediate family is defined as spouse, parents (to include in-laws), children, siblings, grandparents, grandchildren, step-children, step-parents, and any persons residing in the same household as the employee.

- C. Additional Leave: Absence in excess of the permitted allowance, unless authorized by the director, will be deducted from annual leave. If the employee has exhausted annual leave, it shall be regarded as leave without pay.

Section 5.8 Civil Leave

- A. Eligibility: Leave will be granted an employee for any absence necessary for serving on a jury or attending court as a witness under subpoena.
- B. Amount of Compensation: An employee compensated for civil duties, as by jury or witness fees, will be paid only the difference between such compensation and the regular salary for the period of absence unless the absence is charged to annual leave.
- C. Expert Witnesses: In those circumstances where a Commission employee is acting as an expert witness in a court hearing, which is not directly related to his duties for the Commission, that employee will be charged annual leave or leave without pay.

Section 5.9 Military Leave

- A. Eligibility: Employees who are members of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia will be entitled to leaves of absence from their Commission duties, without loss of seniority, accrued leave, or efficiency rating, on all days during which they are engaged in annual active duty or training, or when called forth by the Governor during a disaster.
- B. Approval: Employees will be required to present appropriate orders to their supervising deputy director as a condition of leave approval.
- C. Loss of Pay: There will be no loss of pay during military leaves of absence that meet the eligibility requirements for fifteen days or less per federal fiscal year. Absences exceeding fifteen days shall be treated as leave without pay or, if approved, charged to annual leave
- D. Return from Active Duty: Employees ordered to active duty, when relieved from such duty, will be restored to positions held by them when ordered to duty.

Section 5.10 School Leave

- A. Purpose of Leave: School leave may be used by an employee to provide paid absences for the following reasons:
- To meet with a teacher or administrator of any public or private school, grades kindergarten through 12, concerning the employee's children, stepchildren, or children over whom the employees have custody.
 - To attend any school function in which such children are participating.
 - To perform school-approved volunteer work to assist any public or private elementary,

middle or high school. Any teacher or school administrator may provide approval for the volunteer work.

- B. Amount of Leave: Employees in full-time positions may take up to eight hours of School Leave per fiscal year.
- C. Leave Requests: Employees must request school leave in advance in the timekeeping system with an associated email to the supervisor. While the employee's leave requests will be given every consideration, all such requests are subject to approval by the supervising deputy director. It is the deputy director's responsibility to manage the leave schedules within their area of responsibility.
- D. Forfeiture of Leave: School leave not taken by June 30 of a fiscal year will be forfeited.

Section 5.11 Leave Without Pay

- A. Defined: Leave without pay is an unpaid absence from the workplace of six consecutive calendar weeks or less. Leave in excess of six consecutive weeks is addressed in Section 5.12.
- B. Applicability: An employee will be on leave without pay under the following circumstances:
 - 1. Unapproved absence from the job during a scheduled work period,
 - 2. Absences authorized at the time of hire
 - 3. Absences for which the employee has insufficient accrued leave
- C. Approval: Requests for leave without pay must be submitted in writing to the director. If applicable, the request will specify how much, if any, accrued leave the employee wishes to retain while on leave without pay. The director may approve such leave without pay, for any mutually agreeable reason and will determine whether to approve the employee's retaining all or a portion of his/her accrued leave.

If the leave request is for caring for a spouse, child, or parent with a serious health condition, or for the employee's own serious health condition, the employee will be required to furnish written certification from a physician or health care provider that includes the information outlined in Section 5.3 above. If the employee's request for leave meets the criteria of the Family and Medical Leave Policy, Section 5.13 of this manual, the leave will be approved. Only six days of sick leave annually may be used for the care of family.

- D. Accrued Leave: At the discretion of the director based on the circumstance, sick, annual, and PTO leave may not be accrued for any pay period during which an employee takes leave without pay that exceeds one full workday.

- E. Health and Life Insurance -The employee will pay the total cost (the employee and the Commission share) of health and life insurance premiums during an approved leave without pay, unless otherwise provided for in the Leave Without Pay agreement.

Section 5.12 Leave of Absence

- A. Defined: A leave of absence is more than six consecutive calendar weeks of approved leave without pay. A Leave of Absence may be used for any mutually agreeable reasons. An employee must exhaust accrued leave before being granted a leave of absence.
- B. Request for Leave: All requests for a leave of absence must be submitted to the director and will state the reasons for the leave and the length of the leave. If the leave request is for caring for a spouse, child, or parent with a serious health condition, or for the employee's own serious health condition, the employee may be required to furnish written certification from a physician or health care provider, which includes the information outlined in Section 5.4D above.
- C. Approval Required: If the leave request meets the criteria of the Family and Medical Leave Policy, Section 5.13 of this Manual, the leave will be approved.
- D. Leave of Absence Agreement: If a leave of absence is approved, the employee and the director must sign a formal agreement that states the purpose and length of the leave.
- E. Violation of Agreement: Should an employee fail to return to work by the date specified in the Leave of Absence Agreement, the Commission may declare the employee to have terminated voluntarily as of the expected return to work date except where the employee requires additional leave under the Family and Medical Leave Policy, Section 5.13 of this Manual. An employee who accepts employment elsewhere while on a Leave of Absence, will be considered to have voluntarily terminated employment with the Commission without notice as of the original date the leave was begun.
- F. Health and Life Insurance: The employee must pay the total cost (employee share plus Commission share) of health and life insurance premiums during an approved Leave of Absence, unless otherwise provided in the Leave of Absence Agreement.

Section 5.13 Family and Medical Leave

- A. Purpose of Policy: The Family and Medical Leave (FML) Policy is written to assist the Commission in complying with the Family and Medical Leave Act (FMLA) of 1993. It seeks to balance the needs of the Commission with the needs of Commission employees and their families.
- B. Definition of Leave: FML is an entitlement for employees who have worked for the Commission for twelve months and completed at least 1,250 hours of actual work during the

previous twelve-month period to take leave for up to 12 weeks in a rolling twelve-month period using one or more of the types of leave offered by the Commission (sick leave, annual, PTO leave, leave without pay, etc.) for the purposes listed below in Section C. The type of leave taken must comply with the provisions of the applicable leave policy found in this chapter of the Personnel Policies and Procedures Manual. Sick leave cannot be used to care for others beyond the six days annually per policy.

- C. Purpose of Leave: FML can be used for one of the reasons listed below, in addition to any other reason established by law:
1. the birth of a child and the care of that child;
 2. adoption or foster care placement of a child with an employee;
 3. to care for a spouse, child, or parent with a serious health condition; or
 4. the serious health condition of the employee that makes the employee unable to perform the essential functions of his or her position. A serious health condition includes in-patient hospitalization, an absence of three or more calendar days plus treatment by a health care provider, a health condition that is chronic, long term, incurable, or so serious that if untreated would likely result in a period of incapacitation of more than three days, pre-natal care or any period of incapacity due to pregnancy.
- D. Employee Status After Leave: Upon returning to work after taking FML, the employee will return to the same job or a job with equivalent status and benefits.
- E. Employee Responsibilities: Employees are responsible for informing their supervisor that they are requesting FML, and the type of leave they are requesting as soon as possible after they become aware of the need to be away from work for purposes covered in this policy.
- F. Employer Responsibilities: The Commission is responsible to identify leave that is covered under the FMLA and to record it as such.

The Commission will continue to pay the employer's share of any active health insurance coverage (medical, dental, vision) during any paid or unpaid leave. However, if an employee fails to return to work after exhaustion of his/her FML leave, the Commission may recoup any funds spent on health care insurance during such FML leave. In addition, if an employee fails to pay the employee's share of health insurance premiums, insurance may be canceled after 15 days written notice and a 30-day grace period.

- G. The Commission may require second or third medical opinions and periodic recertification and period reports during FML and the employee's status and intent to return to work.
- H. Questions: Please direct questions regarding this policy to the director.

Section 5.14 Retirement

- A. VRS: The Commission participates in the Virginia Retirement System (VRS).
- B. Eligibility for Membership: Employees in full-time regular and limited term positions are eligible for membership in VRS.
- C. Cost: The Commission and employee each pay a portion of the cost of the VRS contribution for the employee.
- D. Eligibility for Retirement with Benefits from VRS
 - a. Service Retirement: An employee is eligible for service retirement if he or she is:
 - 1. A VRS member, at least 50 years of age, and has at least five years of contributions in VRS, or
 - 2. Age 60 or older.
 - b. Disability Retirement:

VRS Plan 1 or Plan 2 members are eligible for disability retirement:

 - 1. from the first day of employment provided the disability did not exist at the time of employment;
 - 2. whether the cause of the disability is not work-related, or is compensable under workers' compensation;
 - 3. when the employee becomes mentally or physically unable to perform present duties;
 - 4. when the disability is total and likely to be permanent.
 - 5. that varies based on such factors as years of covered service, age upon retirement, and salary. Employees may contact the director for information regarding their estimated retirement benefits. Employees planning retirement should contact the director four months prior to retirement to facilitate the application for all retirement benefits.
- E. Retiring Commission employees are not entitled to any additional benefits other than those adopted by the Commission.

Section 5.15 Group Life Insurance

- A. Eligibility for Coverage: Group life insurance is provided through the VRS. All employees in full-time regular and limited term positions are covered by the insurance unless they are age

70 when first employed or re-employed. A medical examination is not required.

- B. Cost: The Commission pays the full cost of coverage for the group life insurance.
- C. Benefits. Benefits include:
1. Natural death benefits in the amount of the employee's annual salary rounded to the next highest thousand and then doubled,
 2. Double indemnity for accidental death, and
 3. Dismemberment payments for accidental loss of one or more limbs, or of eyesight.
- D. Contact: Employees may contact the business office for additional information regarding group life insurance benefits.
- E. Conversion: Employees terminating from Commission service other than for retirement may convert their group life insurance to an individual policy if application is made within 31 days after termination of employment. Required forms are available in the business office.
- F. Retirement: Covered employees who are retiring from Commission service and who have at least five years of service credits in VRS continue to be covered by group life insurance, unless the retirement is for a job-related disability that is compensable under the Virginia Workers' Compensation Act. Service retirees' life insurance reduces 2 percent each month after the date they retire. The reduction stops when the coverage reaches 25 percent of the original value. Accidental death coverage ceases at retirement.

Section 5.16 Health Insurance

- A. Group Health Insurance Plan: The Commission will provide at least one group health insurance option.
- B. Eligibility: All employees in full-time and limited term positions and their spouses and dependent children are eligible for group health insurance coverage.
- C. Cost: The Commission will pay at least a portion of the cost of the group health insurance coverage.
- D. Details of Plans: The plan is detailed in materials that may be obtained from the business office.

Section 5.17 VRS Long-Term Disability Insurance

- A. Eligibility: VRS Hybrid Plan members are eligible for long-term disability (LTD) coverage in accordance with the provisions implemented under the code of Virginia.

- B. Cost: The Commission pays at least a portion of the cost of coverage for the group long-term disability coverage.
- C. Details of the Plan: The plan is detailed in materials that may be obtained from the business office.

Section 5.18 VRS Hybrid Plan Short-Term Disability

- A. Eligibility: VRS Hybrid Plan members are eligible for short-term disability (STD) coverage in accordance with the provisions implemented under the code of Virginia.
- B. Purpose: May be used by an employee to provide paid absences for illnesses or injuries including workers' compensation meeting the criteria set forth in the Code of Virginia.
- C. Details of Plan: The plan is detailed in materials that may be obtained from the business office.

Section 5.19 Optional VRS Life Insurance

- A. Authority: The Commission offers an Optional VRS Life Insurance plan to allow Commission employees to defer a portion of their salary for additional life insurance. The plan is voluntary and is in accordance with appropriate federal and state laws.
- B. Eligibility: Employees may, at their own expense, purchase additional life insurance for themselves as well as coverage for their spouses and dependent children through a VRS-sponsored program. A medical examination is not required for some levels of coverage.

Section 5.20 Deferred Compensation

- A. Authority: The Commission sponsors a deferred compensation plan to allow Commission employees to defer a portion of their salary for retirement purposes. The plan is voluntary and is in accordance with appropriate federal and state laws.
- B. Eligibility: All employees in full-time, part-time and limited term positions are eligible to participate in the deferred compensation plan.

Section 5.21 Flexible Benefits

- A. Premium Conversion: The Commission has adopted a program under Section 125 of the Internal Revenue Code that permits insurance premiums to be paid with pretax dollars. All employees who pay a portion of their Commission sponsored insurance benefits are eligible to participate.

- B. Spending Accounts: The Commission has adopted a program under Section 125 of the Internal Revenue Code that permits employees to pay health care and dependent care expenses with pretax dollars on a reimbursable basis. All employees in part-time, full-time and limited term positions are eligible to participate.
- C. Details of Plans: The plans are detailed in materials that may be obtained from the business office.

Section 5.22 Credit Union

- A. Langley Federal Credit Union: The employees of Middle Peninsula Juvenile Detention Commission do not have their own credit union. However, the Langley Federal Credit Union welcomes Commission employees as members.
- B. Eligibility: All Commission employees are eligible to join the credit union.
- C. Information: Further information about the credit union may be obtained directly from one of their branches. The business office has a list of branch locations and phone numbers.

Section 5.23 Clothing and Equipment

All clothing and equipment issued by the Commission will remain the property of the Commission. Non-serviceable clothing and other Commission issued equipment may be replaced on a turn in one for one basis. All lost or damaged clothing and equipment will be replaced at the employee's expense. Employees will be responsible for the cleaning and maintenance of Commission-issued clothing.

Section 5.24 Bonding

Each Commission employee is covered under a general employee "blanket" bond at no cost to the employee. In those positions where a higher bond is required, because of the nature of the position, the Commission pays for any further costs.

Section 5.25 Notary Fees

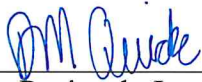
Designated Commission employees maintain "Notary Public" permits. The Commission will pay the fees for such permits, when such services by an employee to assist the Commission's service to the public or to further the Commission's own business operations. There shall be no charge for notary services for the Commission.

Section 5.28 Employee Assistance Program (EAP)

- A. Confidential Counseling: The Commission offers a program to provide all employees in full and part-time regular and limited-term positions, and their eligible dependents, confidential

counseling and referral services designed to help deal with personal or job-related problems that may be adversely impacting job performance.

- B. Cost: Short-term counseling and referral services are at no cost to the employee. For long-term counseling, the service provider refers the employee to an affordable community resource.
- C. Service Provider: The Commission will select the professional service provider.
- D. Information: Information about the service provider and the eligibility of dependents is available in the business office. Any questions regarding the program should be directed to that office.



Middle Peninsula Juvenile Detention Commission, Chairperson

Effective Date: 1/1/19

Section 6.1 Policy

A. Purpose Alcohol and drug use or impairment on the job may pose serious safety and health risks, not only to the user, but also to those who work with or have been exposed to, the user. Therefore, the Middle Peninsula Juvenile Detention Commission's goal is to maintain a work environment free from the use of alcohol and illegal drugs and ensure employees are fit for duty.

B. Objectives

- 1) To provide a workplace free from the harmful effects of substance abuse.
- 2) To protect the safety of youth placed in the care of the Commission, employees, and the public.

C. Policy

In compliance with the Drug-Free Workplace Act of 1988, the Commission will take positive steps to identify and eliminate any drug and alcohol abuse in the workplace. This will be accomplished while treating employees with respect and dignity.

The Commission prohibits the use, sale, dispensing, possession, or manufacture of illegal drugs or alcohol on the Center's premises or while conducting business on behalf of the Commission. Misuse of drugs or alcohol, whether on or off-duty, may result in disciplinary action, if it adversely affects the Commission's interests. Violation of this policy will result in disciplinary action up to, and including termination, or withdrawal of a conditional offer of employment.

This policy applies to all employees of the Middle Peninsula Juvenile Detention Commission. This policy also applies to contract employees and contractors when they are performing safety-sensitive business.

Section 6.2 Definitions

A. Alcohol a drink or preparation that contains alcohol (ethanol).

B. Illegal Drug and Controlled Substance – includes any of the following:

- 1) Any drug or controlled substance the possession of which is prohibited by law. These illegal drugs include, but are not limited to, marijuana, cocaine, heroin, opiates, phencyclidine (PCP), amphetamines and imitations thereof.
- 2) Any drug or controlled substance that is used in a manner different from that authorized by law.
- 3) Any drug or controlled substance which is legally obtainable but which has not been legally obtained.

C. Medical Review Officer (MRO) - a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing

program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test results, together with his or her medical history and any other relevant biomedical information.

D. Random Testing – the process of identifying employees for testing based upon numerical data in a chance sequence.

E. Reasonable Suspicion - Reasonable suspicion is a belief based on objective and clearly stated facts sufficient to lead a reasonable prudent supervisor to suspect that an employee is under the influence of drugs or alcohol. When any supervisor has a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol, he/she may instruct the employee to be tested for same. By way of example, and without limitation, any of the following conditions or circumstances, alone or in combination, may create a reasonable suspicion:

- 1) a pattern of abnormal or erratic behavior
- 2) information provided by a reliable and credible source
- 3) statements made by the employee
- 4) pattern of attendance problems
- 5) pattern of job performance issues
- 6) conviction of being under the influence of alcohol off the job
- 7) a work-related accident
- 8) observation of drug or alcohol use
- 9) the presence of symptoms of drug or alcohol use
- 10) what appears to be alcohol or illegal drugs in the employee's possession or about the employee's work area, locker, or desk.
- 11) slurred speech

F. Refusal to Test- means any employee, after he or she has received notice of the requirement for alcohol or controlled substance testing:

- 1) fails to provide adequate breath for testing without a valid medical explanation;
- 2) fails to provide adequate urine for controlled substance testing without a valid medical explanation;
- 3) engages in conduct that clearly obstructs the testing process;
- 4) fails to drink fluids as directed by the collector following a failure to provide a sufficient amount of urine;
- 5) if a specimen is found to have been adulterated or substituted; or
- 6) if the employee leaves the collection site before the collection process is completed

G. Reportable Accident - any accident:

- 1) where the employee is the driver of the vehicle or equipment and receives a moving vehicle traffic citation for the accident;
- 2) with a fatality;

- 3) in which any person receives immediate medical attention away from the scene of the accident; or
- 4) where any vehicle or equipment must be towed

H. Safety-Sensitive Position- a position that is responsible for the health, safety, and welfare of residents.

I. Under the Influence of Drugs or Controlled Substances- means having any detectable level of an illegal drug in the blood or urine.

J. Under the Influence of Alcohol means having an alcohol concentration of .04 or greater.

Section 6.3 Applicability

All employees are subject to:

- 1) Reasonable Suspicion Testing
- 2) Return to Duty Follow-up Testing
- 3) Post-Reportable Accident Testing

Applicants for safety-sensitive positions and positions that will have regular contact with residents are subject to pre-employment and random testing.

Section 6.4 Responsibilities

A. Employees must:

- 1) Not use alcohol for eight hours prior to reporting to work;
- 2) Not use alcohol during the eight hours immediately following an accident in a Commission vehicle if fault has not been determined and the alcohol/drug test has not been administered; and
- 3) Not report to work or perform work duties while their ability to perform job duties is impaired due to alcohol or drug use;
- 4) Not possess or use drugs or alcohol during working hours including breaks and meal periods, while on call, or operating any Commission vehicle;
- 5) Not directly or through a third party sell or provide illegal drugs or alcohol to any other employee while either employee is on duty or on stand-by status;
- 6) Submit immediately to requests for alcohol and/or drug testing when requested, in accordance with policy, and complete appropriate paperwork;
- 7) Notify their supervisor before beginning work when taking any medication or drugs, prescription or non-prescription, which by indication on the prescription or packaging, may interfere with the safe and effective performance of duties or operation of Commission equipment;
- 8) Within twenty-four (24) hours of notification of a positive drug screen, provide proof of a current valid prescription, in the employee's name, for any drug or medication identified.

- 9) Attend all required substance abuse training programs as appropriate.
- B. Supervisors must:
- 1) Be aware of signs or symptoms of drug or alcohol use and promptly document and report any such observations to the Director or designee who will authorize a directive be given for the employee to submit to drug and/or alcohol testing;
 - 2) Not allow an employee to perform any work if that supervisor has reason to suspect that an employee is using, under the influence, or has possession of alcohol or illegal drugs;
 - 3) Maintain confidentiality of any test results; and
 - 4) Not warn an employee that he or she has been selected for random testing prior to the official notification to report for testing; and
 - 5) Attend all required substance abuse supervisory training programs.
- C. The Director shall:
- 1) Ensure training is provided to all supervisors on the signs and symptoms of drug or alcohol use;
 - 2) Ensure training is provided to all employees that explains the requirements of this policy;
 - 3) Ensure training is provided to all supervisors that explains how to administer alcohol testing using an approved evidential breath testing (EBT) device;
 - 3) Ensure the vendor selected to administer drug testing is certified by the Department of Health and Human Services;
 - 5) Notify any applicable contracting federal agency within 10 calendar days of receiving notification of an employee's conviction under a criminal drug law for violations occurring in the workplace.

Section 6.5 Circumstances for Testing

A. Pre-Employment Testing

The Commission requires applicants (for safety-sensitive positions or positions that will have regular contact with residents) that have been extended a job offer be given pre-employment drug tests once a conditional job offer has been extended. Pre-employment testing will be conducted in conjunction with the required pre-employment physical exam by the projected start date.

B. Reasonable Suspicion - All Employees

- 1) Upon reasonable suspicion, the Commission requires an employee to submit to an alcohol or drug test.
- 2) Whenever possible, the observation for reasonable suspicion testing shall be made by at least two supervisors who are trained in accordance with this policy. If this is not possible, documentation will be submitted verifying the unavailability of a second supervisor to concur with the need to administer a test.

- 3) Written documentation of the observed behavior shall be prepared and signed by the observer.
- 4) Alcohol testing shall be completed within one hour of observation of suspicion. Drug tests must be completed at the assigned laboratory/ clinic within 12 hours.
- 5) Employees directed to submit to drug tests will be placed immediately on administrative leave pending results of the test.
- 6) Employees suspected to be under the influence of drugs or alcohol will not be allowed to drive off the premises but will arrange alternate transportation arrangements.

C. Post-Accident

At the discretion of the Director, drug and alcohol tests may be performed on any Commission employee who is the driver of a Commission-owned vehicle involved in a reportable accident or the driver of a personal vehicle involved in a reportable accident while on Commission business.

Alcohol tests will be conducted within one hour of the reportable accident. Drug tests must be completed at the assigned laboratory/ clinic as soon as possible after a reportable accident but not more than 12 hours after the accident.

Under no circumstances shall a supervisor cause a blood or urine sample to be taken from an unconscious employee.

D. Random Testing

Random drug testing will be administered for all safety-sensitive positions and positions that have regular contact with youth. The employee must immediately report to the assigned laboratory/clinic within an hour time-frame and follow laboratory/clinic protocols. The results from the laboratory/clinic are final unless the employee wishes to have and pay for another confirmation from another lab.

Section 6.6 Testing Procedure

In the case of alcohol, an evidential breathalyzer will be conducted at the Center by trained staff or a urinalysis will be given at the assigned laboratory/ clinic to detect any presence illegal drugs.

All positive test results will be confirmed in accordance with the clinic protocol in which the test was conducted and will be reviewed by the MRO. If the results are confirmed positive, the employee and the Director will be notified in writing by the clinic MRO.

Section 6.7 Consequences

A. Job Applicants

Job applicants will be denied employment with the Commission if their initial positive test results are confirmed. Applicants will be informed in writing if they are rejected based on a confirmed positive drug test.

B. Employee Alcohol Test Results

Employees testing positive for alcohol at a level of .04 or greater will be terminated from employment.

Employees testing at a level between .02 and .039 will be disciplined in accordance with Chapter 7, section 7.6. An employee that is disciplined (suspended, demoted, etc.) in lieu of termination, will be referred to mandatory Employee Assistance Program (EAP) counseling. Employees who test again between .02 or greater will be terminated from employment.

In order to return to duty after alcohol test results of from .02 to .039, the employee must undergo a return-to-duty test with a negative result. Additionally, during the first year after testing from .02 to .039 on an alcohol test, the employee must undergo a minimum of three unannounced tests. Follow-up testing may extend beyond a year but will not exceed 36 months.

C. Employee Drug Test Results

Employees testing positive for illegal drugs will be disciplined in accordance with Chapter 7, section 7.6. An employee that is disciplined (suspended, demoted, etc.) in lieu of termination, will be referred to mandatory EAP counseling. Additionally, during the first year after a positive drug screen, the employee must undergo a minimum of three unannounced tests. Follow-up testing may extend beyond a year but will not exceed 36 months. Employees who test again with a positive result or will be terminated from employment.

Current employees who test positive may challenge the test results by notifying the Director or deputy director, within 24 hours of receiving the test results. The original sample will then be retested by a laboratory other than the Commission's medical service provider, approved by the Medical Review Officer. All costs associated with the retest are borne by the person raising the challenge.

D. Refusal to Test

If the employee refuses to be tested, the employee shall be reminded that he/she is required to submit to testing under these rules and that refusal to do so comprises insubordination for failure to follow instruction. If the employee still refuses, the employee shall not be forced to have a test administered. Refusal of a drug or alcohol test will be considered equivalent to a confirmed "positive" test and shall be the basis for discipline, up to and including termination.

Section 6.8 Employee Assistance Program

The Commission maintains an Employee Assistance Program (EAP) to provide help to employees who are impaired by alcohol or drugs or other personal or emotional problems. Any employee who has a drug or alcohol-related problem is encouraged to voluntarily seek treatment through the Commission's EAP or through a treatment program or facility of his or her own choice before the problem affects their employment. However, use of the EAP will not be a

defense to the imposition of disciplinary action if the employee engages in conduct constituting a violation of either this policy or of the Commission's Standards of Conduct.

Section 6.9 Records, Reports, Confidentiality, Releases

The result of any drug or alcohol test that is performed pursuant to this policy shall be confidential and shall be made known only to those persons with a legitimate interest in the records, employees who are directly involved in any disciplinary decision made as a result of such test results, or in any grievance arising out of such disciplinary decision.

Records shall include copies of all applicable forms, records, and documentation from the testing laboratory/ clinic, documentation of reasonable suspicion, refusal to test, post-accident testing, medical-related records, and compliance with EAP/Substance Abuse Professional (SAP) recommendations.

A. Reports

The supervisor on duty shall make a written report regarding post-accident and reasonable suspicion prior to the end of their shift. The report will site the facts supporting testing, who authorized the testing, what testing was completed, any referrals to the lab, and all details surrounding the incident. A written report shall be made of facts surrounding any refusal to test or attempts to obstruct the testing process

B. Alcohol Testing

If alcohol testing is not performed within one hour following the determination of reasonable suspicion or post-accident, a written report shall be made as to the efforts made to obtain the test and why the test was not promptly administrated. If an alcohol test is not administered within eight hours, attempts to have the employee tested will cease, and disciplinary action up to and including termination may ensue. The report shall reflect the efforts made and why the test was not administered.

C. Drug Testing

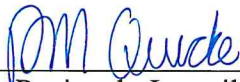
If drug testing is not performed within twelve hours following the determination of reasonable suspicion or post-accident, a written report shall be made as to the efforts made to obtain the test and why the test was not promptly administrated. If a drug test is not administered within thirty-two hours, attempts to have the employee tested will cease. The report shall reflect the efforts made and why the test was not administered.

Section 6.10 Legitimate use of Drugs Affecting Test Results

Any employee who conclusively establishes by competent evidence that a positive drug test result was caused by the presence of a prescription drug which the employee was taking in accordance with a valid prescription, or as the result of the use of a non-prescription drug which the employee was taking properly for a bona fide medical purpose, shall not be deemed to have violated this policy because of failing a test for that drug.

Section 6.11 Notice of Testing Policy

The Commission shall provide written notice of this drug and alcohol testing policy to all employees and job applicants.



Middle Peninsula Juvenile Detention Commission, Chairperson

Effective Date: 1/1/19

**SUBSTANCE ABUSE REPORT FORM
(CONFIDENTIAL)**

Employee: _____ Work Center: _____ Date/Time of Incident: _____

NATURE OF INCIDENT/CAUSE OF SUSPICION (Check all that apply - use section below for further explanation)

- ☐ 1. Observed possession or use of a prohibited substance or drug paraphernalia just prior to or during work hours.
- ☐ 2. Observed in the company of those possessing or using a prohibited substance or drug paraphernalia just prior to or during work hours.
- ☐ 3. Odor of marijuana.
- ☐ 4. Odor of alcoholic beverage. (Breath analyzer screen results _____.)
- ☐ 5. An On-The-Job Injury (OJI) or accident which results : ☐ any death ☐ a citation and an injury requiring immediate medical attention for any involved party ☐ a citation and a vehicle being towed
- ☐ 6. Recommendation of a medical authority.
- ☐ 7. A single unusual or suspicious accident or OJI, or a trend over time of accidents or OJI in conjunction with the recommendation of two of the following: employee's supervisor, Personnel Manager, Automotive Superintendent, or Safety Manager.
- ☐ 8. Physical signs, such as nystagmus or needle tracks.
- ☐ 9. Specific, clearly stated, observations concerning unusual, erratic, or extremely uncharacteristic behavior of an individual. Check all that apply. **CONSIDER THE EMPLOYEE'S REGULAR BEHAVIOR AND APPEARANCE OR WHETHER THE BEHAVIOR IS APPROPRIATE FOR THE SITUATION.**

- | | | | |
|-----------------------|--|---|---|
| 1. SPEECH: | <input type="checkbox"/> Normal | <input type="checkbox"/> Incoherent | <input type="checkbox"/> Confused |
| | <input type="checkbox"/> Slurred | <input type="checkbox"/> Whispering | <input type="checkbox"/> Unusually talkative or silent |
| 2. BALANCE: | <input type="checkbox"/> Normal | <input type="checkbox"/> Swaying | <input type="checkbox"/> Staggering |
| 3. WALKING: | <input type="checkbox"/> Normal | <input type="checkbox"/> Stumbling | <input type="checkbox"/> Swaying |
| | <input type="checkbox"/> Arms raised | <input type="checkbox"/> Reaching for support | |
| 4. STANDING: | <input type="checkbox"/> Normal | <input type="checkbox"/> Feet wide apart | <input type="checkbox"/> Sagging at knees |
| 5. EYES: | <input type="checkbox"/> Normal | <input type="checkbox"/> Glassy | <input type="checkbox"/> Dilated pupils |
| | <input type="checkbox"/> Blood shot | <input type="checkbox"/> Closed | <input type="checkbox"/> Watery |
| | <input type="checkbox"/> Droopy | | <input type="checkbox"/> Lack of convergence |
| 6. FACE: | <input type="checkbox"/> Normal | <input type="checkbox"/> Flushed | <input type="checkbox"/> Pale |
| | | | <input type="checkbox"/> Sweaty (unseasonable or unrelated to work) |
| 7. Demeanor: | <input type="checkbox"/> Normal | <input type="checkbox"/> Crying | <input type="checkbox"/> Mood Swings |
| | <input type="checkbox"/> Calm or irritable | <input type="checkbox"/> Sarcastic | <input type="checkbox"/> Violent |
| | <input type="checkbox"/> Angry/belligerent | <input type="checkbox"/> Shakiness/twitching | <input type="checkbox"/> Tremors |
| 8. AWARENESS: | <input type="checkbox"/> Normal | <input type="checkbox"/> Confused/forgetful | <input type="checkbox"/> Paranoid |
| | <input type="checkbox"/> Drowsy/sluggish | <input type="checkbox"/> Lack of coordination | <input type="checkbox"/> Partial or full break with reality |
| 9. PHYSICAL SYMPTOMS: | <input type="checkbox"/> Normal | <input type="checkbox"/> Vomiting | <input type="checkbox"/> Bleeding or runny nose |
| | <input type="checkbox"/> Nauseous | <input type="checkbox"/> Faster breathing | <input type="checkbox"/> Poor muscle control |

WRITTEN SUMMARY

Summarize the facts and circumstances of the incident including what led to the discovery of evidence or the noted behavior, the employee's response, supervisor's actions taken, and any other pertinent information not previously noted. Note the date, times and location of reasonable cause testing or note if the employee refused the test. Insure the employee has been informed that failure to consent to a test will be considered the same as a positive test result. Attach additional sheets as needed.

Printed Name of Supervisor No. 1

Signature of Supervisor No. 1

Date/Time

Printed Name of Supervisor No. 2

Signature of Supervisor No. 2

Date/Time

Signature of employee
(Does not indicate agreement)

Copy received

Section 7.1 Objective

Regulations to govern the conduct of employees are necessary for the orderly operation of the Commission. Such regulations are to the benefit of and protect the rights and safety of all employees.

The Commission recognizes its continuing responsibility to develop and administer the necessary employment regulations and disciplinary measures in a fair and consistent manner. The Commission requires all employees to conform to these regulations and to conduct themselves in a responsible and professional manner. The regulations referred to in this chapter and the conduct listed herein are not intended to be all-inclusive for inappropriate conduct. Inappropriate conduct will be disciplined consistent with the provisions of this chapter.

Section 7.2 General Standards of Conduct

Employees must not conduct themselves in a manner that violates the public trust, discredits the Commission or its employees, or hinders the effective performance of the Commission's functions.

A. **Work Performance:** Employees must perform all work expected of the position and obey directives of their supervisors. An employee will not obey any order to perform illegal activities. All employees must comply with Commission policies and procedures related to work performance, operating methods and procedures, notifications and all applicable standards and laws.

B. **Safety and Security:** Employees are required to know and observe all such policies, procedures, rules, and standards. Employees must immediately report to their supervisor any condition or situation such as loss of a required license or certification, any disability or medical condition, or any other situation or condition which may interfere with the employee's performance of duties or adversely affect or endanger others. Employees are also required to immediately report any on-the-job injury or accident.

C. **Working Relationships and Public Relations:** Employees must deal with the public, detained youth and with other employees with courtesy, respect, and tact. Rudeness, fighting, intimidation, threats, harassment, remarks or slurs and similar actions which adversely affect employee relations, public relations, the work of the employee or others will not be tolerated.

Employee behavior and actions are always under close scrutiny by detained youth, the public, other professionals and fellow employees.

D. **Honesty:** Honesty and ethical behavior are required in all aspects of employee conduct.

E. **Conflict of Interest:** Employees must conduct Commission business with integrity and

must not officially act in regard to any contract, transaction or other matters in which the employee may have a personal interest. The State and local government Conflict of Interest Act, Section 2.2-3100 et seq., govern conflicts of interest.

F. Community Relations

The Center wishes to maintain interaction with the community to the extent possible. The opportunity for the residents to interact with members of the community and for the community to have access to the programs and activities of the Center is encouraged.

The Center staff and residents conduct tours for citizens and make presentations to school classes and citizen groups. The Center staff shall be helpful and courteous to volunteers at all times.

In the course of these activities, the Center and staff shall maintain a clean, well-maintained facility and grounds and professionally attired staff.

G. Staff Demeanor and Conduct

As employees of the Middle Peninsula Juvenile Detention Commission, staff will be expected to maintain certain standards of demeanor at all times. Staff behavior and actions are always under close scrutiny by the residents, co-workers, and the public. Everyone must maintain a professional appearance.

Relationships with colleagues will promote mutual respect within the profession and improve the quality of service. Statements critical of colleagues or their agencies will be made only if they are verifiable and constructive in purpose. Staff will respect the importance of all elements of the criminal justice system and cultivate a professional cooperation with each segment. Staff will respect and protect the civil and legal rights of all juveniles. Staff will treat each case with appropriate concern for the juvenile's welfare and with no purpose of personal gain.

No staff member will use his/her official position to secure special privileges or advantages or to promote any partisan political purposes. No staff member, while acting in an official capacity, will allow personal interest to impair objectivity in the performance of duty. No staff member will accept any gift or favor that would imply an obligation that is inconsistent with the free and objective exercise of professional responsibilities.

Observations of misconduct or questionable behavior of staff members must be reported by anyone who observes it to the director or deputy director. If required to make a written statement or to give information when it is deemed appropriate, the employee must do so. Reports must be made immediately after an incident/observation in serious matters affecting or jeopardizing the health, safety, and welfare of a youth, other staff, the public or the reputation of the Commission.

H. Responsibility for the Interest of the Commission

Employees must not make reckless, false, or malicious statements about the Commission, Commission employees, Commission members, Commission operations, detained youth, their families or others. Employees must take care not to present as, or allow the presumption of, their spoken or written views to be those of the Commission unless authorized to do so. In any public statement, staff will clearly distinguish between personal views and statements and positions of the Commission.

Staff will be diligent in their responsibility to record and make available, as properly authorized, for review any and all case information that could contribute to sound decisions affecting a juvenile or the public safety. Staff will maintain the integrity of private information; they will neither seek personal data beyond that needed to perform their responsibilities nor reveal case information to anyone not having proper professional authority for the use for such.

Staff will report without reservation any corrupt or unethical behavior that could affect either a juvenile or the integrity of the Commission. Staff will not discriminate against any juvenile, employee, or prospective employee based on race, gender, creed, or national origin. Any staff member who is responsible for agency personnel actions will make all appointments, promotions, and dismissals based on merit only.

Gossip or rumor passing at any and all levels is inappropriate, degrading and counter to positive morals. Commenting on, judging, making assumptions and speculations regarding the personal lives and interactions of co-workers, subordinates, or superiors will not be tolerated at any time. Disciplinary action up to and including termination will result.

I. Court Contact

Unless otherwise authorized, contact with the Courts and Court Service Unit staff regarding confidential juvenile information is limited to the director, deputy directors, supervisors, Treatment Program Coordinator, Mental Health Counselor, Nurse and/or Clinical Interns.

J. Staff interaction, correspondence, and outside contact with juveniles

Due to the nature of the work, residents and staff will develop relationships with youth through interactions that are respectful, honest, clear, and with the best interest of the child in mind. While the residents may come to see staff as friends and sources of support, roles should never be confused. Care must be taken to prevent conduct, or the appearance of conduct, which may be inappropriate or illegal, or that could establish an expectation of favoritism during any future detention placements.

Staff is required to always recognize their responsibility as role models, mentors, authority figures, and protectors. Staff also has the responsibility to promote relationships between

themselves and residents that encourages positive growth as well as the separation between adult and youth.

To that end, the following issues are specifically addressed and clarified:

1. While a youth is still in residence on any unit, there is to be no off-duty contact unless specifically authorized by the appropriate deputy director and the placing agency. Staff should not share home or personal data, phone numbers, social media contact information, etc.
2. While a youth is still in residence on any unit, there is to be no written correspondence between staff and residents. Any such correspondence is to be immediately directed to the deputy director. The exceptions to this are appropriate holiday greeting cards as approved by the deputy director prior to delivery.
3. After a youth leaves residence, contact initiated by youth may be via phone or written correspondence to the Center only. Written correspondence shall be read with the deputy director present, so that any inappropriate material that may be contained therein can be immediately reported. Current staff may not initiate contact with former residents. Also, former staff members may not have contact with currently detained residents, unless approved in advance by the director. Social media contact is prohibited at all times. This is for the protection of staff.
4. Staff members must not make personal funds available to current or former residents.
5. Horseplay with residents is strictly prohibited.

Willful violation of this policy may result in disciplinary action, up to and including termination.

K. Confidentiality

Commission employees shall observe the confidentiality of all youth and will not discuss them with unauthorized persons in accordance with the Virginia Code, 16.1-309 and the Virginia Code 2.2-3800 et seq.

Prohibited conduct includes but is not limited to:

1. Sharing information over the phone or otherwise with cousins, aunts, siblings, or significant others, etc., unless authorized by the court.
2. Informing an ex-resident of the names of present residents during conversations.
3. Disclosing information with parents of residents who do not presently have custody of the

juvenile.

4. Revealing any personal information about one resident to another resident, including discussing such information in groups.

Whenever in doubt, refer the person inquiring to the juveniles' parents, legal guardians or court. Failure to maintain confidentiality of a juvenile is unlawful and subject to court action.

Willful violation of this policy may result in disciplinary action, up to and including termination.

L. Responsibility for Commission Time, Facilities, and Equipment:

1. Commission Time

Employees must devote full attention to performing their official duties while on the job.

Personal use of the Commission's phone should be limited to emergencies and personal business calls which cannot be made outside of working hours. There should be little need for incoming or outgoing personal calls. No personal long-distance calls shall be charged to the Commission. Should an employee be required to work beyond his/her regularly scheduled shift, calls to inform the family or child-care or to cancel appointments may be charged.

Employees may not conduct business for profit, either for themselves or others, including fund raising, while on duty or with Commission resources when off duty, unless specifically authorized to do so.

2. Commission Facilities and Equipment

Commission facilities, equipment, materials, and information are to be used for work related purposes only unless otherwise approved. The Commission utilizes computer systems and programs to maintain records, produce reports, and generally conduct the business of the Commission. Access to various systems and programs are restricted. Access is granted to employees on an as needed basis. Inappropriate use or misuse of the system(s) can result in denial of access.

The Internet, Intranet (internal e-mail) and other computer tools and software are the property of the Commission. An employee has no right to confidentiality of their use of the Internet or Intranet. The Executive Director or his or her designee may, at any time and without notice, monitor any employees use of Commission-owned communication or electronic equipment, including but not limited to the internet, email accounts, voicemail, computer files and cameras. Only business-related materials may be downloaded from the internet. Inappropriate or illegal use of these tools can result in disciplinary action up to and including termination.

All passwords must be kept confidential. Much of the information that is available in the electronic information system is private and protected. Therefore, all staff are required to sign on and off for the purposes of entering or viewing information that is available only to them. Entering or viewing information under another person's authorized sign on and password are violations and may result in discipline, up to and including termination.

No personal passwords may be installed on Commission equipment. No equipment shall be moved or components switched without the prior approval of the director.

The Merrimac Center Technical Manager shall review all proposed acquisitions, disposal, changes of/to Commission automated information system's hardware and software (except user-level changes within software applications) configurations and make recommendations to the director.

M. Dress Code:

Due to being employed in a public safety capacity, it is expected that all staff will maintain a neat and professional appearance at all times. Certain items of clothing and jewelry may not be worn by employees in various areas of operation for reasons of personal safety and public image. The Center will issue shirts with the Merrimac logo and are a condition of employment for direct care, maintenance, custodial, and kitchen staff. Merrimac-issued clothing with logo may not be worn in the public unless covered.

Wearing ties, hats, scarves, hooded sweatshirts, or jackets/ coats is prohibited at all times. Direct care staff with hair longer than shoulder-length are required to wear it up for safety reasons.

1. Direct Care, Kitchen, Custodial, and Maintenance Staff

a) Pants, Shorts or Capri

- Must be khaki or black in color;
- Must be no shorter than 2 inches above your knee;
- Must be hemmed (no cut-offs) and no strings or ties dangling, must be neat, and clean.
- Jeans without holes may be worn on Fridays.

b) Shirts

- Must be Merrimac-issued shirts;
- Any t-shirt worn underneath must be white or black short sleeved. No long sleeves are to be worn under short sleeve Merrimac shirts.
- Shirts must be tucked into pants.
- Staff may purchase sweatshirts or quarter-zip fleece pull-overs at their own expense that may be worn over Merrimac-issued shirts. Sweatshirts, pullovers, and zippers must be the same color as the Merrimac shirt.
- Shirts must be tucked in.

c) Shoes

- Appropriate stable shoes are to be worn while on duty.
- Comfortable shoes such as tennis shoes, loafers, etc. may be worn.
- No sandals, open toe shoes or heels are to be worn while on duty because of the risk of injury.

d) Jewelry, Artificial Scents

- Employees are discouraged from wearing expensive clothing or jewelry. The Commission will not be responsible for the replacement of any expensive items of clothing or jewelry damaged while on duty.
- No dangling or large jewelry, or similar unsafe items. Pierced jewelry is limited to small stud earrings worn in the ear.
- Artificial scents (perfume/cologne) are discouraged.

e) Casual Attire

- Staff may dress more casually only on training or meeting days when they are not going to be on the units. Staff should still be aware of presenting a professional image. Shirts with messages are not permitted. Halter or tank tops, midribs, shirts with alcohol, smoking or suggestive messages, or clothing that is low cut, contains holes, or too tight are not acceptable.
- Any staff dressed inappropriately will be sent home to change (lost time will be charged) and could be subject to disciplinary action.

2. Supervisory Staff

Supervisory staff will follow the same standards as above with the exception that pants may be of any solid color that compliments the Merrimac-issued shirt.

3. Administrative Staff

Administrative staff should be dressed professionally at all times.

N. Outside Activities: Employee conduct off the job can affect the employee's and the Commission's credibility. Any employee conduct, whether on the job or off the job, which adversely affects the employee's credibility, effectiveness, performance or ability to fully carry out the responsibilities of the position held and any conduct which is prejudicial to the interests of the Commission interests, reputation or operations are subject to disciplinary action.

O. Attendance: The Commission requires employees to report to work at the specified time and to work the full assigned period unless an appropriate authority approves the absence in advance as outlined in section 7.3.

P. Smoking Policy: No use of tobacco products is permitted anywhere within the detention center, on Commission property, or in Commission vehicles.

Section 7.3 Approved and Unapproved Absences Procedure; Discipline.

Regular Commission employees are granted certain leaves with pay. All leave requests must be submitted as far in advance as possible. Requests of leave for less than one week should be made at least a week in advance. Requests of leave for one week or more should be made at least two weeks in advance. Only extreme circumstances or emergencies shall relieve the

employee of this requirement. Requested leave is not automatic. It is subject to the approval of the employees' supervisor. Leave or tardy requests must be made by the person requesting leave directly to the assigned supervisor or other designated person or position authorized to approve leave. Notification of the request or intent or need to take leave to any other person is not acceptable and is subject to denial of the requested leave. All leave requests must be made in the timekeeping software accompanied by an email alerting the supervisor of the request. Leave may be denied if adequate coverage cannot be scheduled or operations would be adversely affected. Requests will be processed in a timely manner.

Responsibility for excusing tardiness or an unexpected absence rests with the immediate supervisor. Unplanned leave requests for afternoon and overnight shifts must be made at least **four** hours prior to the beginning of the employee's shift. Unplanned leave requests for employees on the morning shift must be made at least **two** hours prior to the beginning of their shift. In any situation where an employee is unable to report or may be delayed in arriving for work at the assigned time and place, the employee must contact their supervisor prior to or at the start of the scheduled work shift and explain reasons for the absence or tardiness.

The supervisor should meet with the employee and review the employee's request and reasons to determine whether the absence or tardy is appropriately excused. Supervisory discretion should be exercised depending on the severity of the violation. The supervisor should take any mitigating circumstances and the employee's attendance record into account when making the decision. The supervisor shall then document whether the absence or tardy was excused on the time card. Excused and unexcused absences or tardiness will be charged to vacation, compensatory, or is leave without pay if no other leave is available. Tardy time may not be made up at the end of the shift.

In cases of absence or tardiness for medical reasons, when circumstances warrant, the supervisor may request medical certification to justify excusing the absence or tardy, particularly if the employee has been absent three or more consecutive days.

Excessive absences or tardies will be addressed under the "Categories of Inappropriate Conduct" at the discretion of the director.

Section 7.4 Management Responsibility

The director is responsible for administering timely and consistent disciplinary measures for inappropriate conduct pursuant to the procedures set forth in this chapter.

Section 7.5 Disciplinary Measures

All Commission employees are subject to the disciplinary procedures in this chapter. All employees are considered at-will.

A. Application - The director, deputy director, operations manager, and supervisors will

apply disciplinary measures fairly and uniformly. Exceptions, due to documented mitigating factors, are at the discretion of the director.

B. Classification of Disciplinary Measures - Disciplinary measures include:

1. Verbal reprimands.
2. Written reprimands.
3. Suspensions/ Immediate Suspension.
4. Reductions in grade.
5. Demotions.
6. Discharge.

C. Definition of Disciplinary Measures

Staff will be verbally notified within two days of any infraction. Disciplinary measures will be documented by the supervisor or designee on the Discipline Form within seven business days of the incident and forwarded to the director who will place the document in the employee's personnel file.

1. Verbal Reprimand: A verbal communication directed to an employee for making a clear statement regarding inappropriate conduct.
2. Written Reprimand: A written communication directed to an employee for inappropriate conduct.
3. Suspension: A temporary separation from employment for reprimanding an employee for inappropriate conduct. A disciplinary suspension may be with or without compensation, as determined by the director. An initial suspension will not exceed ten working days. A second suspension within any twelve-month period will not exceed twenty working days.
 - a. Immediate Suspensions: If a supervisor, deputy director, or the director determines that, an employee's inappropriate behavior poses an immediate threat to the safety or discipline of other employees or to detained youth, they shall immediately suspend such an employee. If such action is taken, the supervisor or deputy director will on that day prepare the Discipline Form and deliver it to the director. If the conduct occurs after official work hours, it will be delivered the next official workday. If the director determines an immediate suspension is not warranted, he/she will notify the employee in writing to return to work subject to appropriate disciplinary measure. If the director determines it is necessary to extend an employee's immediate suspension pending further investigation and action, he will notify the employee in writing of such extension. No such suspension will exceed ten working days unless under investigation by law enforcement or Child Protective Services.

4. Reduction in Grade: The adjustment of an employee's wages to a lower salary amount in the salary grade to which he is assigned on the Commission pay plan for the purpose of reprimanding the employee for inappropriate conduct.
5. Demotion: A disciplinary demotion is the assignment of an employee to a lower classified position for reprimanding the employee for inappropriate conduct. Demotion will not be used as a disciplinary measure if the employee cannot qualify for the lower position, or if such demotion would require the displacement of another employee. A demotion will be accompanied by a reduction in grade and salary.
6. Discharge: A dismissal from employment for reprimanding an employee for inappropriate behavior.

If any action is to be taken by the director, and the director is absent, the person exercising the director's authority during that period of absence will take such action.

D. Pending Criminal Charges

An employee must report to the director if s/he is charged with a criminal offense within one workday of the charge for the offense. If an employee is charged with a criminal offense of such nature that the employee's continued performance of Commission duties (a) poses an immediate threat to the discipline or effective performance of other employees, or (b) has an immediate adverse effect on the reputation of the Commission, or (c) impairs the effective performance of any Commission function, the director shall make a determination as to whether the employee should be suspended with or without pay, pending the resolution of the charges.

Section 7.6 Categories of Inappropriate Conduct

Typical inappropriate conduct has been listed in three categories to assist in administering disciplinary measures in a fair and consistent manner. Each category of conduct has a suggested corresponding measure. Each disciplinary measure will take into consideration the circumstances surrounding the misconduct, the employee's work history, and the impact of the misconduct on the effective operation of the Commission's business. Depending on the nature and seriousness of the problem, which may include two or more violations of the same category or a combination of violations of different categories listed below, the appropriate level of discipline may be imposed without consideration to the progression. For example, it is not necessary to issue an oral or written reprimand if the offense is of such a nature to warrant suspension or termination.

A. Category 1 Conduct

Category 1 includes inappropriate conduct, which in the initial instance is not severe in nature, but which requires corrective action to maintain a proper work environment. Category 1 offenses include, *but are not limited to*:

1. Poor housekeeping that creates or contributes to inefficient, unsanitary, or unsafe work conditions.
2. Careless workmanship that evidences unsatisfactory job performance.
3. Careless or negligent maintenance, handling, or use of Commission property.
4. Excessive absences or tardiness.
5. Unjustified absence from the workstation or site without a supervisor's permission.
6. Stopping work before the specified end of a working day or starting work after the specified beginning of the workday.
7. Horseplay pranks, or non-work-related activity during working hours.
8. Abusive or obscene language or other rude behavior.
9. Posting or removal of notices, signs, or other writing in any form on any bulletin boards on Commission property without permission of the director.
10. Unauthorized solicitation of employees or others during working hours on Commission property.
11. Unauthorized distribution of literature or any other material during working hours or on Commission property.
12. Conviction of a traffic moving violation while operating a Commission vehicle.
13. Other misconduct of similar severity.

Appropriate disciplinary measure for Category 1 Conduct occurring in any 12-month period:

- First offense - verbal warning
- Second offense - written warning
- Third offense - suspension, reduction in grade, and/or demotion
- Fourth offense - discharge

B. Category 2 Conduct

Category 2 Conduct includes inappropriate conduct severely disruptive to the proper operation of the Commission. Category 2 offenses include, *but are not limited to*:

1. Failure to observe or follow procedures, policies, standards, written or verbal instruction, rules which the employee may be reasonably expected to follow; negligence in the performance of job responsibilities.
2. Violation of safety rules, including Life, Health, Safety, and Security policy, procedures and standards.
3. Testing positive for alcohol at a level between .02 and .039.
4. Testing positive for illegal drugs.
5. Failure to report to work without proper notice to and approval from the supervisor.
6. Unauthorized use of Commission vehicles, equipment, records, and data or other sensitive or confidential information, or unauthorized removal of such from an

- employee's workstation or site.
7. Use of sick leave for any purposes other than as outlined in this manual.
 8. Threatening or interfering with the work of fellow employees or supervisors.
 9. Accepting any gift or gratuity in any form in return for promises of, or performance of, special treatment of a detained youth.
 10. Failure to report known work-related illegal activity of any employee.
 11. Unauthorized non-Commission employment or activity that interferes with the performance of an employee's assigned duties and responsibilities.
 12. Fighting, threatening, interfering with the work of others, injuring, or attempting to injure others, or other forms of abuse or harassment on Commission property or during the working day. This includes sexual or racial harassment.
 13. Any activity, which is considered abuse, misuse or compromise of the position, held.
 14. Engaging in any unlawful or improper conduct on or off the job, which affects or tends to affect the employee's relationship to the job.
 15. Other misconduct of similar severity.

Appropriate disciplinary measures for Category 2 conduct occurring in any 12-month period:

- First offense - suspension, reduction in grade, and/or demotion
- Second offense - discharge

C. Category 3 Conduct

Category 3 Conduct includes inappropriate conduct unacceptable to the proper operation of the Commission. Category 3 offenses include, *but are not limited to*:

1. Possession or use of alcohol or unlawful use or possession of controlled substances on Commission property. Possession of any illegal drug on or off the job.
2. Testing positive for alcohol twice at a level of .02 or greater or once at a level of .04 or greater or testing positive for illegal drugs twice as defined in the Commission's Substance Abuse Policy.
3. Deliberate destruction or reckless use of Commission property or the property of others.
4. Falsification, misrepresentation, or alteration of Commission records, including, but not limited to vouchers, time records, leave records, insurance claims, or the application for employment.
5. Three or more garnishments involving more than one indebtedness during any 12-month period.
6. Gambling on Commission property or during working hours.
7. Theft, unauthorized removal of, or possession of Commission property or employee property.
8. Unauthorized possession of firearms or other weapons on Commission property or during working hours.
9. Any acts of violence involving firearms, explosives, or lethal weapons on or off

- the job.
10. Participation in any kind of work slowdown, sit-down, or similar concerted interference with Commission operations.
 11. Unauthorized use of Commission documents, records, or confidential information.
 12. Job-related lying, stealing, or cheating. Withholding or refusal to give testimony during administrative investigations.
 13. Entering the sleeping rooms of youth of the opposite sex without escort unless under emergency conditions. This also applies to control room staff who allows such entry.
 14. Giving to or allowing any detained youth to possess dangerous contraband or weapons.
 15. Physical or sexual abuse of a detained youth or failing to report such abuse by others.
 16. Any criminal conviction for an act occurring on or off the job which is related to job performance or is of such a nature that to continue the employee in the assigned position could constitute negligence in regard to the Commission's duties to the public or other employees, or which adversely affects the reputation of the Commission, or is conduct unbecoming of an employee.
 17. Failure to report to the director being charged with a criminal offense within one workday of the charge.
 18. Any activity, which is considered severe abuse misuse, or compromise of Commission employment or of the position, held.
 19. Refusal to comply with procedures, standards, written or verbal instructions, rules, policies and procedures which the employee may be reasonably expected to follow; refusal to follow a supervisor's instructions or perform assigned work; gross negligence in the performance of job responsibilities.
 20. Engaging in unlawful or improper conduct on or off the job that affects the employee's credibility, effectiveness, or ability to fully carry out the responsibilities of the position held.
 21. Other misconduct of similar severity.

The appropriate disciplinary measure for any Category 3 Conduct is discharge.



Approved by Middle Peninsula Juvenile Detention Commission

Effective Date: 1/1/19

Goal:

To take all reasonable precautions to protect employees from unnecessary exposure to bloodborne pathogens.

Objectives:

To provide guidelines to minimize and to prevent, when possible, the occupational exposure to disease-causing microorganisms transmitted through blood or other potentially infectious materials, since any exposure could result in the transmission of bloodborne pathogens which could lead to disease, or result in the death of an employee.

This policy will be reviewed annually and updated as needed by the director.

Scope:

This Plan covers *all employees* of Middle Peninsula Juvenile Detention Commission who could be "reasonably anticipated" as the result of performing their job duties *to face contact with blood* and other potentially infectious materials. Each position has been identified by job title into one of three categories. The categories are:

1. Category I - High potential for occupational exposure to potentially infectious materials in course of normal duties; includes all positions providing direct care and services to residents including but not limited to counselor positions, detention supervisors, recreation specialist, and medical staff.
2. Category II - Moderate potential for occupational exposure to potentially infectious materials in course of normal duties; includes treatment staff, housekeeping/laundry staff, and custodial/maintenance staff.
3. Category III - Very low potential for occupational exposure to potentially infectious materials in course of normal duties; includes clerical staff, food service staff, security control room staff, and the Deputy directors and director positions.

Duties and responsibilities for each job are on file in the detention center business office.

Definitions:

Blood: Human blood, human blood components, and products made from human blood.

Bloodborne Pathogens: Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immuno-deficiency virus (HIV).

Contaminated: Presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

Exposure Incident: A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

HBV: Hepatitis B virus

HIV: Human immuno-deficiency virus

Occupational Exposure: Reasonably anticipated skin, eye, mucous membrane, or parenteral (other) contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

Other Potentially Infectious Materials: Include: 1) the following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; and, 2) any unfixed tissue or organ (other than intact skin) from a human (living or dead); (NOTE: Urine and feces are not considered infectious unless contaminated with blood)

Parenteral: Piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.

Universal Precautions: An approach to infection control. All human blood and other potentially infectious materials are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

Methods of Exposure Control:

Universal Precautions: Each employee must use universal precautions at all times. All blood or other potentially infectious materials must be handled as if contaminated by a bloodborne pathogen. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids will be considered as potentially infectious materials.

Employees subject to potential exposure will have provided for their use appropriate personal protective equipment such as gloves, gowns, protective eye wear, masks and a "pocket mask" with one-way valve for mouth-to-mouth rescue breathing. Employees must wear protective equipment when doing procedures in which exposure to the skin, eyes, mouth, or other mucous membranes is anticipated. The articles to be worn will depend on the expected exposure.

Routine procedures requiring use of gloves include but are not limited to body searches, laundry, cleaning, showers, specimen collection, medical exam, topical medical treatment, changing wound dressings, first aid. Gloves are located in intake, the clinic, living units, custodial closets, and vehicles. CPR procedures require a face mask which may be located in all of the above cited locations except the custodial closets.

Personal Protection Equipment such as gowns, masks, eye protection, and gloves may be found in the clinic.

The type of personal protection equipment is determined by the type/amount of exposure potential.

Hand washing is a primary infection control measure which is protective of both the employee and others. Appropriate hand washing must be diligently practiced. Employees must wash hands thoroughly using soap and water whenever hands become contaminated and as soon as possible after removing gloves or other personal protective equipment. When other skin area or mucous membranes come in contact with blood or other potentially infectious materials, the skin must be washed with soap and water, and the mucous membranes must be flushed with water as soon as possible.

Antiseptic Hand Cleansers are available in all vehicles for use if needed when transporting youth.

Eating, drinking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure, such as the clinic.

Food and drink must not be kept in refrigerators freezers, shelves, cabinets or countertops where blood and other potentially infectious materials are present.

Contaminated clothing must be changed as soon as possible. (Use protective latex/vinyl examination gloves to reduce exposure risk.) Once removed, the clothing must be washed in a disinfectant-detergent solution and hot water in a standard washing machine. Machine drying assists in the decontamination process.

CONTAMINATED CLOTHING MUST NOT BE WORN OR TAKEN HOME BY THE EMPLOYEE PRIOR TO BEING WASHED

Housekeeping: The workplace will be maintained in a clean and sanitary condition. A 10% bleach solution will be used to clean surfaces contaminated by all invasive procedures conducted by medical personnel and all body fluid spills in any and all areas of the facility including the restrooms.

Water removal from backed toilets or drains shall be vacuumed up. All contaminated surfaces must be washed two times with a disinfectant solution. The vacuum must be emptied and

cleaned with the same solution. Utility rubber gloves shall be worn during the cleaning process and be decontaminated with disinfectant. Any contaminated clothing or linens must be placed in properly coded bags and taken to the laundry room and laundered as soon as possible using a disinfectant (bleach). Contaminated linen and clothing shall be handled with gloves.

Regulated Waste: Includes:

- liquid or semi-liquid blood or other potentially infectious materials;
- contaminated items that could release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed;
- items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling;
- contaminated sharps;
- pathological and microbiological wastes containing blood or other potentially infectious materials.

Bio-Hazard Waste Containers: Any of the substances listed above must be placed in containers which are: closeable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping.

Containers will be identified by an orange-red label. Containers must be closed prior to moving/removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping. If the outside of the container becomes contaminated or is pierced, it is placed in a second container having the same characteristics as the initial container.

A contracted licensed disposal service will manage all waste disposal. The Biohazard container waiting for disposal is stored in the clinic, a secured area.

Sharps Management: All used needles and sharps (razors, scapula's etc.) are considered contaminated and are handled with universal precautions. Contaminated needles and other contaminated sharps must not be reused but be discarded as soon as possible after use in a disposable sharps container. Needles are placed directly into the container without breaking or bending. Do not recap needles or cut needles.

Contaminated glass is also to be placed in the sharps container. Do not pick up broken glass with the hands.

A sharps container is located in the Clinic. The container must be closeable, puncture resistant, labeled or color coded, leak-proof on sides and bottom, and maintained upright throughout use. Overfilling of sharps containers creates a hazard when needles or sharps protrude from openings. Nearly full containers shall be promptly disposed of and replaced. Sharps containers shall not be reused. The nurse is responsible for maintaining sharps containers. Follow the direction for Biohazard Waste Management to dispose of the sharps container.

Handling Specimens: Specimens of blood or other potentially infectious materials must be placed in a biohazard bag that prevents leakage during collection, handling, processing, storage, transport, or shipping. All specimens are marked as “Biohazard Waste”.

Management of Contaminated Equipment, Supplies, and Personal Protective Equipment: The medical staff is responsible for the use and decontaminating of equipment used in the clinic.

The medical staff, custodial staff or any other appropriate personnel shall regularly inspect/decontaminate all reusable bins, pails, cans, and similar receptacle which may become contaminated with blood or other potentially infectious material.

Under no circumstances will kitchen facilities be used for the purpose of cleaning, sterilizing, disinfecting, storing, or disposal of any infectious material or waste.

Disposable equipment and supplies must be placed in marked biological safety containers by staff.

Disposable gloves are disposed of when they are contaminated, torn, punctured or when their ability to function as a barrier is compromised. Do not wash or decontaminate single use gloves for reuse. Utility gloves may be decontaminated for reuse as long as they are in good condition. They are to be discarded when they are cracked, peeling, torn, punctured or show other signs of deterioration.

If a garment is penetrated by blood or other potentially infectious material, the garment must be removed as soon as possible and placed in a designated container for laundering or disposal. All personal protective equipment must be removed before leaving the work area and placed in assigned containers for storage, washing, decontamination and disposal.

Employees who handle contaminated laundry must wear protective gloves and other appropriate personal protective equipment. Contaminated laundry must be handled as little as possible. Do not sort/ rinse laundry in location of use. Place in a container/bag where it was used. If wet, place in container or bag which will prevent leakage. Bags/containers must have a biohazard label.

Hepatitis B Vaccination: The Hepatitis-B vaccination series is offered within 10 days of hire to all employees. A vaccination series prior to an actual exposure is not necessary for the majority of non-public safety employees due to their lower probability of exposure. Post exposure vaccination will be offered to any employee who has had a job-related exposure.

The vaccination series will not be required of employees who have previously received the complete Hepatitis-B vaccination series; to any employee who has immunity as demonstrated through antibody testing; or to any employee for whom the vaccine is medically contraindicated.

All employees must sign an acceptance/declination statement. If an employee chooses **not to take** the Hepatitis-B, but later chooses to receive the vaccination series, the declination statement will become invalid.

Exposure Reporting Requirement:

If exposed, the employee will notify his/her supervisor immediately.

Exposure Reporting Procedures:

Upon notification of an employee exposure, the supervisor will prepare an Exposure Report Form. Immediate first aid shall be administered as appropriate to minimize the danger of transmission of diseases such as washing a bite site, etc. The **employee** will be offered a confidential medical evaluation at the hospital.

If the injured person is transported to the hospital by ambulance, the supervisor shall advise the EMS crew that the employee was exposed to blood or body fluids. This should result in the hospital staff drawing from the employee the necessary blood work for testing. A copy of the Exposure Report form should be taken to the hospital prior to the employee's discharge. Whenever an employee is directly exposed to body fluids of a person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the person who was exposed. However, if the person whose blood specimen is sought for testing refuses to provide such specimen, and if the Commission doesn't already have consent or otherwise already have the legal right to require such testing without consent, any person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the employer of such person, may petition the general district court.

If the person whose blood specimen is sought for testing is a minor who refuses to provide such specimen, and if the Commission doesn't already have consent or otherwise already have the legal right to require such testing without consent, then consent for obtaining such specimen shall be obtained from the parent, guardian, or person standing in loco parentis of such minor prior to initiating such testing. If the parent or guardian or person standing in loco parentis withholds such consent, or is not reasonably available, the person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the Commission, may petition the juvenile and domestic relations district court in the county or city where the minor resides or resided, or, in the case of a nonresident, the county or city where the health care provider, law-enforcement agency or school board has its principal office or, for an order requiring the minor to provide a blood specimen or to submit to testing and to disclose the test results.

The exposed employee's blood will be collected as soon as feasible after consent is obtained, and tested for baseline HBV, HCV and HIV serological status. If the employee consents to baseline blood collection but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least 90 days. If, within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as possible.

The exposed employee will be offered post-exposure prophylaxis, when medically indicated, as recommended by the physician. The exposed employee will be offered counseling and medical evaluation of any reported illness.

The following information will be provided by the supervisor to the healthcare professional evaluating an employee after an exposure:

- a copy of VOSH 1910.1030 bloodborne pathogens standard;
- a description of the exposed employee's duties as they relate to the exposure incident;
- the documentation (Exposure Report) of the route(s) of exposure and circumstances under which exposure occurred;
- results of the source individual's blood testing, if available;
- all available medical records relevant to the appropriate treatment of the employee including vaccination status. The supervisor will contact the director to inquire about the availability of such records.

The attending physician will contact the employee or administration and advise of recommended procedures, if any. Any recommended follow-up tests/treatments are considered medically confidential and will be handled accordingly as a Workers' Compensation issue. The exposed employee will be offered medical evaluation and counseling through the Commission's Workers' Compensation program for any illnesses resulting from the exposure which is identified through testing. If not previously vaccinated, this will be offered to the employee at no cost. The costs of exposure-related treatment only will be covered.

Exposure medical records are confidential and are maintained separate from personnel records.

Post-Exposure Evaluation Follow-Up:

The director shall obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion within 15 days of receiving the completed evaluation. The written opinion will be limited to the following information:

- the employee has been informed of the results of the evaluation; and
- the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment

Training:

All employees will receive training upon initial assignment to tasks where an occupational exposure may take place, and at least annually thereafter. Additional training will be provided when changes such as modification of tasks or procedures or institution of new tasks or procedures affect the employee's occupational exposure. This additional training may be limited to addressing the new exposures created.

Initial training will be presented by a knowledgeable trainer(s) in the subject matter with opportunity for questions and answers by the employees. This training will include but is not limited to the following: contents of this exposure control plan, general discussion on bloodborne diseases and their transmission, proper use of personal protective equipment, response to emergencies involving blood or body fluids, hepatitis-B vaccine, preparation of the Exposure Report Form, how to handle exposure incidents, the post-exposure evaluation and follow-up program. The Nurse is responsible for arranging and/or conducting this training.

Recordkeeping:

Training: A record of training will be maintained by the Deputy Director for 3 years from the date on which the training occurs. The following information shall be included:

- date of the training sessions;
- contents or a summary of the training sessions;
- names and qualifications of trainer(s); and
- names and job titles of all persons attending.

Exposure: An "Exposure History Record" will be established and maintained for each employee with an exposure incident. This record will be maintained by the Commission for the duration of employment plus 30 years in accordance with VOSH/OSHA 29 CFR 1910.1030. This record will include the following:

- name and social security number of the employee;
- a copy of the employee's hepatitis-B vaccination status with dates of hepatitis-B vaccinations and any medical records relative to the employee's ability to receive vaccination as provided by the employee's personal physician;
- a copy of examination results, medical testing, and any follow-up procedures;
- a copy of the healthcare professional's written opinion; and
- a copy of the information provided to the healthcare professional who evaluates the employee for suitability to receive hepatitis-B vaccination prophylactically and/or after an exposure incident.

Chapter 8

Bloodborne Pathogens Exposure Control Plan

This record will be kept confidential. The contents will not be disclosed or reported to any person within or outside the workplace without the employee's express written consent, except as required by law or regulation. Employee "Exposure History Records" required under VOSH 1910.1030 will be provided upon request for examination and copying to the subject employee and to the Commissioner of the Virginia Department of Labor and Industry in accordance with VOSH/OSHA 29 CFR 1910.1030.



Middle Peninsula Juvenile Detention Commission, Chairperson

Effective Date: 1/1/19

Middle Peninsula Juvenile Detention Commission

BLOODBORNE PATHOGENS

EXPOSURE CONTROL PLAN

Health Care Professional's Opinion

for Post Exposure Evaluation and Follow-Up

_____ Employee has been informed of the results of the post exposure evaluation.

_____ Employee has been informed about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

Health Care Professional

Date

Employee Signature

Date

Please return to: Director
Middle Peninsula Juvenile Detention Commission
9300 Merrimac Trail
Williamsburg, VA 23187
(757) 887-2091

A. Purpose - This policy provides guidelines for the Middle Peninsula Juvenile Detention Commission in dealing with the issue of AIDS (Acquired Immune Deficiency Syndrome), ARC (AIDS Related Complex), and HIV (Human Immunodeficiency Virus) in the workplace. All of these conditions, hereinafter, will be collectively referred to as AIDS - related conditions: By adopting this policy, the Commission intends to provide the following:

- a safe environment for its employees, citizens and the visiting public;
- a work environment free from discrimination and harassment for individuals with AIDS - related conditions; and
- protection of individual rights by ensuring confidentiality and human dignity.

B. Policy - The following guidelines apply to all Middle Peninsula Juvenile Detention Commission employees.

1. As long as such employees are medically and physically able to perform the essential functions of their job and do not pose a danger to their own health and safety or the health and safety of others in the workplace, they will maintain the same job classification and work location, unless a transfer, promotion, or demotion is otherwise required for reasons not associated with an AIDS - related condition.
2. The Middle Peninsula Juvenile Detention Commission is an equal opportunity employer, and as such will not discriminate in its employment or personnel practices against any person who has an AIDS-related condition.
3. No employee shall be required to submit to an AIDS virus test as a condition of beginning or maintaining employment with the Commission. Any employee who has had possible exposure to an AIDS-related condition is strongly encouraged to seek counseling and to have an AIDS virus test.
4. Employees diagnosed as having an AIDS-related condition will retain health and other benefits while they are employed; terminating employees diagnosed as having an AIDS-related condition will have the same rights to continuation of coverage as other employees.
5. No employee, detained youth, or citizen, who is diagnosed as having an AIDS-related condition, is at risk for developing an AIDS-related condition or is suspected of having an AIDS-related condition will be subjected to harassment, humiliation, or intimidation by either the Commission or Commission employees.
6. Neither the Commission nor any of its employees will withhold Commission services solely because an individual is diagnosed as having an AIDS-related condition, is at risk for developing an AIDS-related condition or is suspected of having an AIDS-related condition.

7. Employees cannot refuse to work or withhold their services for fear of contracting an AIDS-related condition by working with or near a person who is diagnosed as having an AIDS-related condition, is at risk for developing an AIDS-related condition or is suspected of having an AIDS-related condition.
8. The Commission will provide necessary protective garments and equipment to employees who are at risk of occupational exposure to AIDS-related conditions to facilitate the safe performance of their jobs. Employees will be required to use the equipment provided.
9. The Commission will take all reasonable steps to ensure strict confidentiality of information relating to employees or detained youth known or perceived to have contracted an AIDS-related condition or who are at risk of developing an AIDS-related condition. Dissemination of the information will be limited to persons on a need-to-know basis to conduct an authorized investigation to implement this policy or to maintain the Commission's personnel information system.
10. Employees who violate this policy will be subject to disciplinary action, up to and including termination.



Middle Peninsula Juvenile Detention Commission, Chairperson

Effective Date: 1/1/19

It is the policy of Middle Peninsula Juvenile Detention Commission to provide a workplace free of harassment and to take affirmative action to prevent such harassment from occurring. Harassment of an employee or prospective will not be tolerated. Violation of this policy will result in disciplinary action, up to and including termination.

A. Purpose - The purpose of this policy is to do the following:

1. to maintain a quality work environment
2. to define harassment
3. to ensure that unprofessional behavior that creates a hostile work environment will not be tolerated
4. to inform all employees that harassment is illegal.

B. Definitions

Retaliation - overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or group exercising rights under this policy.

Sexual Harassment - sexual advances, whether verbal or physical in nature, are unlawful if:

1. submission to such advances is an explicit or implicit condition of employment;
2. submission to or rejection of such advances affects the job the employee holds; or
3. the conduct substantially interferes with the employee's work performance by creating an intimidating, hostile or offensive working environment.

Sexual harassment includes the threat or insinuation that lack of sexual submission will adversely affect an employee's employment, evaluation, wages, advancement, assigned duties or shifts, or other conditions that affect an employee's livelihood. Sexual harassment can also take the form of sexual favoritism, which occurs when one employee's sexual involvement with the employer, a supervisor, or some other person with authority to make substantive employment decisions, influences employment decisions regarding benefits and/or promotions to the detriment of other employees.

Third Party - individuals who are not employees of the Commission, but who have business interactions with Commission employees. Such individuals include, but are not limited to:

- vendors;
- contractors; and
- volunteers.

Workplace Harassment - any unwelcome verbal, written or physical conduct that either denigrates or shows hostility or aversion towards a person on the basis of race, color, religion, national origin, sex or age, that: (1) has the purpose or effect of creating an intimidating, hostile

or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an employee's work performance; or (3) affects an employee's employment opportunities or compensation.

Examples of conduct that may rise to the level of harassment include:

- verbal remarks (epithets, derogatory statements, slurs, jokes),
- physical contact (assaults, physical interference with movement or work, touching),
- visual displays (displaying of printed or photographic materials, objects), other actions that are demeaning or hostile.

C. Prohibited Conduct

1. Harassment: No employee shall engage in sexual or workplace harassment of any employee, applicant for employment, or third party by any employee.
2. Retaliation: Retaliation by any employee, against anyone who either complains about harassment or who participates in any investigation concerning harassment shall be prohibited.

D. Responsibility:

This policy applies to all employees of Middle Peninsula Juvenile Detention Commission and employees working under contract with the Commission.

- The Executive Director shall:
 1. train employees to recognize and prevent harassment in the workplace; and
 2. investigate and assist in the resolution of complaints of harassment by employees and maintain records of complaints and the resolution of such.
- The Executive Director, Managers and Supervisors shall:
 1. stop any workplace harassment of which they are aware, whether or not a complaint has been made;
 2. express strong disapproval of all forms of sexual or workplace harassment;
 3. intervene when they observe any acts that may be considered sexual or workplace harassment;
 4. take immediate action to prevent retaliation towards the complaining party or any participant in an investigation;
 5. take immediate action to eliminate any hostile work environment where there has been a complaint of sexual or workplace harassment;
 6. provide all employees under their direction with this policy; and
 7. take prompt, appropriate action within their work units to resolve any complaint and to prevent harassment.

- Employees shall:
 1. Treat one another with respect and without regard to national origin, race/color, sex, religion, disability, age or pregnancy.
 2. Cooperate during investigations and verification of reports of harassment.

E. Complaint Procedure:

All employees have the right to raise the issue of harassment and the complaint can be verbal or written. It is the Commission's responsibility to deal with all such reported incidents of harassment in a fair, impartial and expedient manner. Any alleged violations of this policy will result in a prompt and fair investigation. This procedure applies to all instances of alleged discrimination or harassment.

1. Any person who believes he or she has been subjected to sexual or workplace harassment should contact his/her supervisor; and/or contact the Director promptly after the alleged incident. If the alleged offender is the Executive Director, then the complaint shall be made to the Chairperson of the Commission. The Chairperson shall refer the matter to the Executive Committee for investigation. Upon completion of the investigation, the Executive Committee shall refer the matter to the full Commission.
 2. All reports shall be addressed by the Executive Director, or his or her designee, or the Executive Committee, depending on the complaint and shall promptly investigate to confirm facts or resolve disputed facts.
 3. The person or entity conducting the investigation, whether it is the Executive Director or his or her designee, or the Executive Committee, shall make all best efforts to complete the investigation of a complaint of harassment within ten business days after the date upon which the complaint was taken. However, if completion of a full and fair investigation of a complaint cannot be completed in this period, the individual or entity investigating the report shall notify the complainant and the alleged offender that an extension is required. However, at no time shall an investigation exceed twenty business days after receipt of the initial complaint. Upon completion of the investigation, the individual or entity that has conducted the investigation shall, within five business days, provide a written response with its findings to the complainant and alleged offender.
 4. Under no circumstances shall the individual alleging harassment be required to file a complaint with or notify the alleged offender.
- Determination - Harassment Founded

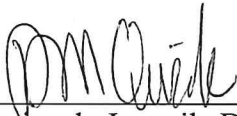
If it is determined that harassment has occurred, the findings will be known to the parties involved and may include disciplinary action up to and including termination.

- Determination – Harassment Unfounded

If it is determined that no harassment occurred, all parties involved will be notified of the findings.

F. Confidentiality

A complaint of harassment, its investigation, the outcome of the investigation, and any action(s) taken relating to a specific employee or employees shall be kept confidential to the extent possible. Dissemination of information will be limited to persons on a need-to-know basis to conduct an investigation or to implement disciplinary or corrective action.



Middle Peninsula Juvenile Detention Commission, Chairperson

Effective Date: 1/1/19

Section 11.1 Objective

The purpose of the Safety Program is to provide an environment in which employees can complete their assigned tasks with little to no personal injury or vehicle accident. The Safety Program is based on a sincere concern for the welfare and safety of our employees, youth, and visitors as well as on the belief that safety is an essential element of an effective and efficient organization. As such, safety is a basic requirement of everyone's job.

Section 11.2 Responsibilities

All Commission employees will be fully responsible for following the provisions of this program. The responsibilities listed below are a minimum and will in no way be construed to limit individual initiative to take additional action to reduce personal injury or vehicle accidents.

A. Administration shall:

1. Ensure that all staff who have permission to drive facility vehicles have their driving records reviewed upon hire and annually thereafter.
2. Ensure transportation staff participate in a defensive driving course every two years.
3. Ensure all employees are trained in, and comply with, the material safety data sheets (MSDS) and the Bloodborne Pathogen Exposure Control Plan.

B. Supervisors shall:

1. Ensure that each employee is fully trained to safely perform the job he or she is assigned to do.
2. Ensure that each employee is familiar with the published safety rules.
3. Conduct safety training meetings for employees as needed.
4. Make recommendations to the operations manager on appropriate personal protective equipment needed for the department.
5. Make recommendations to the operations manager on any additional department specific safety rules needed to protect employees performing particular jobs.
6. Correct or report to the operations manager any unsafe conditions that may exist in the work area.
7. Review all accidents that occur within the work unit, provide accurate information on the appropriate accident reporting forms and make recommendations on ways to prevent a reoccurrence of the accident.

C. Employees shall:

1. Report all unsafe conditions to their supervisor.
2. Report all accidents immediately to their supervisor.
3. Obey all published safety rules.

4. Operate only machines and equipment that they have been trained and authorized to operate by their supervisor.
5. Take an active part in the safety program.
6. Comply with the MSDS requirements.

Section 11.3 Safety Rules

The minimum safety rules are listed below. Each manager and supervisor must determine if additional rules are required to protect employees performing particular jobs.

1. Report all accidents to their supervisor immediately.
2. Keep all work areas clean and orderly at all times.
3. Do not engage in horseplay.
4. Wear protective headgear when working in areas where the potential of falling objects, head bumping, or electrical conduction exists.
5. Wear eye protection when working in areas where the potential of airborne debris, dust, flying particles, chips, chemicals, and injurious rays exists.
6. Wear hearing protection when working in areas where prolonged exposure to noise exceeding sound tolerance levels defined by law exists in accordance with the Occupational Noise Exposure Act Title 29 CFR 1910.95.
7. Wear safety shoes when working in areas where possible injury from articles that can be dropped from vehicle wheels, machines or nail puncture may occur .
8. Wear protective clothing such as gloves, sleeves, aprons, and long pants when working in areas where wounds and abrasions could occur.
9. Practice defensive driving techniques.

Section 11.4. Accident Reporting

All employees must report any accident involving property or vehicle damage, injury to the public, or injury to the employee to their supervisor immediately. When injury to an employee occurs, an "Employer's First Report of Accident" form must be completed, including required signatures, and submitted to the supervisor immediately and to the administrative services manager no later than the next business day of the accident. All other accidents and losses will also be reported to the supervisor immediately, and the proper forms shall be completed and submitted the same working day. The administrative services manager shall report all claims through the VMLIP website as soon as practicable.

Section 11.5. Accident Review

The operations manager or deputy director will investigate any accidents in their respective departments within two working days of the accident and make recommendations to the director on ways to prevent reoccurrence of injuries of a similar nature. The director will work with the employee's supervisor to obtain all the facts necessary to complete the investigation.

Section 11.6. Record Keeping

A record of all accidents shall be maintained for 5 years in compliance with OSHA requirements.

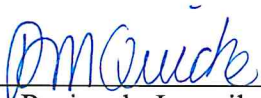
Certificates of insurance must be verified for all contractors who perform work on the premises.

Section 11.7. Inspections

Weekly and monthly inspections for health and safety will be made by designated persons. These inspections will include but not be limited to the following:

1. Exits are well-marked and accessible.
2. Presence of unexpired fire extinguishers,
3. Proper storage of flammable liquids.
4. Availability of Material Safety Data Sheets (MSDS) to employees.
5. Posted, published safety rules.
6. Good housekeeping practices.
7. Vehicle Inspection Forms

Recommendations to correct any deficiencies found during inspections shall be given to the operations manager for action within 30 days.



Middle Peninsula Juvenile Detention Commission, Chairperson

Effective Date: 1/1/19

Section 12.1 Applicability

This grievance procedure will be available to all employees of the Commission. However, this procedure shall not be available to employees on probation or temporary employees.

Section 12.2 Definition of Grievance

A grievance will be a complaint or dispute by an employee relating to his or her employment, including but not necessarily limited to (i) acts of retaliation as the result of utilization of the grievance procedure or participation in the grievance of another employee; (ii) complaints of discrimination on the basis of race, color, creed, political affiliation, age, disability, national origin or sex; and (iii) acts of retaliation because the employee has complied with any law of the United States or the Commonwealth, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly.

Section 12.3 Department Responsibilities

The Commission will retain the exclusive right to manage the affairs and operations of the Commission. Accordingly, the following complaints are non-grievable: (i) establishment and revision of wages or salaries, position classification or general benefits; (ii) work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content; (iii) the contents of ordinances, statutes or established personnel policies, procedures, rules and regulations; (iv) failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly; (v) the methods, means, and personnel by which work activities are to be carried on; (vi) the hiring, promotion, transfer assignment, retention, and termination of employees within the Commission; and (vii) the relief of employees from duties of the Commission in emergencies.

Section 12.4 Grievance Generally

Step One: Filing of Grievance/Administration Resolution

An employee wishing to file a grievance must first discuss the issue informally with his or her immediate supervisor. Even when discussions are ongoing, however, a written grievance must be presented to the Director within twenty calendar days of the event or action, giving rise to the grievance if it is not resolved informally. The written grievance must state the nature of the grievance, the facts in support of the claim, and the relief requested.

Step Two: Filed Grievance/ Determination of Director

The Director will meet with the employee within five workdays of the receipt of the written grievance. An individual of choice may accompany each. The meeting is not conducted as a hearing with arguments and cross-examinations; the purpose is for fact-finding. The meeting will

not be recorded. Individuals with pertinent information directly relating to the grievance may appear. Questions may be asked to clarify points or to explore other avenues of inquiry. After providing the information, the individual shall not remain in the meeting. The Director may speak with other persons outside of the meeting to get additional information.

The Director will give a written response to the grievance within five workdays of the meeting. The decision of the Director is final and binding.

Section 12.5 Grievance Against Director

An employee wishing to file a grievance against the Director must first discuss the issue informally with the Director and attempt to resolve the matter within 20 days of the alleged event or action giving rise to the complaint. If the employee and Director are unable to resolve the matter informally, then the employee may submit a written grievance to the Director within twenty calendar days of such meeting by email or first-class mail. Upon receipt, the Director shall provide such appeal notice to the Commission chair, and the Commission Executive Committee shall conduct the hearing at its next regularly scheduled meeting or as otherwise called by the chair. The written grievance must state the nature of the grievance, the facts in support of the claim, and the relief requested.


Both the grievant and the Director may call upon appropriate witnesses and be represented by legal counsel or other representatives at the hearing. Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or Director before the Executive Committee.

The decision of the Commission shall be final and binding.

Section 12.6 Determination of Grievability

For grievances against the Director, the decisions regarding grievability and access to the procedure will be made by the Chairman of the Commission any time prior to the Executive Committee hearing. A copy of the ruling will be sent to the grievant.

For all other grievances, the decisions regarding grievability and access to the procedure will be determined by the Director. A copy of the ruling will be sent to the grievant.



Middle Peninsula Juvenile Detention Commission, Chairperson

Effective Date: 1/1/19

Section 13.1 Petty Cash Fund

A petty cash fund will be maintained in an amount \$500.00. The fund will be maintained for the purpose of reimbursement of employees for incidental out of pocket expenses and for small miscellaneous purchases and emergency needs. Examples of authorized expenditures include, but are not limited to, travel/ training related meals, parking, tolls, registration, small purchase maintenance, office or activity supplies which are needed quickly or are not cost efficient to purchase through regular procedures. Whenever possible, purchases should be made through normal purchasing procedures.

Purchases and reimbursable expenses will not exceed \$200.00 for any single transaction.

The administrative services manager will be designated as the fund custodian. Reimbursements are made by check. A checking account shall be maintained for this purpose.

In order to receive reimbursement, an employee must present an invoice that includes the vendor's name, date, purchased item description, and the amount. Requests for reimbursement must be made on the appropriate form and submitted to the deputy director for approval. Upon receipt of an approved reimbursement, the director will issue a check per the authorization. In the absence of the director, the deputy director may issue the check.

Section 13.2 Juvenile Personal Property Cash Fund

When juveniles are admitted to secure detention, they sometimes have large amounts of cash in their possession. A bank account will be maintained for the sole purpose of holding cash funds of detained juveniles.

Upon admission to the facility, cash is accounted for and placed in a secured cash box. When the amount of cash on hand reaches \$100.00, a member of the administrative team and the administrative services manager remove the funds and deposit it into the checking account maintained for this purpose. Each party signs the cash log verifying the transaction. The fund custodian will do a monthly reconciliation of the account.

Reimbursements are made by check, logged on the juvenile's property sheet, and placed in the secure cash box. At the time of release, the juvenile and the releasing counselor sign the property sheet indicating the juvenile's receipt of the check.

In the absence of the administrative services manager, the director or the deputy director may issue the check.

13.3 Travel

A. **Authorization** : Employees may be required to travel out of the area when such travel is beneficial or necessary to the official business and to conduct the affairs of the Commission. The director must approve all travel.

B. Reimbursement of Expenses: Non-exempt staff traveling on business-related matters will be compensated as follows: Travel time will begin when the employee leaves the Center and end when the employee returns directly to the Center. Overnight travel will begin at the time of departure and end either when the employee completes the scheduled training/event for that day or when the employee arrives at the lodging (if no training is scheduled that day).

The Commission will reimburse employees for meals and incidental costs incurred while conducting Commission business by using the federal per diem rate for the travel destination. Per IRS guidelines, the day of travel and day of return for overnight travel will be reimbursed at 75% of the per diem rate. Overnight accommodations may be charged on the agency credit card and accompanied by receipts.

Once the employee has received authorization to travel, if advance funds are needed, the travel expense form must be submitted at least 15 working days in advance. The supervisor will be responsible for reviewing and verifying the required form and submitting it to the deputy director, who will authorize the expenditure. If advance funds are not needed, the travel expense form must be completed five business days after return with receipts and documentation. Reimbursement requests for meals or small miscellaneous expenses, such as tolls, do not need prior authorization.

If funds are due the Commission as result of an advance payment, a check must accompany the reconciled travel form. If funds are due the employee, a check in the proper amount will be written.

A copy of the conference/training brochure that provides details of meals and scheduled events must be submitted with the travel expense form.

C. Lodging: Generally, overnight lodging will not be approved for travel in the region. This includes the south side (Norfolk, Virginia Beach, Chesapeake, etc.) and the Richmond area. Exceptions may be made by the director.

Accommodations will generally be in the most economical motel/hotel near the business site, preferably at the state rate.

D. Meals: All approved travel expenses incurred by the employee will be reimbursed based on the percentage of per diem as established by the Commission.

20% - Breakfast

25% - Lunch

55% - Dinner

With the director's approval, lunch during a one-day conference or training is allowed at the lunch per diem rate if not included in the registration fee.

Reimbursement requests for meals will generally not require receipts but will be at the per diem rate. Expenditures may exceed the allowance when traveling to high cost areas. Expenses for

alcoholic beverages are not reimbursable. Meals must be in a setting appropriate for business and be business related.

E. Mileage: If possible, a Commission vehicle will be used for travel. However, if authorized in advance, mileage will be paid for the use of personal vehicles between the workplace and the destination or the employee's home and the destination, whichever is less. Reimbursements are paid at the state rate.

Items such as tolls, parking, and taxi or bus service are reimbursable with receipts.

13.4 Non-Travel Related Business Meals

Per IRS guidelines, reimbursements for meals are tax reportable income unless the meal qualifies as a "business meal." Business meals include if an employee is acting as an official representative of the Merrimac Center during a meal. These meals qualify if the employee is discussing business with employees of other agencies or with private consultants.

Also, excluded from tax reportable income are any occasional meals provided to an employee if it has so little value (taking into account how frequently you provide meals to your employees) that accounting for it would be unreasonable or administratively impracticable as determined by the director. The exclusion applies, for example, to the following items:

- Coffee, doughnuts, or soft drinks.
- Occasional meals or meal money provided to enable an employee to work overtime.
- Occasional parties or picnics for employees including throwing a holiday lunch, dinner, giving a traditional holiday ham, turkey, fruit basket, flowers, or similar item of small value.
- Events or meals associated with a declared emergency or evacuation of the Center.
- Refreshments for formal staff training events.
- Per diem meal payment for employees required to work more than 4 hours beyond the normal workday outside of the Center.
- An event or meal not listed above that has been approved in advance and in writing by the director.

13.5 Tax exempt

Merrimac Center is a tax-exempt agency. To every degree possible, agency representatives will obtain tax exempt purchases from all vendors. When tax exemption is unable to be obtained due to extenuating circumstances, a written explanation of the expense must be approved by the director. Effective use of staff time and resident circumstances will also be considered when approving tax expenses.

13.6 Procurement

Procurement Policy Statement:

The operations manager assists Commission staff in purchasing required goods and services in conformance with 16.1-318 of the Code of Virginia, the Virginia Public Procurement Act, and written policies and procedures issued by the Middle Peninsula Juvenile Detention Commission (MPJDC). Procurement transactions will be carried out in an effective, economical, open, fair and impartial manner. The goal is to ensure that the goods and services purchased are the proper quality, in the proper quantity, of the best value, and are received within a reasonable period. No employee will contractually commit the MPJDC for goods or services above \$5000 without having received prior written authorization from the Director. The operations manager will place orders for goods and services on behalf of the MPJDC except as otherwise delegated in the MPJDC Policy and Procedures Manual.

Procurement Function

The following individuals comprise the procurement cost center. Purchasing staff are located at 9300 Merrimac Trail, Williamsburg, Virginia and are available to assist staff in the procurement process.

Executive Director

757-887-0225, Voice Mail: 223

Deputy Director

757-887-0225, Voice Mail: 224

Operations Manager

757-887-0225, Voice Mail: 225

Buyers:

Administration

Administrative Services Manager

757-887-0225, Voice Mail: 221

Food and Food Supplies

Head Cook

757-887-0225, Voice Mail: 237

Maintenance, Repair, & Operations

Maintenance Specialist

757-887-0225, Voice Mail: 238

Technology

Technology Manager

757-887-0225, Voice Mail: 227

Supply/Receiving

The Merrimac Center is a secure facility with limited capability to receive goods/services during non-business hours. Arrangements must be made in advance to prevent deliveries and service contractors from being turned away during non-business hours.

Business Hours

8:30 a.m. – 4:30 p.m., Monday-Friday
Closed during 11 government holidays

Business Reception

Phone: 757-887-0225
FAX: 757-887-0340

Off Hours and Voice Mail

Duty Controller
Phone: 757-887-0225

Expense Authorization and Purchase Order Approval Limits

\$1000 and below:	Buyers
\$5000 and below:	Deputy Director and Operations Manager
\$50,000 and below	Executive Director
Over \$50,000	Commission Executive Committee (expenses may not exceed 3% of the Commission's budget)

Procurement Planning & Methods

The following method of procurement, depending on the type of purchase and the total estimated cost, will be used to buy goods and services. The following guidance is given to aid in planning.

Dollar- Limitation	Bid Requirements Processing Lead Times
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Professional Services (independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering. Also includes the services of an economist procured by the State Corporation Commission)

Less than \$1,000 Small Purchase (Immediate)
Charge card or submit request for payment expense form with receipts.

\$1,001 - \$15,000 One written or verbal quote

\$15,001-\$30,000 Two written or verbal quotes

\$30,001 - \$60,000	Solicit a minimum of three valid sources by phone or in writing
\$60,001 - \$80K	Solicit a minimum of three valid sources by fax with written description furnished by Commission or unsealed written quotation.
Over \$80K	Professional services must be procured by competitive negotiation.

Goods and services (other than professional services as defined above)

Less than \$1,000	Small Purchase (Immediate) Charge card or submit request for payment expense form with receipts.
\$1,001 - \$20,000	One written or verbal quote
\$20,000-\$40,000	Two written or verbal quotes
\$40,001 - \$70,000	Solicit a minimum of three valid sources by phone or in writing
\$70,001 - \$100K	Solicit a minimum of three valid sources by fax with written description furnished by Commission or unsealed written quotation.
Over \$100K	Goods, services other than professional services, and insurance maybe procured by competitive sealed bidding or competitive negotiation.

*The operations manager issues a purchase order when a written contract is required.

*The technology manager must approve requests for information technology hardware or software.

Other exceptions to competitive bidding or competitive negotiations

Purchasing without competitive bidding may be made in the following situations with proper approval.

- Sole Source. (Negotiated and documented)
- Emergency. Seek competition to the extent practical. Written determination signed by the director.
- Exemptions listed in Virginia Code Section 2.2-4343 et seq.
- Small purchases procedure

Delegated Purchase Authority:

Authority is delegated to buyers for the purchase of goods or services costing less than \$1000.00 if the buyer picks up, has delivered directly, and receives the invoice for the purchase. This purchase can also be made by the use of a request for payment form, or expense travel form.

Whenever the Center seeks to procure a service estimated to cost more than \$80,000, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the request for proposal, (RFP) including price if so stated in the RFP. Negotiations shall then be conducted with each of the offerors so selected. After negotiations have been conducted with each offeror so selected, the director shall select the fully qualified offeror which, in their opinion, has made the best value proposal in response to the RFP, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so stated in the RFP awards may be made to more than one offeror. Should the Center determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.

Procurement Terms

Back Ordered:

Portion of an order for goods not available for delivery by the vendor at the scheduled time and promised for delivery at a later date.

Best Value:

The overall combination of quality, price, and various elements of required goods and services that in total are optimal relative to the Center's needs. Purchasing shall use best value evaluation when procuring certain goods and nonprofessional services when it is in the best interests of the Center to allow factors other than price to be considered in making an award. The factors to be used in making the award and the numerical weighting for each factor are predetermined in a solicitation. Best value evaluation factors may include any of the following or other factors determined to be relevant by the director.

- Quality of the good or service;
- Operational costs incurred by the Center if the bid is accepted;
- Life-cycle costing;
- Reliability of delivery and implementation schedules;
- Maximum facilitation of data exchange and systems integration; Warranties, guarantees, and return policy;
- Vendor financial stability;
- Consistency of proposed solution with Center's planning documents and strategic direction; Quality and effectiveness of the business solution and approach;
- Industry and program experience;
- Prior record of vendor performance;
- Vendor expertise with projects of similar scope and complexity;
- Consideration of potential product acceptance by all user groups;
- Proven development methodologies and tools; and
- Innovative use of current technologies and quality results.

Bid:

A bid submitted by a prospective vendor in response to an invitation for bid (IFB) issued by a

purchasing authority; becomes a part of the contract upon acceptance by the appropriate authority.

Contract Administrator:

Commission employee designated in writing, to be responsible for the management of all facets of a contract to ensure the contractor's performance is in accordance with the contractual commitments and that obligations of a contractor under the terms and conditions of the contract are fulfilled.

Emergency:

An occurrence of a serious and urgent nature that demands immediate action, usually affecting a threat to health, welfare, or safety.

Goods:

Material, equipment, supplies, printing, and automated data processing hardware and software.

Invitation for Bids (IFB):

A document, containing or incorporating by reference the specifications or scope of work and all contractual terms and conditions, that is used to solicit written bids for a specific requirement for goods or nonprofessional services.

Non-Professional Services:

Any services not specifically identified as a professional service.

Professional Services:

Work within the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, dentistry, law, medicine, optometry, pharmacy, or professional engineer. The procurement of such services shall be accomplished by competitive negotiation in accordance with the applicable provisions of the Virginia Public Procurement Act.

Proprietary Article:

An item produced and marketed by a person or persons having the exclusive right to manufacture and sell it.

Public Contract:

An agreement between a public body and a governmental or nongovernmental source.

Purchase Order:

An official written document to a vendor formalizing all the terms and conditions of a proposed transaction, such as a description of the requested item(s), delivery schedule, terms of payment, and transportation. A form of public contract.

Quote:

A statement of price, terms of sale, and description of goods or services offered by a vendor to a prospective purchaser; may be non-binding if solicited to obtain market information for planning

purposes.

Request for Proposals (RFP):

All documents, whether attached or incorporated by reference, utilized for soliciting proposals; the RFP procedure requires negotiation with offerors (to include prices) as distinguished from competitive bidding when using an invitation for bid.

Requisition:

A formal written request for something that is needed.

Services:

Work performed by an independent contractor where the service does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials and supplies.

Sole Source:

A product or service that is practically available from one source.

Surplus Property:

Property that is excess to the needs of the Commission and is no longer required.

Used Equipment:

Equipment that has been previously owned and used and is offered “where is” “as is.”

General Information

Law of Agency:

Purchase order and contract authority is delegated to specific individuals within the Commission staff. Unauthorized expenditures above \$1000.00 may not be paid by the organization, causing the individual who placed the order to be personally responsible for payment of the invoice or the return of the goods.

Vendor Visits:

Vendors will contact personnel in an attempt to sell their products. Caution should be exercised to ensure the Commission is not committed to the purchase of any product or service without first following this guide. See Law of Agency.

Vendor’s Contract Form:

If you are asked to sign a vendor’s contract form, please forward that form to the operations manager for review regardless of the dollar value of the intended purchase. It may contain terms and conditions contrary to state law.

Splitting Orders:

Splitting orders of like items to circumvent competition or exceed one’s delegated authority is prohibited.

Requisitioning Goods & Services:

E-mail requests for goods and services to the appropriate buyer; administration, food & food supplies, technology, or maintenance, repair, and operations with descriptions, quantities, etc. Send an information copy to the administrative services manager.

Purchase Order:

Purchase order is prepared and original is sent to the vendor, second original is sent to the administrative services manager, and the third becomes part of the procurement file.

Receipt and Inspection of Goods/Services:

Goods may be mailed or delivered directly to the buyer or end user. The receiver should check the delivery according to the delivery/service documents, and inspect for compliance with specs, damage, and missing items. Report problems immediately to the administrative services manager who will handle disputes, returns and other actions with the vendor. Buyers and end users should not sign questionable delivery or service documents. To avoid delay in paying invoices for goods and services received, the receiver should promptly forward all proof of delivery/service receipts to the administrative services manager.

Prompt Payment:

Under the Virginia Prompt Payment Act, the Commission is required to pay invoices within 45-days. The time begins with the receipt of goods/services or the vendor's invoice whichever is received later. Invoices and delivery/service documents will be matched and forwarded to the administrative services manager for payment.

Violation of Procedures:

Violation of the procedures in this guide and formal purchasing procedures could result in a loss of delegated authority or other disciplinary action, up to and including termination.

Excess, Scrap, Waste, Worn or Surplus Equipment/Material:

The operations manager reviews requests, recommends a method of disposal, and forwards the information to the director. Once approved, the operations manager arranges for disposal, pick up, etc. and coordinates the disposal with the Merrimac Center staff, as appropriate.



Middle Peninsula Juvenile Detention Commission, Chairperson

Effective Date: 1/1/19