

## CHAPTER 5

### EMPLOYEE BENEFITS

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Chapter 5  
Employee Benefits

Section 5.1    Policy - General

It is the policy of James City County to provide employee benefits that complement the County's values and strategic direction, that help meet certain needs of County employees and their families, and that help the County to attract and retain quality employees. The County strives to offer high quality benefits, at a reasonable cost to both employees and the County, which prove valuable and useful to employees. The County will communicate the availability of these benefits to eligible individuals and will provide assistance in understanding and using them.

Section 5.2    Eligibility - General

The benefits contained in this chapter are available to all employees in full-time permanent and limited-term positions. Benefits are also available to employees in part-time permanent and limited-term positions, to former employees and retirees, and to employees in temporary positions where specifically indicated in the policy. Eligibility of employees in other positions varies by department and is recorded in the Human Resource Department.

Section 5.3    Holidays

The County observes the following eleven designated holidays:

New Year's Day	January 1
Lee/Jackson/King Day	3rd Monday in January
George Washington's Birthday	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	Friday following Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25

The Board of Supervisors may declare any other day an additional holiday.

- A. Eligibility. Employees in part-time permanent and limited-term positions are eligible for paid holidays or compensatory leave in the amount of their monthly sick leave accrual rate.

B. Observance of Holidays

1. If a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday; if a holiday falls on a Sunday, the following Monday shall be observed as the holiday. County operations which are open on holidays shall observe the actual holiday for purposes of holiday pay.
2. If an observed holiday falls on a day an employee is not otherwise scheduled to work, the employee shall earn compensatory leave in the amount of his monthly sick leave accrual rate for the observed holiday. In cases where this would present a hardship because of workload, the department manager may authorize payment in lieu of the compensatory leave if the budget permits.
3. An employee who is on approved leave with pay during a period in which a holiday falls, shall not be charged leave for the observed holiday.
4. An employee who is on military leave with pay during a period in which a holiday falls shall not receive any additional pay or compensatory leave for the holiday.
5. An employee forfeits eligibility to be compensated for the holidays observed by the County unless the employee works the last scheduled work day before the holiday and the first scheduled work day after the holiday. The forgoing does not apply to employees who are on authorized leave with pay.

C. Working on Holidays

1. If an employee is required to work on an observed holiday, he shall receive holiday pay as outlined in Chapter 4, Section 4.12.
2. Certain employees who are called to work on a County-observed holiday on which they are not scheduled to work may be eligible for premium pay as outlined in Chapter 4, Section 4.14.

Section 5.4 Leave

- A. Policy Statement - James City County recognizes the importance of balancing the productivity needs of the County with the needs of County employees and their families by providing employees with time away from work. It is the policy of the County to provide employees with continued income and benefits during certain approved absences of specified durations.
- B. Eligibility - Employees in part-time permanent and limited-term positions are eligible for leave on a pro-rated basis.

- C. Definition of Immediate Family - The immediate family is defined as: spouse, parent, ~~spouse's parent~~, son, daughter, brother, sister, grandparents, grandchildren, step-children, step-parents, guardian, ~~spouse's parent~~, and any persons residing in the same household as the employee.
- D. Family and Medical Leave Act (FMLA) of 1993 - is a Federal law which guarantees employees who have worked for the County at least 1,250 hours in the previous 12 months, up to 12 weeks away from work ~~during a fiscal year~~ for the purposes outlined below. An employee must use the appropriate type of leave during the absence. An employee who is absent under the FMLA will retain his employee benefits. Upon returning to work, the employee will return to the same job or a job with equivalent status, pay, and benefits.
1. Purpose - FMLA protects employees' jobs and benefits for specified periods of time, if they are absent from work because of:
    - a. the birth of a child and the care of that child;
    - b. the adoption or foster care placement of a child with the employee;
    - c. the need to care for a spouse, child, or parent with a serious health condition; or
    - d. the serious health condition of the employee that makes the employee unable to perform the essential functions of his position.
  2. Definition - For purposes of this policy, a week is defined as the annual authorized hours of the employee's position divided by 52.
  3. Employee Requirements - An eligible employee wishing to take time off for one of the purposes listed in 1. above must comply with certain requirements. An employee must:
    - a. inform his supervisor that he is requesting leave under the FMLA and of the purpose of the leave;
    - b. work with his supervisor to identify the type of County leave(s) which will be taken during the FMLA absence;
    - c. provide medical certification of the situation necessitating the absence and a date on which the employee can be expected to return to work; ~~on a form provided by the County;~~
    - d. keep the supervisor informed of the status of the absence, including any change in the circumstances for which the leave is being taken, and the employee's intent to return to work; and
    - e. provide a fitness for duty certification from a physician before returning to work if the leave was taken for the employee's own serious health condition.

4. Supervisor Responsibility - If an employee requests leave for one of the purposes listed in 5.4.D.1 above, the supervisor may inform the employee that it qualifies under FMLA and ask the employee to follow the requirements covered in 5.4.D.3 above. The supervisor shall inform the employee who has requested or taken leave under FMLA, in writing, of his rights and responsibilities.
- E. Types of Leave - The County offers the following types of leave. A brief summary of purposes for which leave may be used is listed below. For more details, see individual subsections.

Annual Leave	Any purpose.
Sick Leave	Personal doctor appointment, illness, or short-term disability.
	Immediate family member doctor appointment or illness <del>(three days per fiscal year)</del> .
<del>Personal</del> <u>Funeral</u> Leave	Death or life threatening illness of immediate family member <del>(three days per incident)</del> .
Civil Leave	Serving on a jury.
	Attending court as a witness under subpoena.
Military Leave	National Guard or reserve member to engage in annual active duty for training or called forth by Governor during a disaster <del>(15 days per Federal fiscal year)</del> .
School Leave	Meet with teachers, attend school functions, or do volunteer work in any public or private school grades K-12 <u>or a licensed preschool or daycare center</u> <del>(eight hours per fiscal year)</del> .
Leave Without Pay	Unpaid absences from work.

1. Annual Leave - may be used by an employee to provide paid absences for any purpose.

a. Accrual -

- 1) *New employees will have available up to the equivalent of five (5) months of annual leave accrual upon employment. The leave will be available immediately and leave ~~accrual will begin in~~ not used will be credited to the employee's annual leave balance at the beginning of the sixth (6th) month.*

- 2) *Beginning in the sixth (6) month of employment*, annual leave shall be accrued in accordance with the chart below:

Monthly Accrual Rate			
Annual Authorized Hours	< 5 years of service	5<15 years of service	≥ 15 years of service
< 261	1	1.5	2
261-520	2	3.0	4
521-780	3	4.5	6
781-1,040	4	6.0	8
1,041-1,300	5	7.5	10
1,301-1,560	6	9.0	12
1,561-1,820	7	10.5	14
1,821-2,080	8	12.0	16
2,081-2,340	9	13.5	18
2,341-2,600	10	15.0	20
2,601-2,860	11	16.5	22
>2,860	12	18.0	24

- 2) The maximum amount of leave that an employee may accumulate is the amount of leave he can earn in a two-year period.
- 3) The employee's leave balance must be within the maximum accumulation amount on July 1 of each year or the excess shall be forfeited.

b. Payment for Accumulated Leave Upon Separation from Employment

- 1) *No payment shall be made for any unused portion of annual leave if an employee leaves employment within the first five months.*
- 2) Employees shall receive the monetary equivalent of their annual leave balance up to the annual maximum accumulation *except as noted in item one (1) above*. If two weeks' notice is not given by an employee, the equivalent of one day shall be deducted from the leave payments for each day that the employee failed to give notice of termination up to a two-week maximum. Exceptions may be made by the department manger.

2. Sick Leave - may be used by an employee to provide paid absences for health-related reasons as outlined below. Accumulated sick leave provides continued income for employees during periods of disability.

a. Purpose - Sick leave provides paid absences for the following reasons:

- 1) A personal illness, injury, and/or disability not incurred in the line of duty, which incapacitates the employee from being able to perform assigned duties;
- 2) Appointments for examination and/or treatment related to health when approved in advance by the department manager and when such appointments cannot reasonably be scheduled during nonwork hours.
- 3) An illness or appointment for examination and/or treatment related to the health of an immediate family member requiring the attendance of the employee and approved by the department manager, not to exceed ~~three (3)~~ *twelve (12)* days per fiscal year. Use of additional sick leave requested in excess of the permitted allowance may be approved if recommended by the department and approved by the Human Resource Manager.

b. Accrual

1) Sick leave shall be accrued in accordance with the chart below:

Annual Authorized Hours	Monthly Accrual Rate
< 261	1
261-520	2
521-780	3
781-1,040	4
1,041-1,300	5
1,301-1,560	6
1,561-1,820	7
1,821-2,080	8
2,081-2,340	9
2,341-2,600	10
2,601-2,860	11
>2,860	12

2) There is no limit to the amount of sick leave an employee may accrue.

- c. Payment for Accumulated Leave Upon Separation from Employment - Employees with two (2) years or more of continuous service with the County shall be compensated for their sick leave balance at the rate of one hour's pay for every four hours of accrued sick leave or \$1,000 *the maximum amount listed below*, whichever is less. If two weeks' notice is not given by the employee, or if the employee is discharged for disciplinary reasons, sick leave payments shall be forfeited. Exceptions may be made by the department manager.

<i>Years of Service</i>	<i>Maximum Payment</i>
<i>2 – 14</i>	<i>\$1,000</i>
<i>15 – 24</i>	<i>\$2,500</i>
<i>25 or more</i>	<i>\$5,000</i>

- d. Sick Leave Bank - Employees may elect to pool accumulated sick leave into a sick leave bank for the purpose of providing participating employees additional leave for extended illness or injury. Such a bank shall be administered by employees, supported by employees, and shall cease to exist should there be insufficient employee interest.
3. Personal Funeral Leave - may be used by an employee to provide paid absences upon the death of a member of an employee's immediate family ~~or upon the life threatening illness of a member of an employee's immediate family which requires the employee's attendance.~~
- a. Amount of Leave - ~~Personal~~ Funeral leave, if requested by the employee, shall be granted by the supervisor for up to three (3) days per death ~~or life threatening illness which requires the attendance of the employee of an employee's immediate family member.~~ Exceptions may be granted by the department manager.
4. Civil Leave - may be used by an employee to provide paid absences while serving on a jury, or attending court as a witness under subpoena.
- a. Compensation - An employee compensated for civil duties, as by jury or witness fees, shall either take annual or compensatory leave, or turn over compensation received to the County.
- b. Exclusion - In those circumstances where a County employee is acting as an expert witness in a court proceeding which is not directly related to his duties for the County, the employee shall be charged annual or compensatory leave or leave without pay.

5. Military Leave - may be used by an employee who is a member of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia to provide paid absences of up to fifteen days per Federal fiscal year during which he is engaged in annual active duty for training, or when called forth by the Governor during a disaster.

a. Special Circumstances - Employees who are members of the forces listed above and are involuntarily called to Federally funded military active duty shall receive the following:

1) A Military Pay Differential in the amount of the difference between the employee's military base pay plus basic allowances for housing and subsistence, and the employee's regular County base pay. If the employee's military pay plus allowance exceeds the County pay, no differential shall be paid.

2) Up to one year's accrual of sick and annual leave credited to the employee 30 days after return to employment. Exceptions may be granted by the County Administrator.

*(This section shall expire on 6/30/200~~4~~5.)*

6. School Leave - may be used by an employee to provide paid absences to perform volunteer work in a school, to meet with a teacher or administrator concerning the employee's children, step-children, or children over whom the employee has custody, or to attend a school function in which such a child is participating. School leave may be used for these purposes in a public or private elementary, middle, or high school, *or a licensed preschool or daycare center.*

a. Amount of Leave

1) Employees in full-time permanent and limited-term positions may take up to eight (8) hours of School Leave per fiscal year.

2) Employees in part-time permanent and limited-term positions may take up to the number of hours of their monthly sick leave accrual rate per fiscal year.

7. Leave Without Pay - may be used by an employee to provide unpaid absences for a variety of reasons outlined below including any mutually agreeable reason.

a. Purpose - An employee shall be on leave without pay under the following circumstances:

- 1) Approved absence for which the employee has insufficient accrued leave, or for which the employee elects, with the concurrence of the department manager, not to use accrued leave.
- 2) Absences authorized as a condition of employment; or
- 3) Unapproved absence from the job during a scheduled work period;

b. Other Benefits and Conditions of Employment

- 1) Sick and annual leave shall not be earned for any pay period during which an employee takes leave without pay that is not approved prior to use or which exceeds one full work day.
- 2) An employee's *first* performance increase ~~date~~ *after returning to work* shall be ~~deferred one calendar month~~ *pro-rated* for each period of thirty (30) consecutive calendar days the employee is on leave without pay. ~~If the performance increase date is not changed, the first performance increase after the employee returns to work shall be prorated.~~
- 3) The County shall pay its share of County health and life insurance premiums, and for up to three (3) months of long-term disability premiums during approved leave without pay unless otherwise provided in writing to the employee.
- 4) Should an employee fail to return to work by the date the employee agreed to in writing, the County Administrator 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 Act, Chapter 5, Section 5.4.D of this Manual. An employee who accepts employment elsewhere while on leave without pay, unless approved, shall be considered to have terminated employment with the County without notice as of the original date the leave was begun.

Section 5.5 Health Related Benefits

- A. Policy Statement - James City County recognizes the importance of the physical and mental health of employees and their dependents to the employees' quality of life and productivity at work. It is the policy of James City County to provide employees with assistance to care for their physical and mental health.

B. Health Insurance

1. Group Health Insurance Plan - The County shall provide at least one group health insurance option.

2. Eligibility and Cost

a. Employees in full-time permanent and limited term positions, their spouses, and dependent children are eligible for group health insurance coverage. The County shall pay at least a portion of the cost of the group health insurance coverage for active employees.

b. Retirees, at least 50 years of age, who have worked for the County for at least 15 years or who have worked for the County fewer than 15 years but have retired because of a line of duty injury, are eligible to continue group health insurance for themselves and their dependents until they are eligible for Medicare, if they elect to participate prior to leaving County employment. The County bears none of the cost for this coverage.

c. Employees who are terminating employment or reducing their hours to part-time may elect to continue the group insurance coverage for themselves and their dependents at that time. This option is available only for as long as the employee or eligible family member is not covered by another group plan and only for designated periods of time. The County bears none of the cost of this coverage and an administrative charge is added to the premium.

3. Medicare - Both the County and the employee contribute to the Medicare account of employees in full-time and part-time permanent, limited-term, temporary, and on-call positions as required by law. All questions regarding Medicare coverage should be directed to the Social Security Administration.

C. Employee Assistance Program - The County shall offer a program to provide confidential counseling and referral services.

1. Eligibility - Employees in full-time and part-time permanent and limited-term positions, their spouses, and dependent children are eligible for counseling and referral services.

2. Cost - The County shall bear the cost of short-term counseling and referral services. The Employee Assistance service provider shall refer the employee and dependents to an affordable community resource, including coordination with the employee's health insurance plan, for longer-term counseling.

- D. Fitness Program - The County shall assist employees in accessing at least one fitness center and in obtaining educational materials on wellness.

Section 5.6 Retirement, Long-Term Disability and Life Insurance

- A. Policy Statement - James City County recognizes the importance of income after retirement and in the event of disability, and the financial needs of surviving family members in the event of death. It is the policy of the County to assist employees in meeting these needs through financial contributions to retirement and insurance plans or by providing group plans in which employees may choose to participate at their own expense.
- B. Retirement - James City County believes that an employee is best served by having retirement income from more than one source. It is the policy of the County to contribute towards Social Security (FICA) and the Virginia Retirement System (VRS), on behalf of the employee. The County also provides an IRS Section 457 Deferred Compensation Plan to which the employee may choose to contribute.
  - 1. Social Security (FICA) - Both the County and the employee contribute to the social security account of employees in full-time and part-time permanent, limited-term, temporary, and on-call positions as required by law. All questions, including those regarding estimated retirement income, account balances, and the like, should be directed to the local Social Security Administration Office.
  - 2. VRS Service Retirement - The VRS provides an employee with retirement benefits if the employee is at least 50 years old and has at least five (5) years of contributions in the VRS. The amount of retirement benefits varies based on factors such as years of covered service, age upon retirement, and salary. The County pays the full cost of the VRS contribution for the employee.
  - 3. Deferred Compensation - The County sponsors a deferred compensation plan to allow County employees to save a portion of their pretax salary for retirement purposes. The plan is voluntary and is administered in accordance with appropriate Federal and State laws. Employees in full-time and part-time permanent and limited-term positions are eligible to participate.
- C. Long-Term Disability - The County recognizes the employee's need for income during a long-term disability of a temporary or permanent nature.
  - 1. VRS Disability Retirement - Provides an employee with disability retirement if the employee becomes mentally or physically unable to perform the employee's present duties, the disability is likely to be permanent, and the employee is under age 65. Employees are eligible

from the first day of employment, provided the disability did not exist at the time of employment, and regardless of whether the cause of the disability is work-related or is compensable under Workers' Compensation. The County pays the full cost of the VRS contribution for the employees.

2. Long-Term Disability Insurance - Provides an employee with payments after the employee is out of work for a specified period of time, and is unable to perform the employee's present duties. The disability need not be permanent, and rehabilitation services are provided. Payments are coordinated with other employee income. The County pays at least a portion of the cost of coverage for the group long-term disability coverage.

D. Life Insurance

1. VRS Standard Life Insurance - Provides payment to an employee's designated beneficiary in the event of the employee's death or to the employee in the event of his dismemberment. A medical examination is not required in order to be covered by this insurance. The County pays the full cost of the coverage. The insurance continues at a reduced amount for employees who retire and receive VRS payments and may be converted to an individual policy by employees who are terminating employment.
2. VRS Optional Life Insurance - 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 5.7 Workers' Compensation

A. Policy Statement

When an employee experiences an employment-related injury or illness as defined in the Workers' Compensation Act of the Virginia Code, the County provides medical reimbursement lost wage payments, and fixed awards as outlined in the Code. The County also provides a salary supplement to help offset the difference between the lost wage payment and the employee's normal net pay, after taxes. Where the injury or illness is outside the scope of the Code, employees are encouraged to contact the Human Resource Department to determine what other benefits may apply.

B. Eligibility

Employees in full-time and part-time permanent, limited-term, temporary, and on-call positions are eligible for workers' compensation benefits.

Section 5.8 Tax-Related Benefits

- A. Policy Statement - James City County recognizes the value of paying certain expenses outlined in IRS Code Section 125 with pretax dollars. It is the policy of the County to offer such opportunities where there are a sufficient number of interested employees.
- B. Pretax Health Insurance Premiums - Also called Premium Conversion, allows employees who pay a portion of their County-sponsored group health insurance plan premiums to pay them before taxes. Employees are automatically enrolled unless they waive participation.
- C. Reimbursement Accounts - Also called Flexible Spending Accounts, allow employees in full-time and part-time permanent and limited-term positions who enroll in the program to pay for eligible health care or dependent care expenses with pretax dollars on a reimbursable basis.

Section 5.9 Credit Union

Employees in full-time and part-time permanent, limited-term, temporary, and on-call positions and members of their families are eligible to join any credit union with which James City County is affiliated and receive the membership benefits available.

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