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ISLE OF WIGHT COUNTY, VIRGINIA

POLICY MANUAL

Revised September 17, 2020

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CHAPTER 1: PERSONNEL

ARTICLE I - General Provisions

(Revised December 15, 2005, May 21, 2015, July 1, 2020)

Section 1.0 - General Principles

The Personnel Policies and Procedures Manual of Isle of Wight County, Virginia contains policies and procedures governing employees of Isle of Wight County. It states the County's policies and procedures to be followed with regard to employment, compensation, promotion, demotion, dismissal and all other activities dealing with personnel which are deemed necessary in order to clarify the County's and the employee's relative position in the Personnel Management System.

Section 1.1 - Administration

The Board of Supervisors and the County Administrator are empowered under the Statutes of the Commonwealth of Virginia to establish departments, to employ personnel and to set salaries. These regulations are intended to cover all facets of the County's Personnel Management System in accordance with that grant of authority. The County Administrator shall be responsible for administering the Personnel Management System and maintaining a modern personnel management program and related personnel records.

The County Administrator is the County's Chief Personnel Officer and the duties of this position may be delegated. The County Administrator shall be responsible for the daily administration of the Personnel Management System, including, but not limited to, the Classification Plan, Compensation Plan and the Performance Appraisal System.

The County Administrator may, from time to time, promulgate specific administrative regulations governing the administration of the County's Personnel Management System. Employees should confer with the County Administrator's office to determine the existence of an administrative regulation on a specific matter prior to taking any action.

Section 1.2 - Equal Employment Opportunity Policy

(Revised December 15, 2005, May 21, 2015, July 1, 2020)

Isle of Wight County maintains and promotes equal employment opportunity in all phases of employment and personnel administration in accordance with State and Federal laws, executive orders and regulations. No officer or employee of the County shall discriminate against any employee or applicant for employment with regard to recruitment, application, appointment, assignment, performance evaluation, training, working conditions, promotion, demotion, discipline, lay-off, discharge, retirement, or any other aspect of employment on the basis of race, color, sex (including pregnancy, as well as childbirth and related medical conditions, including lactation, sexual orientation, and gender identity), religion, national origin, age, disability, marital status, veteran status, genetic information, or other non-job related characteristic protected by applicable law.

Americans With Disabilities Act (ADA) and Americans with Disabilities Amendments Act (ADAAA) Provisions

It is the policy of Isle of Wight County to comply with the Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) prohibiting discrimination against applicants and employees with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position. It is the policy of Isle of Wight County to comply with all federal and state

laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the policy of Isle of Wight County to prohibit discrimination against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment. Employees and applicants with disabilities requesting reasonable accommodations to perform essential job functions should request such through the Human Resources Department.

Discrimination Protections for Pregnancy, Childbirth, and Related Medical Conditions

Isle of Wight County prohibits discharging or otherwise discriminating against an individual, including employees and applicants for employment, with respect to such individual's compensation, terms, conditions, or privileges of employment on the basis of pregnancy, childbirth, or related medical conditions (including lactation).

Any employee seeking a reasonable accommodation for pregnancy, childbirth, or related medical condition should request such through the Human Resources Department.

Isle of Wight County prohibits adverse action against an employee who requests or uses a reasonable accommodation. "Adverse action" includes failure to reinstate any employee to her previous position or an equivalent position with equivalent pay, seniority, and other benefits when her need for an accommodation ends. Likewise, Isle of Wight County shall not deny employment or promotion opportunities to an otherwise qualified applicant or employee because the employer will be required to make a reasonable accommodation to the known limitations of such applicant or employee.

No officer or employee of the County shall retaliate against any employee with regard to recruitment, application, appointment, assignment, performance evaluation, training, working conditions, promotion, demotion, discipline, lay-off, discharge, retirement, or any other aspect of employment because the employee has used or has participated in the County's grievance procedure, has complied with any law of the United States, or of the Commonwealth of Virginia, or 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, or has reported an incidence of fraud, abuse, or gross mismanagement to the Board of Supervisors, the County Administrator, the County Attorney, or other governmental authority.

Section 1.3 - Applicability

The service of the County shall be divided into the classified and the unclassified services. The provisions of the Personnel Policies and Procedures Manual shall be applicable to all classified employees of the County. Unclassified employees shall be exempt from all provisions of the Personnel System.

The unclassified service shall include:

a. County Administrator;

b. Constitutional officials and their employees;

c. members of boards and commissions;

d. volunteer personnel and personnel appointed to serve without pay;

e. consultants and retained counsel rendering professional service;

f. positions involving seasonal or temporary employment;

g. student interns and work-study employment;

h. contractual employees;

i. such other positions as may be designated by the County Administrator.

The classified service shall include all employees who work under all the rules, regulations, policies and procedures approved by the Board of Supervisors and administered by the County Administrator.

Elected officials may choose to have their employees included in the classified service.

Section 1.4 - Effective Date

This Personnel Policies and Procedures Manual shall become effective and in full force upon adoption by the Board of Supervisors.

Section 1.5 - Amendments

When, in the opinion of the County Administrator, reasonable change has occurred to warrant an amendment to the Personnel Policy and Procedures Manual, such an amendment shall be made with the approval of the Board of Supervisors.

Section 1.6 - Objectives and Scope

(Revised May 21, 2015)

The specific objectives of the County's Personnel Management System are:

a. to establish and maintain a sound classification and compensation plan which will attract and retain qualified employees

b. to assure fair treatment of applicants and employees in all aspects of personnel management without regard to race, color, religion, age, national origin, sex, disability, marital status, veteran status, genetic information, sexual orientation, or other non-job-related characteristic protected by applicable law

c. to maintain the compensation plan in a proper relationship with competitive pay practices in the labor market in which the County competes

d. to assure each County employee a performance review at specified intervals

e. to provide effective control of salary payments on a uniform basis

f. to furnish County management with a consistent and effective means of recognizing improved and outstanding performance

g. to recruit, screen, select and advance employees based on their ability, knowledge, and skills

h. to determine training needs to ensure quality performance and to enable employees to realize their maximum potential.

Section 1.7 - Interpretation

These regulations are intended to cover most personnel issues and actions for which the County Administrator is responsible. Those personnel issues and actions not specifically covered in this manual shall be interpreted by the County Administrator in keeping with the intent of these regulations.

ARTICLE II - Position Classification Plan

Section 2.0 - Definition

The Position Classification Plan is the official system of grouping positions into appropriate classes, including (1) the schematic index to the class specifications and (2) the class specifications.

a. For position classification purposes, a position is a group of currently assigned duties and responsibilities requiring the employment of one person. A position may be occupied or vacant.

b. A class is a group of positions (or one position) that: (1) has similar duties and responsibilities, (2) requires like qualifications, and (3) can be compensated equitably by the same salary grade.

c. The class title is the official designation or name of the class as stated in the class specification.

d. The schematic list of classes shall determine the salary grade for each class of positions with due regard to the salary grades for other classes, the relative difficulty, responsibility and characteristic duties of positions in the class, the minimum qualifications required, the prevailing rate paid for similar employment outside the County service and any other factors that may properly be considered to have a bearing upon the fairness and adequacy to the grade.

Section 2.1 - Creation of Class Specifications

Prior to the establishment of a new position, a job description covering the duties, responsibilities and minimum qualifications for the proposed position shall be developed. The position shall be assigned to one of the classes in the classification plan. If a suitable class does not exist, the County Administrator shall develop, or cause to be developed, a new class specification and shall recommend the new class to the Board of Supervisors for approval.

Section 2.2 - Maintenance of Plan

It shall be the duty of each department director to submit to the County Administrator's office new position descriptions for all affected positions each time there has been a reorganization of substantial change in the duties and responsibilities of one or more positions. Each time a new class is established; a class specification shall be written and incorporated into the existing plan. The class title shall be added to the Schematic List of Classes. Likewise, an abolished class shall be deleted from the classification plan by removing the class title from the Schematic List of Classes.

Section 2.3 - Interpretation of Class Specifications

The class specifications are descriptive and not restrictive. Particular phrases or examples of work performed should not be construed as a full definition of a class and the use of a particular description of duties, qualifications or other factors shall not be held to exclude others of similar kind or quality. The class specifications are intended to indicate the kinds of positions which shall be allocated to the classes established and are to be interpreted in their entirety and in relation to other positions in the classification plan.

Section 2.4 - Official Copy of the Position Classification Plan

The County Administrator shall be responsible for maintaining an official copy of the position classification plan.

The official copy shall include a schematic list of class titles and class specifications plus all amendments thereto. A copy of the official classification plan should be available for inspection by the public under reasonable conditions during business hours.

Section 2.5 - Classification Appeals

If an employee has facts which indicate that his/her position is improperly classified, he/she may request a classification review through the employee's department director. If deemed appropriate by the department director, a written request with a statement of justification shall be forwarded to the County Administrator. After a review of all pertinent data and information, the County Administrator shall decide on the proper classification for the position. If a change in classification is warranted, the County Administrator shall notify the employee and the department director and direct the appropriate records be changed to reflect the new classification.

ARTICLE III - Compensation Plan

(Revised October 7, 1999, April 7, 2005, December 15, 2005, April 18, 2006, June 1, 2006, April 16, 2015, October 1, 2015, July 1, 2016, July 1, 2017, July 1, 2018)

Section 3.0 - Definition

The compensation plan shall consist of a salary schedule and a schematic list of classes assigned to salary grades. When adopted by the Board of Supervisors, the compensation plan shall remain in effect until amended by the Board. The County Administrator shall submit modifications to the plan as deemed necessary and recommend those actions to the Board of Supervisors for approval.

Section 3.1 - Applicability

The compensation plan shall cover all classified employees.

Section 3.2 - Rates of Pay

(Revised April 7, 2005, April 16, 2015)

The rates of pay for County employees shall be in accordance with the salary schedule adopted by the Board of Supervisors. Generally, a new employee shall be paid between the minimum and midpoint of the salary range assigned for his/her class, depending on qualifications. The County Administrator has authority to make appointments above the midpoint when necessary to obtain the services of the best qualified candidate. Prior written approval from the County Administrator is required when a department director wishes to make an appointment above the first quartile of pay for the class.

When a regular full-time employee assigned to a 28-day cycle, as authorized within the 7k work period exemption within the Fair Labor Standards Act, within the Department of Emergency

Services transfers from a 24-hour schedule to a 40-hour schedule, or vice versa, for an assignment greater than 30 days, the employee’s rate of pay will be computed as follows. Computation of the hourly rate of pay will be made once the 30 days has been met, as follows:

1. When an employee is transferred from a 24-hour schedule to a 40-hour schedule or status the employee’s annual rate of pay is divided by 2,080 to provide the new hourly rate of pay.

2. When an employee is transferred from a 40-hour schedule or status to a 24-hour schedule, the employee’s annual rate of pay is divided by 2,756 to provide the hourly rate of pay.

Section 3.3 - Salary Increases

(Revised June 1, 2006, October 1, 2015)

The performance of regular full-time and regular part-time employees shall be reviewed annually. If funding is available, an employee may be entitled to a salary increase for successful job performance. Performance increases shall be awarded to employees in accordance with the County's performance evaluation system. Probationary employees are not eligible for merit-based salary increases during the probation period.

An employee's salary may not exceed the maximum of his/her pay range. Full-time employees at the maximum of their range, who would otherwise be eligible for a merit increase, will receive a payment for that portion of his/her merit increase which exceeds the maximum of the pay range. The payment will be made in four installments in the pay period nearest the following dates: July 1, October 1, January 1, and April 1. The payment will not be included in the calculation of VRS contributions.

Employee salary adjustments may be necessary on occasion to address internal salary compression, external pressure in high demand areas, and/or retention issues. Such equity adjustments to salaries require the approval of the County Administrator.

Section 3.4 - Overtime

(Revised October 7, 1999, April 16, 2015, July 1, 2017)

Overtime shall be authorized when regularly scheduled work hours exceed the Fair Labor Standards Act (FLSA) standards for the granting of overtime. The County Administrator shall designate those positions which are eligible for overtime pay and compensatory leave and those which are not eligible for such pay and leave in accordance with the standards of the Fair Labor Standards Act. The County Administrator shall develop administrative regulations pertaining to overtime and monitor compliance with the provisions of the Fair Labor Standards Act, which shall include the following:

a. Compensation time should be granted in lieu of overtime pay in all situations where possible. The accumulation of overtime should be discouraged and procedurally kept to a minimum, adjusting schedules and staffing to minimize the accumulation of overtime. For employees not assigned to a 28-day cycle, if hours over forty (40) in one work-week are reached, only those hours actually physically worked above forty (40) shall be paid at the rate of time and one half or compensation time granted, whichever agreed upon by the employee. If paid leave is taken during the workweek, the additional hours worked in excess of one's regular work schedule totaling forty (40) hours are paid at straight time or the paid leave time is credited back to the employee's leave balance(s), whichever agreed upon by the employee, to account for the leave taken.

b. All overtime must be approved in advance of occurrence by the employee supervisor.

c. Prior to disbursement of compensation, the Department Head must authorize the payment of overtime compensation.

d. Overtime pay will be disbursed as funds are made available through the budget adoption/amendment process.

e. Regularly scheduled overtime hours for fire protection employees will be paid at the overtime rate whether or not the employee physically works the hours. This rule only applies to fire protection employees as

defined in the Code of Virginia §9.1-700.

f. Department Heads, at their discretion, have the ability to allow flexibility in the scheduling of employee work hours within the same workweek. All hours must be tracked and reported for all non-exempt employees.

Section 3.5 - Compensatory Time Off

(Revised April 7, 2005, July 1, 2017)

Compensatory time off shall be awarded in lieu of paid overtime whenever possible. Each department shall be responsible for maintaining records of compensatory time and shall be required to verify overtime with said records. Department directors shall take the steps necessary to limit the amount of accumulated compensatory time. Department directors shall encourage employees to use accumulated compensatory time off prior to the end of the pay period in which it was accrued. Any existing unused compensatory time balances shall be zeroed out by the end of each fiscal year and paid out to the employee within the first month of each new fiscal year.

Section 3.6 - Maintenance of the Compensation Plan

(Revised October 1, 2015)

The County Administrator shall make, or cause to be made, a comparative study of all factors affecting the County's compensation plan. The study shall be undertaken every three to five years and shall consider rates of pay for comparable positions in public and private employment in the area, fringe benefits, cost of living to date, the County's financial condition and other pertinent factors.

In order to avoid the compounding of changes in cost of living over time and to remain competitive with market peers, the pay structure (pay ranges) and salaries shall be adjusted annually by a cost of living adjustment (COLA) equal to the consumer price index (CPI).

The County Administrator shall recommend changes to the compensation plan to the Board of Supervisors. The Board of Supervisors shall make changes to the compensation plan as appropriate.

Section 3.7 - Discretionary Time – Exempt Employees

Exempt employees are authorized reasonable amounts of discretionary time for extended periods of overtime, subject to prior approval of the employee's direct supervisor. Unlike non-exempt employees, exempt employees work the number of hours necessary to "get the job done", often more than 40 hours per week. Discretionary time for exempt employees is not a matter of right, never accumulated, and not intended to compensate hour for hour for extended work hours or late meetings. It is not used in lieu of, or in conjunction with, annual, holiday, or sick leave. It is intended to meet professional and personal needs which surface during the work day, usually not exceeding four (4) consecutive hours. This unstructured concept of discretionary time is in keeping with generally accepted standards and spirit of professional conduct, and is not a matter of entitlement.

Section 3.8 - Locally Funded Supplements and Pay Increases for Employees of Constitutional Officers *(Adopted April 18, 2006)*

Employees of Constitutional Officers not included in the County Pay and Classification Plan may receive locally funded supplements to the salary set by the State Compensation Board. Supplements will be set at a flat rate established by the Board of Supervisors and will not be included in the computation for Compensation Board established increases. Locally funded employees of Constitutional Officers not included in the County Pay and Classification Plan will be eligible to receive pay increases at the rate established by the Compensation Board

along with Compensation Board funded employees. Any local supplement received will be added as a flat amount to the adjusted salary.

Salary supplements will be allocated to specific positions and cannot be reallocated among other positions unless approved by the Board of Supervisors.

Section 3.9 - Saving Clause

(Adopted December 15, 2005)

It is the County's policy to comply with the salary basis requirements of the FLSA. Therefore, The County prohibits all County department heads from making any improper deductions from the salaries of exempt employees. The County wants employees to be aware of this policy and that the County does not allow deductions that violate the FLSA.

What To Do If An Improper Deduction Occurs

If an employee believes that an improper deduction has been made to his/her salary, it should be immediately reported to the direct supervisor, or to the Office of Human Resources.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

Section 3.10 - On-Call Compensation

(Effective July 1, 2016)

It is the County's policy to provide on-call compensation for non-exempt employees who are required to be available by telephone after regular working hours and to respond in a reasonable period of time when called to non-planned/non-scheduled work requiring the immediate attention of their department. Department Heads identify and the County Administrator approves those positions considered essential to County operations after normal working hours, thus eligible for on-call compensation, which shall be paid at the amount of one dollar ($1.00) per hour for each hour on-call outside of the employee's regular scheduled work hours and 24 hours on Saturday and on Sunday. Employees designated with an on-call duty status that are actually called out to work will receive a minimum of two (2) hours of pay for each time they are called out.

An employee who is on approved sick leave or annual leave for a full day would not be eligible for on-call compensation on that day. Time spent in on-call duty status shall not be counted as hours worked for the purposes of calculating overtime. Hours worked for the purpose of calculating overtime begins with the notification that work is required and when the employee's total hours worked for a work period exceeds the overtime threshold, the County's Overtime policy applies (Article III, Section 3.4).

Requirements for on-call duty are as follows:

a. Be available for immediate contact; and

b. Be able to personally report to the emergency or other designated location within one (1) hour of original notification or the reasonable response time as designed by the employee's Department Head; and

c. Be able to satisfactorily perform their duties, including complying with the County's Use of Alcohol and Controlled Substances Policy (Article XI, Section 11.4).

Employees who fail to comply with or meet any of the enumerated on-call duty requirements may be subject to disciplinary action up to and including termination.

Section 3.11 - Certified Paramedic Pay Differential

(Effective July 1, 2018)

It is the County's policy to provide a pay differential for non-exempt employees in the Emergency Services Department that are certified as a Paramedic by the Commonwealth of Virginia Office of Emergency Medical Services and are sanctioned by TEMS. The pay differential shall be $3,500 annually for full-time certified Paramedics and $1.68 per hour for part-time certified Paramedics. The pay differential shall commence upon employment if the new employee has the Paramedic certification and is TEMS sanctioned at the time of hire. If an employee obtains the Paramedic certification after beginning employment, the employee shall inform the Chief of Fire and Rescue and provide documentation of Paramedic certification and TEMS sanctioning. The Chief of Fire and Rescue shall review all documentation and ensure that the information is submitted to the Human Resources Department with a request for processing the pay differential for the employee effective with the nearest upcoming pay period.

ARTICLE IV - Conditions of Employment

(Revised November 6, 2000, April 7, 2005, December 15, 2005, February 2, 2006, October 16, 2006, March 1, 2007, June 14, 2007, October 16, 2014, November 20, 2014, October 1, 2015, August 18, 2016, July 1, 2019)

Section 4.0 - Employment Policy

The County Administrator is responsible for determining vacancies in the classified service and filling those vacancies with qualified personnel, maintaining personnel files and records, developing and recommending policies related to the personnel management function.

All recruiting, including the placement of job advertisements, shall be conducted consistent with County policies and procedures as described in Article X. Whenever possible, vacancies shall be filled through open competition except those instances where a department director seeks to fill the position by considering only internal applicants.

Section 4.1 - Employment of Immediate Family Members

(Revised February 2, 2006)

Members of an employee's immediate family will be considered for employment on the basis of their qualifications. However, immediate family members may not be hired if employment would:

- Create a supervisor/subordinate relationship with a family member;
- Have the potential for creating an adverse impact on work performance; or
- Create either an actual conflict of interest or the appearance of a conflict of interest.

This policy must be considered when assigning, transferring, or promoting an employee. For the purpose of this policy, immediate family members are defined as: spouse, parent, guardian, brother, sister, son, daughter, father-in-law, mother-in-law, grandparent, grandchild, step parent, step child or any other individual residing within the same household.

Employees who become immediate family members may continue employment as long as it does not involve any of the above. If one of the conditions outlined above should occur, attempts will be made to find a substitute position within the County to which one of the employees will transfer. If employees become immediate family members, the County will make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, or morale. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign. If the employees cannot make a decision, the County will decide at its sole discretion who will remain employed.

This policy does not apply to close relatives who already are employed by the County as of the effective date of this policy.

Section 4.2 - Standards of Employment

Applicants must meet the specifications of the position as defined in the classification plan. Other reasonable minimum standards for the position may be established by the County Administrator with the advice of the department director.

Section 4.3 - Promotion

(Revised October 16, 2006, October 1, 2015)

A promotion is defined as the graduation to a job with increased duties and responsibilities. A promotion shall be accompanied by an increase in compensation.

When an employee is promoted to a position in a higher class, his/her salary shall be increased by a minimum of five percent (5%) and/or have his/her salary be brought up to their new grade minimum (whichever is greater) so that internal equity of salaries within the classification can be preserved. Any additional salary increase above the minimum required requires approval by the County Administrator in instances of extenuating circumstances. Promotional salary increases shall be effective on the first day of the pay period.

Section 4.4 - Demotion

(Revised December 15, 2005; March 1, 2007, October 1, 2015)

A demotion is defined as the assignment to a position with a decrease in duties and responsibilities. When an employee is demoted he/she will be paid at a rate which is within the range of the lower position. The rate of salary reduction shall be at least five percent (5%) and/or his/her salary shall be no less than the new grade minimum. If the employee's resulting salary is above the maximum of the new salary grade, the employee shall be placed at the maximum of the new salary grade. The County Administrator may grant an exception to the salary decrease requirements when the pay grade reduction is in support of organizational objectives and is not a result of a disciplinary action, provided the employee’s salary does not exceed the maximum of the assigned pay range.

Section 4.5 – Reclassification

(Revised April 7, 2005, October 1, 2015)

Reclassification is not considered a promotion or demotion. A reclassification is defined as a change to the class title or the grade assigned to a particular class title due to changes in the scope of work performed, duties, or responsibilities assigned to the classification.

An employee whose position is reclassified to a higher salary grade shall receive a salary adjustment of a minimum of five percent (5%) and/or have his/her salary be brought up to their new grade minimum (whichever

is greater) so that internal equity of salaries within the classification can be preserved. When an employee's position is reclassified to a lower salary grade and his/her present salary is above the maximum for the lower grade, the employee shall be permitted to continue at his/her present rate (except in the event of a general service-wide reduction). The employee will not be entitled to a salary increase until salary grade adjustments allow for an increase within the new grade.

Section 4.6 - Transfer

(Revised November 6, 2000, October 1, 2015)

a. A transfer to a position in the same salary grade shall not result in an increase in pay.

b. A transfer from one County Department to another County Department or, from the Isle of Wight County Public School System, Department of Social Services and/or Isle of Wight Constitutional Officers employment, shall have their unused and uncompensated leave balances transferred and maintain their seniority, subject to the limitation for maximum time of leave allowed to be accumulated under County policy provided:

c. Not more than 30 days lapse of time between the date of termination from said Departments, Boards and Agencies to employment by the County.

d. The employee is a regular full-time employee who leaves the previous Department, Board or Agency in good standing.

e. The transfer or employment of said employee has been approved by the County Administrator or his designee and the leave balances do not exceed the maximum amount of time allowed to be accumulated under County policies.

Section 4.7 - Reinstatement

An employee who has been separated because of a reduction in force or who has resigned in good standing shall be eligible for consideration for reinstatement. Approvals of requests for reinstatement shall be the responsibility of the County Administrator upon receiving a recommendation from the department director.

Anniversary dates for reinstated employees shall remain unchanged, except when a reinstated employee has missed one full pay period or more from their position prior to reinstatement, in which case the anniversary date shall be amended to reflect the days missed to the nearest full pay period. If the reinstatement date is prior to the 15th of the month, the anniversary date shall be the 1st of the month.

If the reinstatement date is after the 15th of the month, the anniversary date will be the 1st of next month.

Section 4.8 - Types of Employees

(Revised February 2, 2006, October 16, 2014, July 1, 2019)

<u>Regular Full-Time Employees</u>

Those employees who are hired for an indefinite period of time without a stated limitation as to length of service and who are employed to work forty (40) hours per week or its equivalency.

<u>Regular Part-Time Employees</u>

Those part-time employees who are hired for an indefinite period of time, in excess of six (6) months, without a stated limitation as to length of service (other than continuation of program, position need and/or funding) and

who are employed to work a regular schedule of twenty-nine (29) hours per week or less.

Intermittent/On-Call Part-Time Employees
Those part-time employees who are hired for an indefinite period of time, in excess of six (6) months, without a stated limitation as to length of service (other than continuation of program, position need and/or funding) and who work as scheduled on an intermittent and/or on-call nature based on their availability and/or department needs for no more than twenty-nine (29) hours per week.

Temporary Full-Time Employees
Those employees who are hired for a stated length of service, season or project and who are employed to work forty (40) hours per week or its equivalency.

Temporary Part-Time Employees
Those part-time employees who are hired for less than six (6) months with a stated length of service, season or project and who are employed to work thirty-nine 39 hours per week or less.

Grant-Funded Employees
Those employees who are hired for a stated length of service, season or project and who are employed to work the number of hours stated in the grant application. Grant-funded personnel are not eligible to participate in the County's monetary fringe benefits unless specified and funded through the grant.

Section 4.9 - Probationary Period
(Revised June 14, 2007)

The probationary period shall be regarded as an integral part of the evaluation process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his/her position and for rejecting any employee whose performance is not satisfactory. For most employees the probationary period is six (6) months with the following exceptions:

New employees appointed to fire, emergency medical services, or dispatch positions shall serve a probationary period of twelve (12) months.

Section 4.10 - Termination
Probationary employees may be terminated from employment at any time during the probationary period, including any extensions thereof, at the discretion of management. The reason(s) for separation of any employee who is within the probationary period shall be reviewed with the employee.

Section 4.11 - Extension of Probationary Period
(Revised June 14, 2007)
Upon the recommendation of the department head and with the prior approval of the County Administrator or his/her designee, an employee's probationary period may be extended. A written request for an extension should be included in the Probationary Report specifying the length of the extension and the justifications. The extension period should not exceed six (6) months beyond the initial hire or promotion date.

Section 4.12 - Promotional Probationary Appointment
The probationary period shall be used in connection with a promotional appointment in the same manner as it is used in entrance appointments. If an employee is found to be performing in an unsatisfactory manner in his/her new position he/she shall be counseled by the supervisor. If an employee is not retained in a promotional

assignment, he/she may request reinstatement to the former position or similar class. Reinstatement requests shall be granted at the discretion of the County Administrator with a recommendation from the Director of Human Resources.

Section 4.13 - Probationary Period Evaluation

Before the end of the probationary period, the department director shall indicate in writing to the County Administrator or his/her designee:

a. that he/she has discussed the employee's accomplishments, strengths and weaknesses with the employee;
b. whether the employee is performing satisfactory work;
c. whether the employee should be retained in the position;
d. whether the employee, if a new appointee, should be dismissed;
e. whether the employee, if on probation following a promotion, should be reinstated in his/her former class or related class; or
f. whether the employee should have his/her probationary period extended.

Section 4.14 - Outside Employment

Paid employment in addition to an employee's County position is discouraged. While employed by Isle of Wight County, no employee may engage in other employment which presents a conflict of interest with his/her County position and/or which interferes with and detracts from the efficient and effective performance of the employee's duties with the County.

Employees who desire to accept a position in addition to their County position shall, upon request, submit a written report to their supervisor or department director detailing, at a minimum, the number of hours, type of work and the schedule of work. The department director's written permission shall be obtained prior to commencing additional employment.

An employee whose request for additional employment has been denied by the department director may appeal the decision by requesting a review and recommendation from the County Administrator. The County Administrator shall review the department director's reason(s) for denial, the employee's appeal and make a final determination.

Section 4.15 - Performance Evaluation

The County Administrator shall develop, or cause to be developed, a system for evaluating the work performance of classified employees. The purpose of the employee performance evaluation shall be to inform employees about how well they are performing their work and how they can improve their performance. The performance evaluation may also be used in determining salary increases; as a factor in determining order of lay-off; as a basis for training, promotion, demotion, transfer or dismissal; and for such other purposes as may be deemed advisable.

Section 4.16 - Period of Evaluation

Beginning with the date of original appointment or promotion, regular full-time employees shall be evaluated before the end of the probationary period. After employees have been taken off probationary status their performance shall be evaluated annually. Special performance evaluations may be conducted as necessary after the department director has consulted the County Administrator.

Section 4.17 - Evaluation

Evaluations shall be prepared by the immediate supervisor of each employee and reviewed by the appropriated department director. An employee in a supervisory position who is leaving a position shall submit performance evaluation forms on all employees under his/her supervision who have not been evaluated within the previous six-month period.

Section 4.18 - Review with Employee

Each regular full-time employee shall have the opportunity to review every evaluation made of him/her. Upon a review of the evaluation, the employee shall note in writing his/her comments concerning the evaluation.

Section 4.19 - Withholding of Salary Increase

A department director may withhold a salary increase based upon an employee's performance evaluation for a period not to exceed ninety (90) days. The decision to withhold a salary increase shall be made known to the employee in writing within ten (10) working days of the performance evaluation. The employee's performance shall be re-evaluated at the end of the withholding period and a determination made regarding the award of any salary increase. Salary increases which have been withheld shall not be made retroactive.

Section 4.20 - Appeal of Employee Evaluation

(Revised August 18, 2016)

All regular full-time and regular part-time employees who feel their performance evaluation was conducted unfairly have the right of appeal in accordance with the process as follows:

1. The employee shall submit a written statement outlining his/her concerns with the performance evaluation to his/her immediate supervisor.

2. The immediate supervisor shall discuss the employee's appeal with his/her department head.

3. The department head shall issue a formal written response to the employee denoting their findings and actions, if any. If the issue is not resolved to the employee's satisfaction by the department head, the employee shall submit a written statement outlining his/her concerns with the performance evaluation to the County Administrator. The County Administrator may delegate the handling of any meeting(s) and formal written response(s) to the Assistant County Administrator.

4. The decision of the County Administrator or his/her designee, which shall be issued as a formal written response to the employee, shall be final.

5. Employees are encouraged to contact the Human Resources Department for assistance in understanding the appeals process.

The time periods for the process shall correspond to the time periods applicable under the County's Grievance Procedure found in Chapter 1, Article VIII of the Policy Manual.

Section 4.21- Confidentiality of Evaluations

Performance evaluations shall be confidential and shall be made available only to (a) the employee being evaluated, (b) his/her supervisor or department director, or (c) the County Administrator and/or his/her designee.

Section 4.22 - Exit Interviews

An exit interview shall be conducted whenever possible and upon request of the employee or the department director when an employee terminates employment for any reason. The interview shall be conducted on or before the employee's last day of work during normal working hours, if possible. The interview shall be confidential between the employee and the staff member conducting the interview. Information resulting from exit interviews shall be released only in summary form to maintain confidentiality.

Section 4.23 - Administration

It shall be the responsibility of the County Administrator to monitor compliance with all conditions of

employment contained in this Article.

ARTICLE V - Leave Provisions

(Revised September 1, 2005, December 15, 2005, February 2, 2006, April 5, 2007, October 2, 2008, January 8, 2009, June 19, 2014, October 16, 2014, December 18, 2014, April 1, 2015, January 1, 2018, July 1, 2018, July 1, 2019, March 19, 2020, April 1, 2020, July 1, 2020)

Section 5.0 - Annual Leave

(Revised September 1, 2005, October 16, 2014, April 16, 2015)

All regular full-time employees of Isle of Wight County assigned to a forty-hour workweek shall accrue annual leave based on an eight (8) hour work day. All regular, part-time employees with regularly scheduled hours between twenty (20) to twenty-nine (29) per week shall accrue annual leave at a rate of four (4) hours per month. Leave shall be charged to the nearest quarter-hour increment. Eligible employees separating from County employment shall be compensated for unused annual leave in the subsequent pay period after termination.

All regular full-time employees assigned to a 28-day cycle, as authorized within the 7k work period exemption within the Fair Labor Standards Act, within the Department of Emergency Services shall have all leave charged on an hour for hour basis and shall accrue annual leave based on the equivalent of an eight (8) hour work day.

Section 5.1 - Calculated

(Revised April 5, 2007; June 19, 2014, April 16, 2015, January 1, 2018)

Annual leave for regular full-time employees, except those assigned to a 28-day cycle, shall be calculated at the end of each pay period in accordance with the following schedule based on the employee's total years of service paid into a state or local retirement system, or employed with Isle of Wight County:

Total Years Of Service	Hours Per Month	Days Per Year	Maximum
0 to 5	8	12	288 hours
5+ to 10	10	15	288 hours
10+ to 15	12	18	288 hours
15+ to 20	14	21	288 hours
20 or more	16	24	288 hours

Annual leave for regular full-time employees assigned to a 28-day cycle, as authorized within the 7k work period exemption within the Fair Labor Standards Act, within the Department of Emergency Services shall be calculated at the end of each pay period in accordance with the following schedule based on the employee's total years of service paid into a state or local retirement system, or employed with Isle of Wight County:

Total Years Of Service	Hours Per Month	Days Per Year	Maximum
0 to 5	11.2	16.8	403.2 hours
5+ to 10	14	21	403.2 hours
10+ to 15	16.8	25.2	403.2 hours
15+ to 20	19.6	29.4	403.2 hours
20 or more	22.4	33.6	403.2 hours

Regular full-time employees on leave without pay for more than half of the workdays per pay period will not accumulate annual leave hours for that pay period.

*Employees may exceed the maximum accrual amount of 288 hours (or 403.2 hours for those assigned to a 28-day cycle) during the fiscal year; however, no more than 288 hours (or 403.2 hours for those assigned to a 28-day cycle) may be carried over from one fiscal year to the next fiscal year. Any hours over 288 hours (or 403.2 hours for those assigned to a 28-day cycle) will be automatically added to the sick leave balance up to a maximum of eighty (80) hours (or one hundred-twelve (112) hours) per fiscal year.

Special Provisions for Fire Protection Employee Schedule Changes

1. When a regular full-time employee assigned to a 28-day cycle, as authorized within the 7k work period exemption within the Fair Labor Standards Act, within the Department of Emergency Services transfers from that 28-day cycle schedule to a 40-hour per week schedule or vice versa for an assignment greater than 30 days, his/her leave balances and hourly rate of pay will be converted.

2. Full-time employees assigned within the Department of Emergency Services accrue and charge all leave in accordance with applicable policy for the schedule to which assigned. In the event an employee is temporarily assigned to another schedule for less than 30 days, the leave accrued and leave charged will be adjusted to provide the same leave balance as if the employee had not been temporarily transferred. Such determinations are made on a case-by-case basis by the Chief of Emergency Services and the Director of Human Resources.

3. Annual leave is converted or adjusted when an employee is transferred from one schedule to another to provide the same leave balance value. When an employee is transferred from a 28-day cycle schedule to a 40-hour per week schedule, the employee's annual leave balance will be divided by 1.4 to give the adjusted balance. When an employee is transferred from a 40-hour per week schedule to a 28-day cycle schedule, the employee's balance will be multiplied by 1.4 to give the adjusted balance.

New Hires

New hires shall accrue annual leave for the month of initial hire according to the date of hire as follows:

Date of Month	Percent of Annual Leave Accrued
1st to 7th	100%
8th to 23rd	50%
24th to last	0%

Section 5.2 - Approval

(Revised June 19, 2014, April 16, 2015)

The earliest possible notice, preferably two weeks, of intent shall be given by any employee who is eligible to take annual leave. Annual leave taken without prior approval may not be paid.

Each department shall be responsible for the scheduling of annual leave of its employees and doing so without decreasing the operating efficiency of the department.

Employees shall be paid for unused accrued annual leave up to the allowed maximum of 288 hours (or 403.2 hours for those regular full-time employees assigned to a 28-day cycle, as authorized within the 7k work period exemption within the Fair Labor Standards Act, within the Department of Emergency Services) at the time of

retirement, resignation, termination, or death. In instances of reduction in force, an employee shall be paid for their actual unused accrued annual leave with no maximum cap enforced.

Section 5.3 - Sick Leave

(Revised December 19, 2013, September 1, 2005, October 16, 2014, April 16, 2015, July 1, 2018)

Sick leave is defined as leave with pay granted for personal illness of the employee or an immediate family member and for medical and dental appointments of the employee or immediate family member. For purposes of this sick leave policy, the immediate family of an employee is defined as: natural parents, adoptive parents, foster parents, step-parents; spouse; natural, adopted or foster children; brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law; grandchildren and grandparents.

A physician's certification/statement may be requested to validate sick leave when there is a pattern of absenteeism, if there is an indication that the employee's physical condition is adversely affecting performance, or for an absence of three (3) or more consecutive days. Leave usage will be charged in quarter-hour increments.

Accrual Rates

Regular, full-time employees who are Plan 1 or Plan 2 Virginia Retirement System (VRS) members: Sick leave is accrued at a rate of eight (8) hours per month (four (4) hours per pay period worked), with the exception of regular full-time employees assigned to a 28-day cycle, as authorized within the 7k work period exemption within the Fair Labor Standards Act, within the Department of Emergency Services, who accrue sick leave at a rate of 11.2 hours per month (5.6 hours per pay period worked). Employees must work more than half of the workdays per pay period in order to accrue sick leave for that pay period. Sick leave balances may be carried over from year to year and shall be unlimited.

Special Provisions for Fire Protection Employee Schedule Changes

1. When a regular full-time employee assigned to a 28-day cycle, as authorized within the 7k work period exemption within the Fair Labor Standards Act, within the Department of Emergency Services transfers from that 28-day cycle schedule to a 40-hour per week schedule or vice versa for an assignment greater than 30 days, his/her leave balances and hourly rate of pay will be converted.

2. Full-time employees assigned within the Department of Emergency Services accrue and charge all leave in accordance with applicable policy for the schedule to which assigned. In the event an employee is temporarily assigned to another schedule for less than 30 days, the leave accrued and leave charged will be adjusted to provide the same leave balance as if the employee had not been temporarily transferred. Such determinations are made on a case-by-case basis by the Chief of Emergency Services and the Director of Human Resources.

3. Sick leave is converted or adjusted when an employee is transferred from one schedule to another to provide the same leave balance value. When an employee is transferred from a 28-day cycle schedule to a 40-hour per week schedule, the employee's sick leave balance will be divided by 1.4 to give the adjusted balance. When an employee is transferred from a 40-hour per week schedule to a 28-day cycle schedule, the employee's balance will be multiplied by 1.4 to give the adjusted balance.

Regular, full-time employees who are Hybrid Virginia Retirement System (VRS) members:
Sick leave is accrued at a rate of six (6) hours per month (three (3) hours per pay period) worked. Employees must work more than half of the workdays per pay period in order to accrue sick leave for that pay period. Up to 72 hours may be carried over to the next fiscal year. At the end of each fiscal year, all sick leave in excess of the

maximum carry-over balance of 72 hours which is unused by the pay period which includes June 30, is forfeited. Sick leave is accrued when the employee is on short-term disability.

Regular (non-temporary) part-time employees: who work a schedule of 20 – 29 hours per week will accrue sick leave at a rate of four (4) hours per month.

Section 5.4 - Notification

(Revised December 18, 2014)

So that accurate records can be kept, an employee (or his/her representative) shall notify his/her department director, supervisor, or whomever designated by the employee's department, promptly by telephone, messenger, or other such means designated by the employee's department, no later than one-half hour after reporting time, if physically possible. Departments may designate a more specific time period required for advanced notification of the need to utilize sick leave as needed for effective business operations. Abuse of this policy may result in disciplinary action.

Once sick leave has been exhausted, other leave policies may apply (e.g., annual leave, leave without pay, etc.). Absence for a job-related injury shall be recorded in accordance with Article VI, Section 6.6 Workers' Compensation.

Regular employees on approved sick leave shall be paid their prevailing wage based on the prevailing scheduled workweek not to exceed forty (40) hours per week. Leave will be charged in quarter-hour increments.

Section 5.5 - Payment of Sick Leave Upon Retirement

(Revised December 19, 2013, December 15, 2005, July 1, 2018)

Regular, full-time employees, regardless of Virginia Retirement System (VRS) Plan type: Employees retiring from VRS service who have less than fifteen (15) years of service with Isle of Wight County are paid a lump sum for twenty-five percent (25%) of their sick leave balance at the time of retirement up to a maximum of $2,500.00 in the subsequent pay period after the effective date of retirement. The remaining seventy-five percent (75%) of the sick leave balance is forfeited.

Employees who retire with fifteen (15) or more years of continuous service with Isle of Wight County may elect to be paid a lump sum for twenty-five percent (25%) of their sick leave balance, not to exceed $2,500.00 *OR* they may convert up to fifty percent (50%) of their unused sick leave balance into VRS service credit to enhance their VRS benefit. The service credit will be calculated based on an actuarial equivalent rate. If this option is selected, no additional monies will be paid out beyond the amount calculated for the purchase of service credit.

Section 5.6 - Funeral Leave

(Revised July 1, 2017, July 1, 2019)

Funeral Leave shall be defined as leave with pay granted to provide regular full-time employees with sufficient time to deal with the death of an immediate family member as defined in Section 4.1.

Following the death of an immediate family member, regular full-time employees (except those assigned to a 28-day cycle) shall be provided up to twenty-four (24) hours of consecutive paid leave. Following the death of an immediate family member, regular full-time employees assigned to a 28-day cycle, as authorized within the 7k work period exemption within the Fair Labor Standards Act, within the Department of Emergency Services shall be provided up to thirty-six (36) hours of consecutive paid leave. The leave shall commence upon notification

and approval by the department director. This may be extended in unusual circumstances by the County Administrator. In the event of multiple deaths in the employee's immediate family, each death shall be treated separately, and funeral leave granted accordingly.

If more than the allotted number of days' leave is required, or if leave is desired for a death other than the immediate family, annual and/or compensatory leave may be applicable.

Section 5.7 - Leave Without Pay

The County Administrator may grant a leave of absence without pay for a period of up to five (5) days if conditions warrant. An employee is required to request in writing the reason(s) for leave without pay status. An extension of this leave period may be granted if approved by the County Administrator. Leave without pay shall be granted only when all other eligible leave time (sick, vacation, compensatory, etc.) has been exhausted. When leave without pay has not been granted, the employee shall be on unauthorized leave. When leave without pay occurs before or after a holiday no credit in pay will be given for the holiday.

An employee on leave without pay for more than half of the work days in a pay period shall not accumulate annual or sick days for that pay period or receive any County provided match benefits for that pay period. An employee on leave without pay for more than half of the work days per calendar month shall not earn credit for retirement in the Virginia Retirement System nor receive the local contribution for life insurance coverage for that month. Should the employee elect to continue benefits while on leave without pay, the employee may elect to reimburse the County for such benefits to include any required County match.

Section 5.8 - Military Leave

(Revised February 2, 2006, February 19, 2015)

Any employee who is or may become a member of any reserve component of the armed forces of the United States shall be granted an unpaid leave of absence from his/her respective duty without loss of time, regular leave, accrued leave, impairment of employee evaluation, or any other rights or benefits to which he is otherwise entitled, for all periods of military service of the state or the United States, under competent orders, in accordance with applicable law. Employees will also be granted time off for military training. Employees should advise their supervisor and/or department head of their training schedule and/or other related obligations as far in advance as possible. Employees on military leave may substitute their accrued paid leave time for unpaid leave.

Continuation of Health Benefits

During a military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days, an employee may elect to continue his/her health coverage for up to24 months of uniformed service, but will be required to pay all of the premium for the continuation of coverage, calculated in the same manner as that required by COBRA.

Requests for Active or Reserve Duty

Upon receipt of orders for active or reserve duty, an employee shall notify his/her supervisor, as well as Human Resources, as soon as possible, and submit a copy of the military orders to his/her supervisor and the Human Resources Department.

Reinstatement

Upon return from military service, an employee may be reinstated into the employment of Isle of Wight County in accordance with the provisions of Title 38, Sections 4312, 4313 and 4316 of the United States Code of Section 44-93.3 of the Code of Virginia (1950, as amended), as such sections may be amended from time to time and as

may be applicable to the type of military service performed by the employee. The County is committed to fully complying with the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended, and all other laws granting rights to employees based on past, present, or future service in the United States Armed Forces, all of which laws shall control over any conflicting provisions in the County Policy.

Section 5.9 - Court Leave

(Revised February 19, 2015)

An employee's absence from work for jury duty or for attending court as a witness shall be defined as court leave. Before court leave is granted, the employee must submit a copy of the official summons for jury duty or witness service to the Human Resources Department prior to the beginning date of such service. Any employee appearing in court either as a defendant or plaintiff in a case shall not be eligible for court leave.

An employee having been granted court leave shall be compensated at their regular rate of pay during court appearances. Any compensation for jury duty as well as for witness service maybe retained by the employee.

Employees summoned by a court for the purpose of qualifying for jury duty are entitled to court leave for the actual period of absence, whether or not they are selected to serve. If the employee's presence is required for less than a full work day, the employee is required to contact his/her department concerning return to work. Any employee who fails to contact his/her department risks the loss of pay for that day.

Section 5.10 - Accumulation

Any employee taking court leave shall be credited with having worked for the duration of the leave. The employee shall be allowed to accumulate all other eligible benefits.

Section 5.11 - Unauthorized Leave

(Revised February 19, 2015)

Unauthorized leave shall be defined as an absence from the job during a scheduled work period without the approval of the employee's supervisor or department director. Also, the failure to report to work at the expiration of an authorized leave without the approval of an extension of time, shall be considered unauthorized leave. An unauthorized absence from duty during required hours of attendance shall be treated as unauthorized leave. The employee shall be subject to disciplinary action in accordance with the provisions of the disciplinary policy.

Section 5.12 - Leave Under the Family and Medical Leave Act (FMLA)

(Revised April 7, 2005, January 8, 2009, December 18, 2014, July 1, 2018, April 1, 2020)

Isle of Wight County will grant eligible employees up to 12 workweeks of job protected leave (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy. During this leave, an eligible employee is entitled to continued group health plan coverage. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or equivalent position. The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. Employees with questions about what illnesses serious health conditions are covered under the FMLA policy or under the County's Sick Leave Policy are encouraged to consult with the County's Human Resources Department.

Employee Eligibility Criteria

To be eligible for FMLA leave, an employee must have been employed by Isle of Wight County:

- for at least 12 months (which need not be consecutive). Separate periods of employment will be counted, provided the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week; and

- for at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave shall not be counted in determining the 1,250 hours eligibility test for an employee under FMLA; and

- at a worksite where 50 or more employees are employed by the County within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

Types of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one or more of the following reasons:

a. The birth of a child and in order to care for that child;

b. The placement of a child with the employee for adoption or foster care, and/or to care for the newly placed child;

c. To care for the employee's spouse, child, or parent (but not in-law) with a serious health condition (described below);

d. The employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job.

e. Because of a qualifying exigency arising out of the fact that the employee's spouse, son or daughter, or parent is on active duty or called to covered active duty status in support of contingency operations as a member of the National Guard or Reserves (described below); and/or,

f. Because the employee's spouse, son or daughter, parent, or next of kin of a covered service member or veteran requires care due to a serious injury or illness (described below).

Serious Health Condition

A "serious health condition" is defined as any illness, injury, impairment, or physical or mental condition that requires inpatient care at a hospital, hospice, or residential medical facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care, or a condition that requires continuing treatment by a licensed health care provider.

Continuing treatment by a licensed health care provider means any one of the following:

1. Incapacity/Treatment – A period of incapacity of more than three (3) consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves either treatment two or more times within 30 days, or treatment by a health care provider on at least one occasion, which results in a regiment of continuing treatment under the supervision of the health care provider.

2. Pregnancy/Prenatal Care – Any period of incapacity due to pregnancy or for prenatal care. In these situations, FMLA also covers leave for the husband, if needed to care for the pregnant spouse who is incapacitated due to severe morning sickness or other prenatal complications (and may need physical care) and to accompany her to prenatal doctor's appointments (and may need to be driven or need psychological care).

3. Chronic Conditions – Any period of incapacity or treatment for incapacity due to a chronic serious health condition such as asthma or diabetes. Chronic conditions require periodic visits (at least twice a year) for treatment by a health care provider, continue over an extended period of time, and may cause episodic rather than a continuing period of incapacity.

4. Permanent/Long-Term Conditions – A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective, such as Alzheimer's disease, a severe stroke, or the terminal stages of a disease. The patient must be under the continuing supervision of a health care provider, but need not be receiving active treatment.

5. Conditions Requiring Multiple Treatments – Any period of absence to receive or recover from multiple treatments, such as for restorative surgery after an injury, or for serious conditions such as cancer (chemotherapy) or kidney disease (dialysis) that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment.

6. Incapacity and Subsequent Treatment – The inability to work, attend school or perform other regular daily activities due to the serious health condition or the treatment or recovery as a result of a serious health condition.

Military Family Leave Entitlements

Qualifying Exigencies – A qualifying exigency is a non-medical, non-routine activity that is directly related to the covered military member's covered active duty or call to active duty status. To be eligible, the employee must have a spouse, parent, or child on covered active duty to a foreign country or call to covered active duty status in the Armed Forces or reserve component of the Armed Forces in support of a contingency operation to a foreign country. Categories of qualifying exigencies in the FMLA regulations include:

1. Short-notice deployment activities (up to seven (7) days of leave is permitted if the military member receives seven (7) or less days' notice of a call to active duty);
2. Military events and related activities;
3. Certain temporary childcare arrangements and school activities (but not for ongoing childcare or routine academic concerns);
4. Financial and legal arrangements;
5. Counseling by a non-medical counselor (such as a member of the clergy);
6. Rest and recuperation (up to a maximum of fifteen (15) calendar days of leave is permitted when the military member is on temporary rest and recuperation leave);
7. Post-deployment military activities (such as arrival ceremonies or reintegration briefings);

8. Care of the military member's parent (when the parent of the military member is incapable of self-care); and
9. Additional activities which arise out of the military member's covered active duty or call to active duty status provided that both the County and employee agree that such leave shall qualify, and agree to both the timing and duration of such leave.

Military Caregiver Leave – FMLA leave may be granted to an eligible employee to care for a covered service member, who is on the temporary disability retired list and has a serious injury or illness. The covered service member must be undergoing medical treatment, recuperation or therapy, otherwise be in outpatient status, or otherwise be on the temporary disability retired list. To be eligible for this leave, the employee must be the spouse, child, parent, or next of kin of the covered service member.

Amount of Leave

Eligible employees may take up to a total of 12 workweeks of FMLA leave during a rolling calendar year, when leave is taken for any one or combination of FMLA-qualifying reasons, not including military caregiver leave. For regular full-time employees, 12 workweeks of leave equates to 480 hours (674 hours for 24-hour Emergency Services employees assigned to a 28-day cycle).
Except for military caregiver leave, each time FMLA leave is taken, the employee's remaining FMLA leave entitlement is any remaining balance of the 12 workweeks that has not been used during the rolling calendar year in which the leave was taken.

As with other paid leave types, FMLA leave is available in increments of quarter-hours (15 minutes) and an employee may not be required to take more leave than necessary to address the circumstances that precipitated the need for leave.

1. Amount of Military Caregiver Leave – For military caregiver leave only, up to a total of 26 workweeks of leave may be taken in a single 12-month period when combined with other FMLA qualifying leave. The 26 workweeks of leave equates to 1,040 hours for regular full-time employee (1,460 hours for 24-hour Emergency Services employees assigned to a 28-day cycle). For purposes of military caregiver leave only, the 12-month period begins on the first day the employee takes military caregiver leave and ends 12 months later.

   When military caregiver leave is taken in combination with other FMLA qualifying reasons, only 12 weeks of the total may be for reasons other than the care of the covered service member.

2. When Both Spouses Work for the County - When both spouses are employed by Isle of Wight County, they are together entitled to a combined total of 12 (or 26) workweeks of FMLA leave within the designated 12 month period for the birth and care of a newborn child, adoption, or foster care placement of a child with the employees, to care for a parent (but not in-law) with a serious health condition, or to care for a covered service member with a serious injury or illness. Each spouse may be entitled to the remaining amount of FMLA leave for other FMLA qualifying reasons such as the case for a child with a serious health condition or due to one's own serious health condition. For example, if each spouse took 6 weeks of leave to care for a healthy newborn child, each could later use an additional 6 weeks due to his/her own serious health condition or to care for a spouse, child, or parent with a serious health condition.

3. Time Limitation When Leave is taken for Birth/Placement - Leave for birth and to care for a newborn, or for a newly placed child for adoption or foster care must conclude within 12 months after the birth or placement of the child.

Intermittent or Reduced Work Schedule Leave

"Intermittent leave" is leave taken in separate blocks of time due to a single qualifying reason (hours/days are taken periodically over a period of time). "Reduced work schedule leave" is leave that reduces an employee's usual number of hours per workweek or hours per workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member or veteran over a 12-month period).

Leave to care for a newborn or a newly placed child must be taken all at once, and may not be taken intermittently or on a reduced work schedule.

Leave taken because of an employee's own serious health condition, or to care for an employee's spouse, child, or parent with a serious health condition, may be taken all at once or, where medically necessary, intermittently or on a reduced work schedule.

If an employee takes leave intermittently or on a reduced work schedule basis for planned medical treatments, the employee must, when requested, attempt to schedule the leave so as not to unduly disrupt the County's operations. When an employee takes intermittent or reduced work schedule leave for the employee or employee's family member and for foreseeable planned medical treatment, the County may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates the intermittent or reduced work schedule.

Requests for FMLA Leave

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Human Resources Department as soon as the employee knows that leave will be needed. An employee does not need to expressly assert his/her FMLA rights for an absence to be covered by FMLA. However, sufficient information must be provided for Human Resources to determine if the leave qualifies for FMLA protection and the anticipated timing and duration of the leave. If sufficient information is not provided, Human Resources will contact the employee to inquire further as to the reason for the leave. Within five business days after the employee has provided this notice of the need for FMLA leave, the Human Resources Department will complete and provide the employee with the Department of Labor Notice of Eligibility and Rights and Responsibilities form. The employee will be provided the Request for Family/Medical Leave form and submit it to the Human Resources Department. The employee will be provided the FMLA Policy.

When leave is foreseeable for childbirth, placement of a child or planned medical treatment for the employee's or family member's serious health condition, the employee must provide the County with at least 30 days advance notice, or such shorter notice as is practicable (it is expected that an employee will give notice to the employer within no more than one or two working days of learning of the need for leave, except in extraordinary circumstances). When the timing of the leave is not foreseeable, the employee must comply with the County's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Required Documentation

When leave is taken to care for a family member, the County may require the employee to provide documentation or statement of family relationship (e.g., birth certificate or court document).

An employee shall be required to submit medical certification from a health care provider to support a request for FMLA leave for the employee's or a family member's serious health condition. Medical certification forms (Department of Labor Certification of Health Care Provider for Employee's Serious Health Condition form) are available in the Human Resources Department. The employee's job description to include the essential functions/physical requirements should be furnished to the health care provider completing the Certification of

Health Care Provider for Employee's Serious Health Condition form. The employee must respond to such a request for medical certification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of leave or continuation of leave.

During FMLA leave, the County may request that the employee provide recertification of a serious health condition at intervals in accordance with the FMLA. In addition, on a basis that does not discriminate against employees on FMLA leave, the County may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The County may provide the employee's health care provider with the employee's attendance records and ask whether the need for leave is consistent with the employee's serious health condition. If the employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the County with reasonable advance notice as soon as practicable of the employee's changed circumstances and new return to work date. If the employee gives the County notice of intent not to return to work, the employee will be considered to have voluntarily resigned. If the employee voluntarily terminates his/her employment while taking leave covered by FMLA, the County's FMLA obligations to the employee cease.

The County has the right to ask for a second medical opinion. The County will pay for any such second medical opinion necessary. Arrangements are coordinated through the Human Resources Department.

Certification of Military Family Leave:

1. Qualifying Exigency - To certify a qualifying exigency for military FMLA leave, the County will require certification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of leave or continuation of leave. Qualifying exigency forms (Department of Labor Certification of Qualifying Exigency for Military Leave form) are available in the Human Resources Department.

2. Military Caregiver Leave - To certify a serious injury or illness of the covered service member or veteran, the County will require certification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Certification forms (Department of Labor Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave" form) are available in the Human Resources Department. Other types of certification may include providing a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family. Alternatively, documentation of enrollment in the VA Program of Comprehensive Assistance for family caregivers is sufficient, but the County may require additional information in accordance with the federal regulations.

FMLA leave may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

The Human Resources Department is responsible for reviewing and maintaining all medical documentation including medical certifications and doctor's notes. All records related to an employee's medical condition are strictly confidential and may be discussed only with those who have a bona fide need to know.

Use of Paid or Unpaid Leave

FMLA provides eligible employees with up to 12 (or 26) workweeks of unpaid leave. Therefore, FMLA leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and the employee's accrued paid leave available. An employee who is taking FMLA leave because of the employee's

own serious health condition or the serious health condition of a family member must use any qualifying paid leave prior to being eligible for unpaid leave. Qualifying paid leave is leave that would otherwise be available to the employee for the purpose for which the FMLA leave is taken. The remainder of the 12 (or 26) workweeks of leave, if any, will be unpaid FMLA leave. Any paid leave used for an FMLA qualifying reason will be charged against an employee's entitlement to FMLA leave. The substitution of paid leave for unpaid leave does not extend the 12 (or 26) workweek leave period.

An employee who is taking leave for the adoption or foster care of a child must use all paid annual and personal leave prior to being eligible for unpaid leave. An employee who is using military FMLA leave for a qualifying exigency must use all paid annual and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must use all paid annual, personal, or sick leave (as long as the reason for the absence is covered by the sick leave policy) prior to being eligible for unpaid leave.

Designation of Leave

Within five (5) business days after the employee has submitted the appropriate certification form, the Human Resources Department will provide the employee with a written response to the employee's request for FMLA leave (using the Department of Labor Designation Notice). The County may provisionally designate the employee's leave as FMLA leave if the County has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established policy. Leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. If the employee has leave to be counted as FMLA leave, the employee must notify the Human Resources Department as soon as possible of the employee's return to work that the leave was for an FMLA reason.

If an employee takes paid leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the County may designate all or some portion of related leave taken as FMLA leave, to the extent that the earlier leave meets the necessary qualifications.

Maintenance of Health Insurance Benefits and other Benefits

During FMLA leave, an employee is entitled to continued group health plan coverage at thesame level and under the same conditions as if the employee had continued to work. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the leave period.

To the extent that an employee's FMLA leave is paid, the employee's portion of health insurance premiums will be payroll-deducted from the employee's paycheck. While on unpaid leave, the employee must continue to make this payment, either in person or by mail.

If the employee's payment of health insurance premiums is more than 30 days late, the County may discontinue health insurance coverage for the duration of the leave upon at least 15 days' notice to the employee prior to the employee's loss of coverage.

If the employee contributes to a life insurance plan, disability plan, or any other voluntary contributions to benefit plans, the County will continue making payroll deductions while the employee is on paid FMLA leave. While the employee is on unpaid FMLA leave, the County will discontinue coverage during the FMLA leave. Upon the employee's return from FMLA leave, payroll deductions will recommence.

Return to Work From Approved Leave

Upon the return to work from approved FMLA leave that was twelve (12) workweeks or less in duration, the employee will be restored to the position of employment held by the employee when the leave commenced or restored to an equivalent position with equivalent status, benefits, pay, and other terms and conditions of employment.

An employee that takes FMLA leave that was twelve (12) workweeks or less in duration may be required to provide a fitness for duty clearance from the health care provider stating that the employee is able to resume work and/or if there are any limitations. This requirement will be included in the employer's response to the FMLA request.

An employee's return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

Limitations on Reinstatement

An employee is entitled to reinstatement only if he/she would have continued to be employed had FMLA not been taken. Thus, an employee is not entitled to reinstatement if, because of a layoff, reduction in force, or other reason, the employee would not be employed at the time job restoration is sought.

The County reserves the right to deny reinstatement to salaried, eligible employees who are among the highest paid ten (10) percent of the County's employees employed within 75 miles of the worksite ("key employees") if such denial is necessary to prevent substantial and grievous economic injury to the County's operations.

Failure to Return to Work Following FMLA Leave

If the employee does not return to work following the conclusion of FMLA leave, the employee will be considered to have voluntarily resigned. The County may recover health insurance premiums that were paid on behalf of the employee during an unpaid FMLA leave except that the County's share of such premiums may not be recovered if the employee fails to return to work because of other circumstances beyond the employee's control. In such cases, the County may require the employee to provide medical certification of the employee's or family member's serious health condition.

For further information or clarification about FMLA leave, please contact the Human Resources Department.

Section 5.12(a) Emergency Family and Medical Leave (FML) Expansion Act

During the period beginning April 1, 2020 and ending on December 31, 2020, pursuant to the provisions of the Families First Coronavirus Response Act (H.R.6201), Isle of Wight County will grant 'eligible employees' with up to 12 workweeks of job protected leave during a 12-month period for the purpose of a 'qualifying need related to a public health emergency'. Except for military caregiver leave defined above, each time FMLA leave is taken for any purpose(s), the employee's remaining FMLA leave entitlement is any remaining balance of the 12 workweeks that has not been used during the rolling calendar year in which the leave was taken. The leave under the Emergency FML Expansion Act is the only reason allowed for mandatory paid leave under the FMLA. During this leave, an eligible employee is entitled to continued group health plan coverage. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or equivalent position. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

Explanation of Terms

For the purpose of Section 5.12(a):

The term **'eligible employees'** means employees who have been employed for at least 30 calendar days, with the exception of emergency responders including, but not limited to, law enforcement employees, Department of Emergency Services fire and/or rescue employees, and 911 dispatchers.

The term **'qualifying need related to a public health emergency'**, with respect to leave, means the employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.

Under this provision, the term **'public health emergency'** means an emergency with respect to COVID–19 declared by a Federal, State, or local authority.

The term **'child care provider'** means a provider who receives compensation for providing child care services on a regular basis, including an 'eligible child care provider' (as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n)).

The term **'school'** means an 'elementary school' or 'secondary school' as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

Payment under the Emergency FML Expansion Act

Full-time Employees:

When leave is needed due to a school or childcare closure, the first ten (10) days of the leave shall be unpaid, unless the employee requests to use his/her public health emergency leave (PHE leave) (up to 80 hours), if available, and/or elects to substitute any other accrued paid leave other than sick leave to cover the unpaid leave time. After the first 10 days of leave, subsequent absences for this reason shall be paid at the rate of two-thirds (2/3) of the employee's regular rate of pay, capped at $200 a day and $10,000 in aggregate. A Designation Notice of FMLA will be sent to an employee using the Expanded FMLA for childcare advising him/her that the leave will be designated as such.

Part-time Employees:

When leave is needed due to a school or childcare closure, the first ten (10) days of the leave shall be unpaid, unless the employee requests to use his/her PHE leave, if available, and/or elects to substitute any other accrued paid leave other than sick leave to cover the unpaid leave time.

a. Part-time employees with at least 30 days of service with a regular schedule shall receive leave not to exceed the number of work hours the employee is normally scheduled to work in a two-week period. After the first ten (10) days of leave, subsequent absences for this reason shall be paid at the rate of two-thirds (2/3) of the employee's regular rate of pay, capped at $200 a day and $10,000 in aggregate. For example, a part-time employee who normally works twenty (20) hours per week would be eligible for up to twenty (20) hours of leave per week for twelve weeks, with ten of the weeks paid at the rate of 2/3 his/her regular rate of pay

b. Part-time employees with at least 30 days of service whose schedule varies (on-call/intermittent/temporary and/or seasonal) shall receive leave equal to the average number of hours that the employee was scheduled per day over the 6-month period immediately preceding the request for leave. For example, if the employee requested leave on March 20, 2020 any hours worked or leave taken from September 20, 2019 through March 20, 2020 would be considered in determining the amount of leave permissible under the policy.

After the first ten (10) days of leave, subsequent absences for this reason shall be paid at the rate of two-thirds (2/3) of the employee's regular rate of pay, capped at $200 a day and $10,000 in aggregate.

After the first ten days, employees may not use any other form of leave in conjunction with Expanded FMLA for childcare.

Section 5.13 - Personal Leave

(Adopted October 2, 2008, Revised July 1, 2019)

All full-time employees (except those assigned to a 28-day cycle) are eligible to use sixteen (16) hours of sick leave per fiscal year for personal reasons. All full-time employees assigned to a 28-day cycle, as authorized within the 7k work period exemption within the Fair Labor Standards Act, within the Department of Emergency Services are eligible to use twenty-four (24) hours of sick leave per year for personal reasons.

Personal leave is non-cumulative and must be taken in the fiscal year granted. These hours will not be carried over to the next fiscal year, nor are they paid upon separation of employment. Unused personal leave hours will remain in the sick leave balance. Personal leave must be scheduled and approved in advance by the employee's immediate supervisor.

Section 5.14 - Recognition Leave

(Adopted April 1, 2015, Revised July 1, 2018, July 1, 2019)

All personnel are eligible to receive leave hours for the purpose of such instances as the recognition of service to the County, in conjunction with the promotion of or participation in safety, health, or wellness initiatives, or for any other purpose approved by the County Administrator. Recognition leave is intended to provide employees paid leave separate and apart from his/her other available paid leave types.

For the purpose of the recognition of five years of service milestones of regular full-time (except those assigned to a 28-day cycle) and regular part-time employees (those working between 20-29 hours per week on a regular basis are eligible; those working on an on-call/intermittent/temporary/or seasonal basis are not eligible), with the County, the following schedule will apply:

Years of Service	Number of Recognition Leave Hours Awarded
5	4
10	8
15	12
20	16
25	20
30 or more	24

For the purpose of the recognition of five years of service milestones of regular full-time employees assigned to a 28-day cycle, as authorized within the 7k work period exemption within the Fair Labor Standards Act, within the Department of Emergency Services, the following schedule will apply:

Years of Service	Number of Recognition Leave Hours Awarded
5	6

10	12
15	18
20	16
25	24
30 or more	36

Recognition leave is non-cumulative, must be taken within 90 calendar days of it being granted, and any remaining balance thereof shall be forfeited at the end of the 90 calendar day period. Any recognition leave shall not be paid upon separation of employment, is non-transferrable, and is not compensable in the form of monetary compensation in lieu of paid leave time. Use of recognition leave hours must be scheduled and approved in advance by the employee's immediate supervisor. Recognition leave shall be granted to an employee for a specific purpose by the Human Resources Department upon approval of the County Administrator or his/her designee. The Human Resources Department shall inform the employee's department director that such recognition leave has been granted.

Section 5.15 – Public Health Emergency Leave

(March 19, 2020, Revised April 1, 2020, July 1, 2020)

Isle of Wight County recognizes that in the event of a public health emergency, employees may be asked to or required to remain away from the workplace to care for the medical needs of self and/or immediate family members due to symptoms of and/or a diagnosis of the disease identified in the public health emergency, required quarantine without the ability to telework, and/or other purposes allowed by the County Administrator identified in the public health emergency for the purpose of infectious disease control. The County Administrator will determine based on emergency declarations and/or other public health emergency guidance when public health emergency leave may be granted, for what time period, and for what purposes related to the public health emergency. For purposes of this policy, immediate family member shall be the same as it is defined in the Sick Leave Policy, in Chapter 1: Personnel, Article V, Section 5.3.

The County may grant, without requirement of repayment, up to eighty (80) hours of public health emergency paid leave (PHE leave) (up to 112 hours for regular full-time employees assigned to a 28-day cycle, as authorized within the 7k work period exemption within the Fair Labor Standards Act, within the Department of Emergency Services) to regular full-time employees. The County may grant, without requirement of repayment, regular part-time employees (those working between 20-29 hours per week on a regular basis PHE leave in the. amount not to exceed the number of work hours the employee is normally scheduled to work in a two-week period. For example, a regular part-time employee who normally works twenty (20) hours per week would be eligible for up to twenty (20) hours of PHE leave per week for two weeks. The County may grant, without requirement of repayment, on-call/intermittent/temporary/or seasonal part-time employees PHE leave in the amount equal to the average number of hours that the employee worked per day, including leave taken, over the 6-month period immediately preceding the request for leave. For example, if the employee requested leave on March 20, 2020 any hours worked or leave taken from September 20, 2019 through March 20, 2020 would be considered in determining the amount of PHE leave permissible under the policy. If the employee did not work over the prior 6-month period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work shall be used to determine the PHE leave permissible under the policy.

Employees are responsible for requesting PHE leave, if available, through their Department Head, and for providing any required documentation, including medical documentation, requested to the Human Resources Department.

Once the granted PHE leave has been exhausted, should an employee be asked to or be required to remain away from the workplace, the employee's other available leave, if any, will be utilized to cover his/her absence, unless any other leave provisions apply. Once the employee has exhausted all available paid leave, he/she may make a request under the Leave Donation Policy or Leave under the Family and Medical Leave Act Policy (Chapter 1, Article XIII and/or Chapter 1, Article V, Section 5.12) if he/she is eligible for such. Should the employee not be eligible for the Leave Donation Policy and/or have exhausted all paid leave or donated leave, the employee may be placed on leave without pay, pending eligibility and/or approval for such in accordance with policy.

During a public health emergency, particularly an infectious disease outbreak, it is critical that employees do not report to work while they are ill and/or experiencing the symptoms and for whatever time specified following last experience of symptoms and/or diagnosis identified by the Centers for Disease Control (CDC) associated with the public health emergency/infectious disease. Employees who report to work ill will be sent home in accordance with the CDC's health guidelines.

If an employee is out sick or showing symptoms of being ill, it may become necessary to request information from the employee and/or the employee's health care provider or that of the employee's immediate family member. In general, the request for medical information would be for the purpose of confirming the employee's need to be absent, to show whether and how an absence relates to the public health emergency/infectious disease, and to know when it is appropriate for the employee to return to work. As always, we expect and appreciate the cooperation of employees when medical information is sought.

Emergency Paid Sick Leave Act

During the period beginning April 1, 2020 and ending on December 31, 2020, pursuant to the provisions of the Families First Coronavirus Response Act (H.R.6201), Isle of Wight County will grant the mandated emergency paid sick leave in the form of Public Health Emergency Leave (PHE leave) to all employees for the purposes of:

1) The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.

2) The employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19.

3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

4) The employee is caring for an individual who is subject to an order of quarantine or isolation and/or is caring for an individual who has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19.

5) The employee is caring for their son or daughter or grandchild if the school or place of care of the son or daughter has been closed, or the childcare provider of the son or daughter is unavailable, due to COVID-19 precautions.

6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor.

After the first workday (or portion thereof) an employee receives paid sick leave (PHE leave) under this Act, an employer may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick leave (PHE leave). PHE leave needed for dependent care purpose (5) above may be used intermittently.

All employees eligible for PHE leave under this policy shall be granted the following hours of PHE leave, capped

at $511 per day and $5,110 in the aggregate, as follows:

Full-time Employees: up to 80 hours (up to 112 hours for regular full-time employees assigned to a 28-day cycle, as authorized within the 7k work period exemption within the Fair Labor Standards Act, within the Department of Emergency Services)

Part-time Employees:

- Regular part-time employees (those working between 20-29 hours per week on a regular basis): amount not to exceed the number of work hours the employee is normally scheduled to work in a two-week period. For example, a part-time employee who normally works twenty (20) hours per week would be eligible for up to twenty (20) hours of PHE leave per week for two weeks.
- On-call/Intermittent/Temporary/or Seasonal part-time employees: amount equal to the average number of hours that the employee worked per day, including leave taken, over the 6-month period immediately preceding the request for leave. For example, if the employee requested leave on March 20, 2020 any hours worked or leave taken from September 20, 2019 through March 20, 2020 would be considered in determining the amount of PHE leave permissible under the policy. If the employee did not work over the prior 6-month period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work shall be used to determine the PHE leave permissible under the policy.

ARTICLE VI - Benefits

(Revised January 17, 2002, September 1, 2005, December 15, 2005, October 16, 2006, October 4, 2007, November 15, 2007, July 1, 2008, December 4, 2008, November 20, 2014, December 18, 2014, April 1, 2015, April 16, 2015, January 1, 2018, July 1, 2018, March 19, 2020, July 1, 2020)

Section 6.0 - *Generally*

Benefits are a privilege of employment and can be changed or revoked at any time. Benefits are personal to the employee and cannot be assigned to other employees.

Section 6.1 - *Applicability*

Benefits are available to all regular full-time employees.

Section 6.2 - *Tuition Reimbursement*

(Revised September 1, 2005, November 15, 2007, August 22, 2013, February 19, 2015, July 1, 2018)

It is the intention of the Board of Supervisors to recognize, develop, and extend the skills of the County's workforce. It is the policy of the Board to encourage employees to enroll in college/university coursework that will lead to their professional growth, expansion of skills, and increased job competence. The Tuition Reimbursement Program provides reimbursement for successful completion of college/university coursework.

Eligibility

Regular full-time employees of the County who have successfully completed their initial probationary period are eligible to apply for tuition assistance. Such assistance is limited to six (6) semester hours per fiscal year (July 1 through June 30). Reimbursement is dependent upon the availability of funds.

Coursework must be directly related to the assignment of the employee and must be approved by the Department Director prior to submission to Human Resources for approval. Application for tuition assistance must be made to Human Resources for approval prior to registering or enrolling in coursework. Course approval will not be granted after the first class session. Coursework approval is nontransferable; each course requires a separate

application.

Employees may be reimbursed for tuition costs only, at an accredited college or university, upon successful completion of the course. Reimbursement will be a maximum of $300 per credit hour for no more than six (6) credit hours per fiscal year; thus, the maximum tuition reimbursement an employee will receive in any given fiscal year will be $1,800. Successful completion shall mean the attainment of a minimum of a "C" or its equivalent for undergraduate-level coursework, or a minimum of a “B” or its equivalent for graduate-level coursework.

Qualifying Course and Subjects

Tuition assistance will be provided only when the coursework is directly related to the employee’s current position, or is a requirement for an Associate’s, Bachelor’s, or Master’s degree in a field directly related to the employee’s present job or promotional objective.

Class Hours

Classes should not be taken during an employee’s work hours unless the employee has obtained permission from the Department Director to use earned annual leave or compensatory time.

Requirements for Reimbursement

This benefit is a reimbursement program. The employee must pay the full tuition to the institution upon registering for coursework.

Requests for reimbursement must be submitted along with an official transcript within thirty (30) days of completion of the course.

Reimbursement for coursework will only be made to the employee upon receipt of an official transcript and verification of payment in full to the college or university.

General Considerations

As a condition of receiving tuition reimbursement, an employee will be required to sign an agreement whereby, in the event the employee separates from the County’s employ within one (1) year after a tuition reimbursement payment is made, he/she will be required to repay all funds expended by the County within the one-year period. This will be collected from the separating employee via payroll deduction if possible and if not possible, the separating employee must repay the County within sixty (60) days of his/her last day of employment. If the former employee fails to repay the funds, the County will pursue collection in the same manner and by the same means as it would collect other debts and deem the former employee ineligible for rehire.

Availability of funding for the Tuition Reimbursement Program may be suspended at any time.

Section 6.3 - Holidays

(Revised October 4, 2007, July 1, 2008, December 18, 2014, April 16, 2015, July 1, 2017, July 1, 2020)

Isle of Wight County shall observe the following holidays and other such holidays as may be prescribed by the Board of Supervisors or by the Governor of the Commonwealth of Virginia:

New Year’s Day	First day of January
King Day	Third Monday in January
Washington’s Birthday	Third Monday in February
Memorial Day	Last Monday in May

Independence Day	Fourth day of July
Labor Day	First Monday in September
Columbus Day & Yorktown Victory Day	Second Monday in October
Election Day	First Tuesday in November
Veteran's Day	Eleventh day of November
Half Day before Thanksgiving	Fourth Wednesday in November
Thanksgiving Day	Fourth Thursday in November and the day after Thanksgiving Day
Christmas Day	Twenty-fifth day of December and the day before or after Christmas Day

If any holiday falls on Saturday, the Friday preceding the holiday shall be observed. If the holiday falls on Sunday, the following Monday shall be observed. The Board of Supervisors may adjust the schedule to accommodate special circumstances.

All regular full-time employees shall be entitled to holiday time off with pay equal to the employee's regularly scheduled hours of work. All regular part-time employees (those regularly scheduled for 20-29 hours per week) shall be entitled to time off with pay equal to four (4) hours. 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 or is on approved leave with pay.

If a regular non-exempt full-time employee, except for employees assigned to a 28-day cycle within the Department of Emergency Services and 911 dispatchers, is required to work on the actual and/or observed holiday, he/she shall receive his/her regular rate of pay for all hours worked plus compensatory time off. Since regular non-exempt full-time employees assigned to a 28-day cycle, as authorized within the 7k work period exemption within the Fair Labor Standards Act, within the Department of Emergency Services and 911 dispatchers regularly work holidays as part of their normal work schedule, these employees will be paid straight time as holiday pay for the actual and/or observed holiday. Holiday straight time pay for non-exempt full-time employees assigned to a 28-day cycle is equal to twelve (12) hours, with partial holidays prorated (i.e. – half day holiday straight time pay equals to six (6) hours, etc.). Holiday straight time pay for non-exempt full-time employees assigned as 911 dispatchers is equal to the number of hours he/she worked on the actual and/or observed holiday, with partial holidays prorated.

If an exempt employee is required to work on a holiday, he/she shall receive compensatory time off equal to the hours worked to be taken another time. If any part-time employee is required to work on a holiday, regardless of his/her status, he/she shall receive pay at the rate of time and a half for all hours worked on the holiday. Assignments for work on a holiday must be approved in advance by the department head or his/her designated representative. Given that the County recognizes the preceding Friday or following Monday but an eligible employee may be required to work on the actual holiday, the employee will be eligible for holiday pay in accordance with this holiday for any hours worked on both the day the County recognizes the holiday and for any work on the actual holiday.

If a part-time employee is required to work on a holiday and/or the observed holiday, he/she shall receive time and one half rate for all hours worked on that date.

An employee who has an unexcused absence for any part of the workday preceding or following a holiday shall not receive holiday pay. 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. 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. An employee

on Workers' Compensation Leave will not receive holiday pay. In the case of an employee who terminates employment and the last day actually worked is the last work day before a holiday, the employee is not eligible for holiday pay unless the holiday is the last day of the pay period and the employee has been on active status for the full pay period.

For Religious or other National Holidays, with leave approved by the supervisor, an employee may request authorized leave with pay as follows:

- Request charged to compensation time off (if applicable)
- Request charged to annual or personal leave

Section 6.4 - Virginia Retirement System

(Revised December 15, 2005, October 4, 2007, April 1, 2015)

The County shall provide membership in the Virginia Retirement System (VRS) in the appropriate state retirement plan for all employees who are eligible under the rules and regulations of the system. Employees are required to contribute to the applicable plan in which they are enrolled and the County pays the employer contribution on behalf of the employee, which varies based on the applicable plan.

IRS Section 457 Deferred Compensation Plan

The County sponsors a deferred compensation plan to allow full-time employees to save a portion of their pretax salary for retirement purposes. The County matches up to $35.00 per month. Participation in this plan is voluntary.

VRS Disability Retirement

An employee under the age of 65 who becomes mentally or physically unable to perform his/her present duties because of a disability that is likely to be permanent are eligible to apply for disability retirement. Employees are eligible on the first day of employment, provided the disability did not exist at the time of employment. This program is administered through the Virginia Retirement System, and the County pays the full cost on behalf of its employees.

Section 6.5 - Life Insurance

(Revised December 15, 2005)

All regular full-time employees are eligible for coverage through the Virginia Retirement System Life Insurance program. A medical examination is not required to receive this coverage, and the County pays the full cost. This group term program provides a death benefit equal to the employee's annual salary rounded up to the next higher thousand and then doubled.

Optional Life Insurance

Employees may, at their own expense, purchase additional life insurance for themselves as well as coverage for their spouses and children through the VRS-sponsored program. If an employee applies for benefits up to $250,000 within the first 31 days of employment, additional evidence of insurability is not required. If an employee applies for benefits in excess of $250,000 an Evidence of Insurability form is required. Application for optional life received after the first 31 days of employment may require Evidence of Insurability.

Section 6.6 - Worker's Compensation

(Revised January 17, 2002, October 16, 2006, November 20, 2014)

In compliance with the Virginia Worker's Compensation Act, the County is committed to ensuring that all full-time and part-time employees incurring a work related injury or disease would receive worker's compensation benefits.

At no cost to employees, the County provides Worker's Compensation insurance that covers any injury or illness which results from an injury incurred during the course of employment. The County provides all of the benefits identified by the Virginia Worker's Compensation Act., including payment of covered medical expenses and lost wages.

Work-Related Injury, Illness and Substance Exposure Reporting

Immediately following every work related injury, illness or substance exposure **the affected employee is required to notify his/her supervisor** in person or by phone as soon as possible. Prompt reporting ensures timely processing of a worker's compensation claim. Failure to do so will impede processing of the claim and can lead to denial of the claim.

Upon notification of an injury, illness or substance exposure incident **the supervisor is required to notify the Risk Management Coordinator**, in person or by phone. Notification should be made as soon as possible after the occurrence, but no later than 24 hours after the injury. In cases where an injury results in any of the following; an employee being admitted to the hospital, an amputation, or a fatality, notification must be made immediately so that the Risk Management Coordinator can make the mandated notification to Occupational Safety and Health Administration (OSHA) within the required 8 hour timeframe.

If applicable, upon completion of the initial visit to the doctor the employee is required to report back to his/her supervisor and the Risk Management Coordinator, in person or by phone, to provide an update of his/her condition and return to work instructions. The employee is further required to provide an update of his/her condition after each subsequent visit to the doctor.

First Reporting Procedure

After notification of an injury, the supervisor will instruct the injured employee to initiate the workers' compensation reporting process by following the procedure outlined in the *First Report of Injury, Illness or Substance Exposure - Standard Operating Procedure* located on Central at HR/Workers Compensation/Forms/First Report of Injury. Reporting must take place before medical treatment is sought, unless there is a medical emergency. In this case, the supervisor will make the First Report of Injury.

Panel Doctors and Medical Treatment

In accordance with the Virginia Workers' Compensation Act, the County has established a panel of physicians to furnish medical care for all workers' compensation claims. The employee must select a primary care physician from the panel for his/her medical bills to be covered under workers' compensation. The employee will be presented with the panel doctors during the First Report of Injury process. If an employee elects to use a physician who is not on the authorized list, the treatment will be incurred at the employee's expense. To ensure receipt of maximum benefits pertaining to payment of medical expenses and workers' compensation payments, an employee must accept medical treatment and keep appointments with the authorized physician.

Emergency Situations

In an emergency situation, the primary objective is to obtain immediate medical care for the injured employee. In this situation the following guidelines should be followed.

1. Obtain Emergency Care – Obtain emergency care as dictated by the situation.

2. First Reporting – The supervisor will initiate the injury reporting process by following the procedure outlined in the *First Report of Injury, Illness or Substance Exposure - Standard Operating Procedure* located on Central at HR/Workers Compensation/Forms/ First Report of Injury and will report the injury to the Risk Management Coordinator.

3. Panel Doctor – The employee is required to select a panel doctor as soon as they can after receiving emergency medical treatment. The panel doctor will perform follow-up care, and will serve as the coordinator for specialist care.

Workers' Compensation Claims Processing

The County's insurance carrier will use the First Report of Injury to make a determination, including investigation if needed, to establish whether the claim meets the requirements of compensability as defined by the Virginia Workers' Compensation Act. If a claim is denied, the employee may seek an appeal through the Workers' Compensation Commission.

Medical Bills

The Virginia Workers' Compensation Act provides for the payment of reasonable and customary medical services associated with treatment for a workers' compensation claim. This includes physician and hospital services as well as prescription drugs. Medical bills should be sent from the provider to the County's insurance carrier. If the injured employee receives medical bills for an approved workers' compensation claim, the bills should be forwarded to the County's insurance carrier. Contact the Risk Management Coordinator for insurance carrier contact information and assistance.

Lost Wage Payments

The Workers' Compensation Act provides lost wage payments when an employee is unable to work due to a compensable injury, in the amount of 66.66 percent of the injured employee's average weekly wage (AWW). The AWW is determined by calculating the weekly average of the employee's gross wage for 52 weeks prior to the date of injury.

Compensation for an approved compensable injury shall begin when the injured employee is out of work for more than seven (7) calendar days, commonly referred to as the "waiting period", as provided by the Virginia Workers Compensation Act. An injured employee can elect to use either accumulated sick and/or annual leave for County business days occurring during the waiting period. After the required "waiting period", the injured employee shall not receive compensation from the County; however, the employee shall receive compensation directly from the County's Worker Compensation insurance carrier in accordance with the Worker's Compensation Act.

Only in cases where the injured employee's compensable injury extends their absence beyond twenty-one (21) calendar days, the County's workers compensation insurance carrier shall forward compensation to the injured employee as compensation for missed work during the aforementioned "waiting period". The employee has the option to retain said compensation for the "waiting period" and forfeit the sick and/or annual leave used or forward the compensation check to the County for reinstatement of leave taken during the waiting period.
Employees receiving worker's compensation benefits shall not accrue sick or vacation leave during their absence if workers compensation benefits are provided to an employee for more than half of the month. The County will continue to provide Group Life Insurance Benefits as well as the County's portion of the health insurance premium during the time of approved workers compensation leave from work. The employee shall be responsible for the employee portion of the health insurance premium and any other employee paid benefit. If an employee is unable to pay for any employee portion of an elected benefit, the benefit shall be terminated and reinstated upon the injured employee's return to work or eligibility period of the program, whichever is applicable to the benefit. Should an injured employee not return to full time or modified duty within a six month period from the date of injury, the County reserves the right to review and determine the employee's eligibility for County paid benefits.

If the injured employee was injured while under the influence of alcohol or another controlled substance, coverage by worker's compensation insurance may be denied.

Alternate Duty

The County supports alternate duty assignments for employees who are recovering from injuries. Alternate duty offers employees a chance to return to work at a capacity and duration approved by the panel doctor. The employee will be considered for productive assignments within his/her current department or another department if an assignment is not available in his/her department. Employees are encouraged to return to work in an alternate duty capacity whenever possible.

Employees will receive their normal pay while in an alternate duty assignment provided they work full time. Employees who are restricted to limited hours will receive workers' compensation lost wage payments for the hours they miss due to injury. Failure to report to an available alternate duty assignment will result in discontinuation of lost wage benefits and the employee will be considered to be on unapproved leave.

Alternate duty assignments will not exceed six months. After six months from the date of injury, the panel physician should be able to indicate whether the employee is able to return to the full duties of his/her position or if work limitations will be permanent.

In the event the employee is still being treated for the injury, and a final prognosis cannot be made, the alternative duty assignment may be extended if approved by the Department Director and the County Administrator and if it does not impede operations. In the event of a permanent limitation, job accommodations and position transfer will be explored as options for the employee.

Leave Records

Employees are required to complete their leave record reflecting time missing from work due to injury and time at work while under work restrictions. The following codes are used to reflect these hours:

W Workers' Compensation - Hours missed from work due to work-related injury. This also includes time for doctor appointments. Treatment and time missed must be for an approved workers' compensation claim. If a claim is denied, any "W" code used must be changed to an "S" code for sick leave.

AD Alternate Duty – Hours the employee works in alternate duty or with restrictions prohibiting the employee from performing his/her normal job/or restrictions on the number of hours per day an employee may work.

S Sick Leave – Hours missed in accordance with the County sick leave policy. Additionally, hours missed for a work-related injury during the "waiting period" can be designated as sick leave.

Section 6.7 - Employee Service Awards

(revised July 1, 2018)

The County realizes the value of having a long-term and dedicated work force. In recognition of the value of the effort, time, and ability of County employees, the County has established a system of acknowledging and rewarding employees for their years of service to the County.

Regular full-time and regular part-time employees (those working between 20-29 hours per week on a regular basis are eligible; those working on an on-call/intermittent/temporary/or seasonal basis are not eligible) shall be recognized and rewarded for their years of service with Isle of Wight County in accordance with the following schedule:

a. Five Years of Service
b. Ten Years of Service
c. Fifteen Years of Service

d. Twenty Years of Service
e. Twenty-five Plus Years of Service

Section 6.8 - Reward & Recognition Program Policy

(Revised January 1, 2018)

The County is proud of its growing workforce of caring, competent, and dedicated employees and has established a Reward & Recognition Program to recognize, appreciate, and reward employees for outstanding public service. This program provides rewards to selected employees who perform beyond expectations and serves to highlight the excellence that exists in all areas and job functions across the County. Employee recognition can be given in many ways, including but not limited to, offering verbal praise or providing professional development opportunities. Many studies on the work place have shown that being recognized for achievements, knowing that one's contributions matter to the organization, and the opportunity for growth and professional development have a considerable impact on employee satisfaction and commitment. The Reward & Recognition Program is designed to promote the fair and equitable recognition of individuals and teams who demonstrate superior service in advancing the County's overall goals and objectives. Awards will not be granted to employees for the performance of their normal work duties, accomplishments that are routine and within the duties outlined in their position description, or behavior that is generally expected of Isle of Wight County employees. Any or all parts of the Reward & Recognition Program may be suspended at any time.

Caught You Caring Award - Levels:

1. Caught You Caring Awards provide supervisors with a way to instantly recognize employees for a specific accomplishment, activity, act of service, knowledge or skill, or completion of a major project in a manner or result that is above and beyond the expectations of the employee and reinforces the County's mission of the community of choice that cares. Awards will be approved by the Department Director and rewarded as quickly as possible after the event occurs.

2. All full-time and part-time employees of the County shall be eligible for this award.

3. Semi-annually (January 1, July 1), a specified number of gift certificates will be allocated to each department by the Department of Human Resources. It will be up to each Department Director to authorize the distribution of these awards. Once the awards have been distributed for a period, no additional awards will be available until the next scheduled allotment.

4. The designated supervisor will present the award directly to the employee as soon as possible after approval from the Department Director. This recognition is designed to be given to employees as instant recognition for an accomplishment.

5. The issuing Department Director must notify Human Resources in writing within seven (7) business days after a Caught You Caring Award has been issued. The notification will detail the employee who has received the reward and documentation as to why they were deserving of the special recognition.

6. Any awards that are not given out each period may be carried over and used in the next period.

7. A reconciliation of awards distributed to Departments and awards remaining in inventory will be performed semi-annually at the closure of each period with certified documentation provided to the Finance Department for review and retention for audit purposes.

8. A summary of recipients and detail of the special recognition will be prepared each semi- annual period by the Department of Human Resources and provided to the County Administrator for program review by the end of the month following the period closed.

9. Allotment of awards will be provided semi-annually in proportion to employee counts per department as determined by funding approved in the annual operating budget.

   a. At the commencement of each semi-annual period (July 1 and January 1), Department Directors will be issued a pre-determined number of awards based upon the current employee count within the department.

   b. Upon the request of and approval by the County Administrator, four (4) additional awards will be available each period for special circumstances at the recommendation of the Director of Human Resources.

Public Service Awards:

1. Public Service Awards are designed to reinforce the County's mission and customer service commitment and rewards employees who support the County's goals and objectives through their ideas, suggestions, and/or actions which result in improved service delivery, efficiencies, safety, cost-savings, enhancement of the County's image and/or positive environment for citizens and/or co-workers.

2. All full-time and part-time employees of the County shall be eligible for this award.

3. Nominations may be submitted to the County Administrator by Department Heads for consideration on a quarterly basis. A committee consisting of the County Administrator and whomever he/she selects to serve on the committee will review the nominations and any supporting documentation and determine which will be granted a Public Service Award. The County Administrator will determine a specified number of pre-taxed monetary awards in the amount of $100, unless he/she deems a higher monetary award is warranted, for individual employee recognition and in the amount of $25 - $50, unless he/she deems a higher monetary award is warranted, for each member of a team, based on the size of the team, being recognized as a team. The monetary awards will be paid on a pre-tax basis that shall be included in the employee's next semi-monthly payroll period.

4. Each recipient of a Public Service Award will receive eight (8) hours of recognition leave, the monetary award, and a Public Service Award Certificate that will be presented to him/her at a Board of Supervisors Meeting.

5. Human Resources will track the Public Service Award recipients and the documentation of why they received the award. A reconciliation of awards distributed will be performed at the closure of the fiscal year with certified documentation provided to the Finance Department for review and retention for audit purposes and also provided to the County Administrator.

Section 6.9 - Retiree Benefits

(Revised December 4, 2008)

All regular full-time employees having 1) a minimum of fifteen (15) years of continuous employment with the County, thirty (30) years of cumulative services with the County, or less than fifteen years of continuous employment with the County who have retired due to line-of-duty injuries, and 2) having been approved to receive retirement benefits from the Virginia Retirement System shall be eligible to continue coverage on the County's

life, accident, and health insurance programs. Such coverage will be provided until the employee is eligible for Medicare coverage and will be provided at the retiree's expense for 100% of the premium requirement. Coverage will be provided to the retiree only and will exclude any spouse and/or dependent coverage. Retirees who elect this provision and subsequently terminate participation in the plan may not thereafter rejoin the plan. This policy shall apply retroactively to all active employees as of January 1, 2003.

Section 6.10 - Virginia Local Disability Program (VLDP) – Virginia Retirement System Hybrid Plan Members *(Effective July 1, 2018)*

Short-term Disability

Regular, full-time employees who are Virginia Retirement System (VRS) Hybrid Plan members:

1. Under the Virginia Local Disability Program (VLDP), short-term disability is a component of the VRS Hybrid Plan that provides, in most cases, income replacement at 60% of the employee's base pay when an employee is unable to work due to an illness, injury, or disability. All full-time hybrid employees are required to participate in the short-term disability program at no cost to them.

2. The maximum short-term disability period is 125 workdays. The 125-workday period is based on a Monday- Friday workweek and includes paid holidays. If an employee is still disabled after 125 workdays, he or she may be placed on long-term disability, as determined by the third party administrator for the VRS VLDP.

3. Upon meeting the criteria for the short-term disability benefit, short-term disability begins after seven (7) calendar days from the first day of the disability. During the seven-calendar day waiting period, employees may use sick leave or other eligible leave to cover the absence from work. Employees may also use eligible leave to offset a reduction in income replacement when using short-term disability, may not exceed 100% income replacement.

Short-term Disability Benefits for Hybrid Employees

Months of Continuous Service	Workdays of Income (Replaced at 100%)	Workdays of Income (Replaced at 80%)	Workdays of Income (Replaced at 60%)
Less Than 12	0	0	0
13 - 59	0	0	125
60 - 119	25	25	75
120 - 179	25	50	50
180 or more	25	75	25

Long-term Disability

Regular, full-time employees who are Virginia Retirement System (VRS) Hybrid Plan members:

Under the Virginia Local Disability Program (VLDP), long-term disability benefit begins after 125 workdays of short-term disability. The third party administrator will be responsible for determination of eligibility and payment to the employee directly for any long-term disability benefits that they are eligible for. If approved, the employee will receive income replacement at 60% of the employee's pre-disability income.

ARTICLE VII - Disciplinary Policy

(Revised February 2, 2006, April 1, 2015)

Section 7.0 - *Disciplinary Policy*

(Revised February 2, 2006, April 1, 2015)

There is an exemplary standard of conduct expected of each employee of the County. It is generally interpreted to mean that an employee will conduct himself/herself in a manner compatible with public service. It is also the responsibility of the employee to perform his/her duties to the best of his/her ability and to the standards set forth in the job description. County employees also have the duty and responsibility to be aware of and abide by existing policies, procedures, rules and regulations. No employee shall be disciplined for political or religious reasons or for any other unlawful cause. Where practical, the County's disciplinary procedure shall be progressive in nature.

Supervisor Responsibility

The immediate supervisor must approach corrective measures in an objective manner. If the employee's performance of an assigned task is the issue, the supervisor should generally look to see that proper instructions, appropriate orientation, and training have been given and that the employee is aware of job expectations. Not only single incidents, but also patterns of poor performance should be of concern as these are indicative of overall performance. If misconduct is the issue, the supervisor should take steps to insure the employee has been made aware of the County's policies and regulations regarding the infraction. Disciplinary actions should also include a plan for correction that is clearly communicated with the employee.

Section 7.1 - *Purpose*

The purpose of this disciplinary policy is to provide supervisors with a fair and objective guide for determining the seriousness of an employee's unsatisfactory work performance or misconduct and selecting the appropriate disciplinary action to correct the unacceptable behavior.

Section 7.2 - *Definitions*

(Revised April 1, 2015)

Oral Reprimand - An oral reprimand shall be defined as a discussion between the supervisor and the employee where the employee is advised and cautioned about his/her unsatisfactory work performance or misconduct. In order to officially be recorded as an oral reprimand, the oral reprimand shall be documented on the County's Employee Corrective Action Form and placed in the employee's personnel file. Oral reprimands are not grievable. No oral reprimand shall be given without prior approval by the department of Human Resources.

Written Reprimand - A written reprimand shall be defined as written documentation to the employee from the supervisor wherein the employee is advised and cautioned about his/her work performance or misconduct. The written reprimand shall be documented on the County's Employee Corrective Action Form and placed in the employee's personnel file. No written reprimand shall be given without prior approval by the department of Human Resources.

Suspension - A suspension shall be defined as temporarily prohibiting an employee from performing his/her duties as a result of the employee's unsatisfactory work performance or misconduct. An employee may be suspended without pay for a period not to exceed 15 workdays with the approval of the department of Human Resources. The suspension period shall be without pay. With the approval of the County Administrator, an employee may be suspended for a longer period. The suspension shall be documented on the County's Employee Corrective Action Form and placed in the employee's personnel file. No suspension shall be given without prior approval by the department of Human Resources.

Disciplinary Demotion - A disciplinary demotion shall be defined as the reassignment of an employee to a lower pay grade. An employee who receives a disciplinary demotion shall receive a decrease in salary with the approval of the department of Human Resources. The disciplinary demotion shall be documented on the County's Employee Corrective Action Form and placed in the employee's personnel file. No demotion shall be valid without prior approval by the department of Human Resources.

Dismissal - A dismissal shall be defined as an involuntary separation from employment initiated by the County as a result of the employee's unsatisfactory work performance or misconduct. The dismissal shall be documented on the County's Employee Corrective Action Form or in some other approved written manner and placed in the employee's personnel file. No dismissal shall be valid without the prior approval by the department of Human Resources.

Section 7.3 - *Applicability*

All employees within departments which are a part of the classified service shall be covered under this policy. All levels of supervision shall be responsible for the uniform orientation of employees regarding this policy and its fair and equal enforcement.

Section 7.4 - *Policy*

(Revised April 1, 2015)

The County supports the use of progressive discipline to address conduct issues such as poor work performance or misconduct and to encourage employees to become more productive workers and meet County standards and expectations.

The County reserves the right to administer appropriate disciplinary action for all forms of disruptive and/or inappropriate behavior. Each situation will be dealt with on an individual basis. The County has established general guidelines to govern the conduct of its employees. No list of rules can include all instances of conduct that can result in discipline and the examples below do not replace sound judgment or common sense behavior. Examples of employee conduct that would lead to discipline and the usual course of disciplinary action have been separated into three groups, according to the severity and impact of the infraction. Violations may warrant differing levels of discipline depending on the level of seriousness. The severity of the discipline chosen by the supervisor must be proportionate to the seriousness of the offense. The County always reserves the right to determine the appropriate level of disciplinary action, including but not limited to disciplinary demotion, oral and written reprimands, suspension, and dismissal. For inadequate or unsatisfactory job performance, the supervisor may, with approval of the County Administrator, place an employee on probationary status. In the event the employee has not achieved satisfactory performance by the end of the probationary period, he/she may be discharged in accordance with the provisions of Section 4.9. Below are some examples of offenses that may lead to disciplinary action. The list is not meant to be all-inclusive or in any way limit the County's ability to take disciplinary action for offenses not included on this list.

First Group Offenses (*Examples Only*)

- Unsatisfactory attendance or tardiness;
- Abuse of County time, such as:
  - Unauthorized time away from work area; or
  - Failure to notify supervisor promptly of completion of assigned work
  - Abusing meal periods
- Obscene or abusive language;
- Contributing to unsanitary or unsafe conditions;
- Violating the chain of command as described in Article VIII concerning issues arising in the workplace.

Second Group Offenses (*Examples Only*)

- Failure to follow supervisor's instructions, perform assigned duties timely, correctly, competently, or at an adequate level of production or otherwise comply with applicable established written policy;
- Insubordination;
- Incompetency or inefficiency;
- Leaving the work area without proper notice to supervisor;
- Unauthorized use or misuse of County property or records;
- A moving traffic violation while using County vehicles;
- Violating safety rules where there is not a threat to life.

Third Group Offenses (Examples Only)

- Absence or leave in excess of three (3) work days without a satisfactory explanation;
- Use of alcohol or unlawful use or possession of controlled substances while on the job, or reporting to work when under the influence of alcohol or controlled substances;
- Falsifying any records such as, but not limited to: vouchers, reports, insurance claims, time records, leave records, or other official records;
- Willfully or negligently damaging or defacing County records or County or employee property;
- Theft or unauthorized removal of County records or County or employee property;
- Acts of physical violence or fighting;
- Engaging in sexual activities while on the job or on County property;
- Violating safety rules where there is a threat to life;
- Sleeping during working hours;
- Willful dereliction of duty
- Participating in any kind of work slowdown, sit down, or similar concerted interference with County operations;
- Unauthorized possession or use of firearms, dangerous weapons or explosives;
- Threatening or coercing employees or supervisory personnel;
- Criminal convictions for acts of conduct occurring on or off the job which are related to job performance or are of such a nature that to continue the employee in the assigned position could constitute negligence in regard to the department's duties to the public or to other County employees;
- Violations of the County’s Non-Discrimination and Anti-Harassment Policy;
- Demonstrating insubordination, including but not limited to:
    - Refusal to do an assigned job
    - Refusal to work overtime when required
    - Refusal to accept holiday work when assigned
    - Intentional delay in carrying out an assignment

Supervisors may account for mitigating circumstances in determining discipline, but they must document any such mitigating circumstances in writing.

All disciplinary actions, with the exception of oral reprimand, are appealable through the grievance procedure.

Procedural steps for imposing discipline are set forth on the following pages. The failure of a supervisor to follow these procedural steps will not, of itself, render the discipline invalid or improper. However, the supervisor's failure to follow the procedure may be separately grieved by an employee and may be included in an evaluation of the supervisor's job performance.

Section 7.5 - Reprimands

(Revised April 1, 2015)

Reprimands are given for offenses which are less severe in nature but which require correction in the interest of maintaining a productive and well- managed work force. The form of the reprimand may be either oral or written.

a. A supervisor should first discuss the offense with the employee and advise him/her of the need for correction. If the situation is not corrected, the employee should be given an Employee Corrective Action Notice designating the reprimand as either an Oral or Written Reprimand and emphasizing the need for correcting his/her behavior.

b. No reprimand shall be relied upon as a basis for further disciplinary action unless it is documented in writing and a copy forwarded to the Human Resources Department for inclusion in the employee's official personnel file.

c. Once a reprimand is reduced to writing, as provided above, a copy shall be hand delivered and signed "received" by the employee or mailed to the employee by certified mail (return receipt requested) if hand-delivery is not practical.

d. Written Reprimands shall be cumulative in nature and shall remain on file.

Section 7.6 - Suspensions

(Revised April 1, 2015)

Suspensions are given for acts of conduct of a more serious nature, including unsatisfactory work performance or misconduct, which continues after discipline has been imposed. Corrective action for these offenses include a meeting between the employee and the supervisor, if possible, prior to the suspension being imposed, a written notice including the items listed below and suspension without pay. Employees may not be suspended in excess of fifteen 15) work days for an offense of this nature.

Prior to suspending or dismissing an employee, the department director or supervisor must:

a. Meet with the employee to discuss the problem and provide the employee an opportunity to respond in written form by the close of the next business day;

b. Review the employee's responses and any available information regarding the problem; and

c. Prepare a written statement of the problem, the employee's response, a summary of findings, action being taken, a warning to what further disciplinary action could result if the situation is not corrected and a statement of the employee's right to appeal (if any) in accordance with the County's grievance policy.

A written notice of suspension shall be hand delivered and signed received or mailed certified mail (return receipt requested) to the employee. The items listed below shall be included in the written notice:

a. A statement of the reason(s) for the suspension;

b. A warning of what further disciplinary action could result, if the situation is not corrected;

c. A statement of the employee's response to the reasons for the suspension as indicated in the meeting between the supervisor and the employee; and if a meeting was not possible prior to the suspension being imposed, the reason that a meeting could not take place should be stated in the letter.

d. A statement of the employee's right to appeal (if any) in accordance with the County's grievance procedure.

A copy of such written notice shall be forwarded to the Human Resources Department for inclusion in the employee's official personnel file.

Section 7.7 - Disciplinary Demotion

(Revised April 1, 2015)

Disciplinary demotions can occur as an intermediate discipline or as an alternative to termination in second or third group offenses, or in cases of continued commission of first group offenses after discipline has been imposed.

1. An effort should be made by the supervisor to meet with the employee prior to imposing the demotion. The employee should be given the opportunity to respond to the reasons for the proposed action.

2. A written notice of the demotion shall be hand delivered or mailed to the employee by certified mail (return receipt requested). The items listed below shall be included in the written notice.

    a. A statement of reasons for the demotion;

    b. In cases where the demotion is not voluntary, a warning of what further disciplinary action could result, if the situation is not corrected;

    c. A statement of the employee's response to the reasons for the demotion as indicated in the meeting between the supervisor and the employee; and if a meeting was not possible prior to the demotion, the reason that a meeting could not take place should be stated.

    d. A statement of employee's right to appeal (if any) in accordance with the County's grievance policy, unless the demotion is voluntary.

3. A copy of such written notice shall be forwarded to the Human Resources Department for inclusion in the employee's official personnel file.

4. A demotion shall not be used as a disciplinary action if the employee involved cannot qualify for the lower-ranked position or if the demotion would require the displacement of another employee.

Section 7.8 - Dismissal

An employee is dismissed for acts and behavior of such a serious nature that a first occurrence should normally warrant termination and for unsatisfactory performance or misconduct of a less serious nature which continues after discipline has been imposed for prior poor work performance or misconduct.

An effort should be made by the supervisor to meet with the employee prior to the dismissal. The employee should be given the opportunity to respond to the reason(s) for the proposed action. A written notice shall be hand delivered or mailed certified mail (return receipt requested) to the employee if hand-delivery is not practical. The items below shall be included in the written notice.

a. A statement of the reason(s) for dismissal;

b. A statement of the employee's response to the reasons for the dismissal as indicated in the meeting between the supervisor and the employee; and if a meeting was not possible prior to the dismissal, the reason that a

meeting could not take place should be stated in the letter;

c. A statement of the employee's right to appeal (if any), in accordance with the County's grievance policy.

A copy of such written notice shall be forwarded to the Human Resources Department for inclusion in the employee's official personnel file.

Section 7.9 - Non-Disciplinary Suspension Provisions

(Revised April 1, 2015)

In addition to the suspensions provided for in the preceding pages, suspensions with or without pay may occur for the following reasons, subject to the limitations noted.

a. Immediate Suspension - Nothing in this policy shall prevent the immediate suspension of an employee whose continued presence on the job is deemed to be a substantial and immediate threat to the welfare of the employee's department or to the welfare of the public, or where such continued presence could constitute negligence in regard to the department's duties to the public or to other County employees. Such suspension may be imposed in any of these situations with the prior approval of the affected department director or his/her designee, Director of Human Resources or his/her designee and the County Administrator or his/her designee. Where such suspension must be imposed at a time other than normal working hours, the County Administrator shall be notified and consulted at the beginning of the next work day.

c. Suspension Pending Court Action or Official Investigation - An immediate suspension shall be warranted where there is a criminal prosecution or official investigation involving alleged criminal violations that occur on or off the job and are related to job performance or are of such a nature that to continue the employee in the assigned position could constitute negligence in regard to the department's duties to the public and to other County employees.

Upon completion of such court action or official investigation, the employee may be disciplined or removed or may be reinstated. The County Administrator shall not be bound by the outcome of court action or official investigation but may refer to such outcome and the findings in making a final decision. (Official investigation shall be interpreted to include only those investigations conducted by Federal, State or local government law enforcement agencies.)

d. Suspension Pending Department Disciplinary Investigation - An immediate suspension may be imposed pending completion of a disciplinary investigation into misconduct or violation of established work rules; provided, however, that before such a suspension is imposed the department director must find that the employee's continued presence on the job would present a substantial and immediate threat to the welfare of the department or the public, or that it could constitute negligence on the part of the County in regard to the department's duties to the public or to other County employees. Such suspension may be imposed in any of these situations with the prior approval of the affected department director or his/her designee, Director of Human Resources or his/her designee and the County Administrator or his/her designee. Where such suspension must be imposed at a time other than normal working hours, the County Administrator shall be notified and consulted at the beginning of the next work day.

If the employee is cleared of any such alleged violations, the employee shall be reinstated.

Section 7.10 - Mitigating Circumstances

Mitigating circumstances include those conditions related to a given offense that would serve to support a

reduction or corrective action in the interest of fairness and objectivity. Mitigating circumstances may also include consideration of an employee's length of service with a history of satisfactory work performance.

Section 7.11 - Not All Inclusive

The offenses listed in this policy are not intended to be all-inclusive. Accordingly, conduct which, in the judgment of the department director, although not listed, seriously undermines the effectiveness of the agency's activities or the employee's performance, should be treated consistent with provisions of this policy. A record of such offenses must be filed with the Director of Human Resources and County Administrator.

Section 7.12 - Right to Grieve Disciplinary Action

All regular full-time and regular part-time employees in the classified service, who have completed their probationary period, may grieve disciplinary actions in accordance with the grievance procedure in Article VIII.

ARTICLE VIII - Grievance Procedure

(Revised June 14, 2007, April 1, 2015, July 1, 2020)

Section 8.0 - Policy

(Revised April 1, 2015)

Isle of Wight County desires to resolve employee grievances fairly and promptly. Employees are encouraged to freely discuss their concerns with immediate supervisors and upper management levels when disagreements or dissatisfactions arise. The County shall strive for equitable treatment of all employees and by doing so attempt to alleviate the occurrence of grievances. Most issues may be resolved through discussion, but alternatives are necessary when discussion is not effective.

Section 8.1 - Purpose

(Revised April 1, 2015)

The purpose of the County's grievance procedure is to establish an objective and fair method of resolving an employee's complaint or dispute concerning his/her employment with the County by allowing employees to bring their concerns to upper levels of management. All problems, complaints or disputes, even of a minor nature, should be resolved with the least amount of delay. It is the County's intent that this policy comply fully with state law. In cases of conflict, the laws of the Commonwealth of Virginia shall govern. Questions concerning the grievance procedure should be directed to the Human Resources Department.

Section 8.2 - Applicability

(Revised April 1, 2015)

Unless otherwise provided by law, all non-probationary local government regular full-time and part-time employees are eligible to file grievances with the following exceptions:

a. Appointees of elected groups or officials;

b. Officials and employees who by statute, ordinance or other law serve at the will or pleasure of the Board of Supervisors;

c. Deputies and executive assistants of the County Administrator;

d. Agency, department heads, chief executive officers, or Assistant County Attorneys of County operations;

e. Employees whose terms of employment are limited by law;

f. Temporary, limited term and seasonal employees;

g. Law enforcement officers as defined in Chapter 10.0 (Section 2.1-116.1 et seq.) of Title 2.1 of the Code of Virginia whose grievance is subject to the provisions of Chapter 10.0 and who have elected to proceed pursuant to the provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of his/her grievance;

h. Firefighter and Emergency Medical Technicians who elect to proceed under the Firefighter and Emergency Medical Technicians Procedural Guarantee Act, section 9.1-500 et seq. (sometimes known as the firefighter's bill of rights);

i. Members of boards and commissions;

j. Volunteers;

k. Constitutional Officers;

l. Consultants and legal counsel rendering professional services;

m. Probationary employees;

n. Individuals whose employment with the county has been terminated as a result of resignation, reduction in force, or retirement.

Notwithstanding the exceptions set forth above, the County, at its sole discretion, may voluntarily include employees in any of the excepted categories within the coverage of their grievance procedures.

Section 8.3 - Definition of Grievance

(Revised April 1, 2015, July 1, 2020)

A grievance shall be defined as a complaint or dispute by an employee relating to his/her employment, but not necessarily limited to the following grievable issues:

1. The disciplinary actions of written reprimand, disciplinary demotions, dismissals**,** and suspensions;

2. Concerns regarding the application, meaning, or interpretation of personnel policies, procedures, rules, and regulations;

3. Discrimination in any employment practice based on the employee's race, color, creed, sex, age, religion, national origin, disability or political affiliation;

4. Acts of retaliation as the result of the use of or participation in the grievance procedure or because the Employee:
   - (i) reports a violation or suspected violation of law to a supervisor, governmental body, or police;
   - (ii) is requested by a governmental body or police to participate in an investigation, hearing, or inquiry;
   - (iii) refuses to engage in a criminal act that would subject the employee to criminal liability;
   - (iv) refuses an employer's order to perform an action that the employee believes, which belief has an objective basis in fact, violates the law and the employee informs the employer that the order is being refused for that reason; or
   - (v) provides information to or testifies before any governmental body or police conducting an investigation, hearing, or inquiry into any alleged violation by the employer of federal or state law or regulation; or

(vi) has complied with any law of the United States or of the Commonwealth of Virginia, or has reported a violation of such law to a governmental authority; or
(vii) has sought any change in law before the Congress of the United States or the General Assembly; or
(viii) has reported an incidence of fraud, abuse, or gross mismanagement.

Management Responsibilities

Management reserves the exclusive right to manage the affairs and operations of County government. Accordingly the following complaints are not grievable under this procedure:

a. Establishment and revision of wages or salaries, positions, job titles or general benefits;

b. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of job content;

c. Contents of ordinances, statutes or established personnel policies, procedures, rules and regulations;

d. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly;

e. The methods, means and personnel by which work activities are to be carried on;

f. Termination, demotion or suspension from duties because of lack of work, reduction in workforce, or job abolition, except where such action affects an employee who has been reinstated within the previous six (6) months as a result of the final determination of a grievance. Such action shall be upheld upon a showing that: (i) there was a valid business reason for the action and (ii) the employee was notified of such reason in writing prior to the effective date of the action;

g. The hiring, promotion, transfer, assignment and retention of employees within the County;

h. The relief of employees from duties of the County in emergencies.

i. Counseling memoranda and manners of providing supervisory directions;

j. Performance evaluations;

k. Oral reprimands.

In any grievance brought under the exception to provision (f) of this subsection, the action shall be upheld upon a showing by the County that:

1. There was a valid business reason for the action; and

2. The employee was notified of the reason in writing prior to the effective date of the action.

Section 8.4 - Grievance Procedure

(Revised June 14, 2007, April 1, 2015)

Most employee concerns or complaints can be resolved informally through communications between the employee and his/her supervisor. Accordingly, employees are encouraged to take their complaints to their immediate supervisor and then to upper management levels to seek a solution. Employees are also encouraged to

pursue grievable issues through the grievance procedure.

The procedure for a grievance includes the following steps:

Step 1: An employee who has a complaint shall discuss the problem directly with the employee's immediate supervisor within twenty (20) calendar days of the date the employee should have reasonably gained knowledge of the event giving rise to the complaint. The employee is not required to present the complaint in writing at this step. A verbal reply by the supervisor shall be made within five (5) business days following the meeting. Failure on the part of the employee to initiate the action required within the time stated herein shall terminate the employee's right to initiate a grievance on that issue.

Step 2: If the complaint is not resolved after the first step, the employee may submit in writing the complaint to the employee's immediate supervisor within five (5) business days of the supervisor's verbal reply in step The complaint shall be made using the "Grievance/Remedy Form" available from the department of human resources. The immediate supervisor shall reply in writing on the "Grievance/Remedy Form" to the complaint within five (5) business days of the receipt of the written complaint and provide a copy to the department director and the department of human resources. If the County Administrator or the County Administrator's designee is the immediate supervisor, steps 2, 3 and 4 are consolidated into one step. Failure on the part of the employee to initiate the action required within the time stated herein shall terminate the employee's right to continue a grievance on that issue.

Step 3: If the complaint is not resolved in step 2, the employee may appeal the decision of the supervisor to the department director by forwarding the "Grievance/Remedy Form" to the department director within five (5) business days of receipt of the immediate supervisor's written response in step 2. The department director shall reply in writing on the "Grievance/Remedy Form" to the complaint within five (5) business days of the receipt of the written complaint and provide a copy to the department of human resources. Failure on the part of the employee to initiate the action required within the time stated herein shall terminate the employee's right to continue a grievance on that issue.

Step 4: If the complaint is not resolved at step 3, the employee may appeal the decision of the department director by forwarding the "Grievance/Remedy Form" to the County Administrator or County Administrator's designee within five (5) business days of the department director's response. Within five (5) business days of its receipt, the County Administrator or County Administrator's designee shall meet with the grievant and the department director together, to discuss the grievance. The County Administrator or County Administrator's designee shall reply to the grievant on the "Grievance/Remedy Form" within five (5) business days of the discussion and provide a copy to the department of human resources. Failure on the part of the employee to initiate the action required within the time stated herein shall terminate the employee's right to continue a grievance on that issue.

With the exception of step 4: The only persons who may be present in the management step meetings are the employee, the employee's immediate supervisor or department director depending on the level at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be present only while actually making his or her statement. At step 4, the employee, at his or her option, may have present a representative of his or her choice. If the employee is represented by legal counsel, the county likewise has the option of being represented by counsel. The employee must notify the County Administrator and the Human Resources Department of the name of his or her attorney within five (5) calendar days of the scheduled meeting. The presence of attorneys shall not alter the fact that this is an administrative, informal, fact-finding process involving, in step 4, a meeting and discussion between the County Administrator or County Administrator's designee and the employee.

Section 8.5 - Panel Hearing

(Revised June 14, 2007, April 1, 2015)

Request for Hearing

If the County Administrator's or the County Administrator's designee's response does not resolve the grievance at step 4, the grievant may request a hearing before a grievance panel. The request for a hearing shall be submitted in writing to the Director of Human Resources within five (5) business days of the response of the County Administrator or the County Administrator's designee.

Panel Composition

1. In cases of employee termination or retaliation, the panel shall be made up of three impartial members. Two panel members shall be chosen from employees of the County. One of those panel members shall be appointed by the employee and one shall be appointed by the County Administrator or County Administrator's designee. The third panel member shall be an administrative hearing officer who is appointed by the Executive Secretary of the Supreme Court. The County will pay all costs related to the use of the hearing officer. The administrative hearing officer shall act as panel chairperson.

2. In all other cases, the panel shall be made up of three impartial members chosen from employees of the County, one appointed by the grievant, one appointed by the County Administrator or County Administrator's designee, and a third panel member selected by the first two appointed panelists, who will serve as the panel chairperson. In the event that an agreement cannot be reached as to the third panel member, the chief judge of the circuit court of the County shall select the third panel member.

3. All County employees, as a condition of County employment, shall serve on grievance panels, whether selected by the grievant, management, or by the two appointed panelists to serve as the panel chair. All employees of the Human Resources Department, Office of the County Attorney, and the County Administrator's office shall be excluded from serving on the panel.

4. The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint giving rise to the grievance; nor managers who are in a direct line of supervision of the grievant; nor employees in the same department as the grievant; nor persons who are residing or have resided in the same household as the grievant; nor the following relatives of either participant in the grievance process: spouse, parent, grandparent, child, grandchild, sibling, step-sibling, in-law, niece, nephew or first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of the attorney shall serve as a panel member. Panel members chosen in compliance with these requirements shall be deemed to be impartial.

5. The County Administrator or County Administrator's designee, the grievant, or the grievant’s department director may challenge the eligibility of the other party's panel member by requesting a determination from the Director of Human Resources of whether the selection has met or violated the eligibility requirements. Such requests must be made in writing no fewer than five (5) business days prior to the date of the scheduled panel hearing. If one member is found to be ineligible, the remaining members are unaffected. If at all possible, an immediate replacement will be impaneled and the hearing conducted as scheduled.

Rules for Panel Hearings

The conduct of panel hearings as a part of the grievance procedure shall be governed by the following rules:

1. The panel does not have authority to formulate policies or procedures or to alter existing policies or procedures;

2. The panel has the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private;

3. The County shall provide the panel with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the panel;

4. The grievant and his or her attorney, at least ten (10) calendar days prior to the scheduled panel hearing, shall be allowed access to and copies of all relevant files intended to be used by the County in the grievance proceeding;

5. The panel shall have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence;

6. All evidence shall be presented in the presence of the panel and the parties, except by mutual consent of the parties;

7. The documents, exhibits and lists of witnesses shall be exchanged between the parties in advance of the hearing;

8. The panel hearing is an administrative process and is not meant to be conducted like proceedings in court. Panels are not bound by rules of evidence and shall take into account all reliable and substantial evidence produced at the hearing. It is within the province of the panel to determine relevancy and materiality. The panel may require either party to demonstrate relevancy and materiality of any evidence and the need for any requested extensions of the hearing panel;

9. The panel shall deal with the grievance before them. Evidence and testimony as to how other employees or situations have been handled in the past are not relevant except in cases of discrimination. Previous applications of the same policy may be relevant. No personnel file or record may be examined by the panel or introduced into evidence, except that of the grievant;

10. The panel has no subpoena power to compel the attendance of witnesses. The panel may, however, at the request of either party, or in its own discretion, request the voluntary appearance of witnesses or the submission of documents.

Authority of the Panel Chair

The chair, acting on behalf of the panel, has the authority to:

1. Issue requests for witnesses or documents but does not have subpoena power;

2. Administer oaths;

3. Receive documentary evidence and hear testimony, and exclude that which is irrelevant, immaterial, repetitive or confidential by law;

4. Decide on procedural requests;

5. Hold a conference (in person or by telephonic means) to simplify the issues, decide procedural matters, discuss settlement possibilities, and establish the date, time, and place of hearing; and

6. Order the parties to exchange a list of witnesses and documents.

Conduct of the Hearing

1. The hearing must be held within 30 calendar days of the selection of the panel in a location convenient to where the employee is or has been employed. The County must arrange a place for the hearing unless the panel chair chooses to make the arrangements. It is the responsibility of the panel chair to notify the parties, either in writing or at a prehearing conference, of the date, time and place of the hearing.

2. When a hearing is scheduled, it is the responsibility of the parties to appear or ask for a postponement. A hearing may proceed in the absence of one of the parties; a hearing so conducted will be decided on the grievance record and the evidence presented at the hearing. The parties may be represented by legal counsel or other representative, or may represent themselves. A hearing may be continued into evenings or weekends. The panel may grant a postponement or extend the 30 calendar day period for good cause.

3. Opening and closing statements may be made by each party. Each party may be represented by an individual of choice. All witnesses, except for the grievant and a representative of the County, shall not be present in the hearing room except when giving testimony. Exhibits may be offered into evidence and be made part of the record. The hearing must be recorded verbatim. The panel chair is responsible for the recording and is to preserve the recorded tapes as a part of the grievance record. Either party may receive a copy of the recording at cost. A court reporter is not required. If either party requests a court reporter, that party is responsible for the costs. If a transcript is made, the other party may request a copy at cost. The panel chair has the authority to determine the propriety of the attendance of all persons not having a direct involvement in the hearing including witnesses and spectators. The hearing shall be closed to the public.

Decision

1. The panel's decision must be in writing and contain the findings of fact and the basis for those findings. The panel shall deliver its decision to the Director of Human Resources, the individual who represented the County during the panel hearing and the employee within ten (10) business days of the conclusion of the hearing unless the panel by majority vote extends the time period. If the panel extends the time period for its response, the panel chair shall notify the parties in writing. The majority decision of the panel, acting within the scope of its authority, shall be final, subject to existing policies, procedures and law.

2. The panel shall decide the case on the merits, not on whether there has been compliance with the procedural requirements of this article. The panel does not have the authority to formulate policies or procedures nor to alter existing policies and procedures. The panel shall make its decision within the following standards of review:

    a. In grievances involving disciplinary action for misconduct, including termination for misconduct, the panel shall uphold the county if the evidence shows that the charge(s) of misconduct and disciplinary action(s) were more likely than not appropriate under the circumstances. If the panel finds that the charge(s) or disciplinary action(s) were not appropriate under the circumstances, then the panel has the same authority and limitations as management to determine the appropriate charge(s) or disciplinary action(s) in accordance with applicable County policy. The panel may not impose a disciplinary action in excess of the original disciplinary action imposed by the County.

    b. In grievances involving termination for unsatisfactory work performance, failure to meet job standards, unacceptable attendance or other nondisciplinary matters, the panel shall uphold the County's action if it determines that the action was more likely than not appropriate under the circumstances. If the panel finds that the charge(s) or disciplinary action(s) were not appropriate

under the circumstances, then the panel has the same authority and limitations as management to determine the appropriate charge(s) or disciplinary action(s) in accordance with applicable County policy. The panel is not empowered to establish or modify job standards, job requirements, or performance standards nor may the panel determine or change an employee's evaluation rating. The panel may not impose a disciplinary action in excess of the original disciplinary action imposed by the County.

c. In grievances involving complaints regarding application of policy, discrimination and other nondisciplinary issues, the panel will determine if policies and procedures have been appropriately applied. If the panel finds that the policies and procedures have not been applied appropriately, then the panel, as appropriate relief, may issue an order to create an environment free from discrimination or to take corrective actions necessary to cure the violation and/or minimize its recurrence. The panel is not empowered to promote, assign or transfer employees, to establish salaries nor to take any other action which is in the purview of management rights.

d. The panel does not have the authority to consider matters which the grievance procedure makes nongrievable.

e. The majority decision of the panel, acting within the scope of its authority, shall be final, subject to existing policies, procedures and law.

f. The panel may not award damages or attorney's fees.

3. Within ten (10) business days of the receipt of the panel's decision, the Director of Human Resources will review the decision and may on his or her own action remand a decision which appears to be inconsistent with law and written policy to the panel for further consideration. All parties will be notified if a decision is remanded.

4. The County Administrator shall implement the panel decision to the extent that it is consistent with the provisions of law and written policy. Either party may petition the circuit court of the County for an order requiring implementation of the panel decision.

Section 8.6 - Determination of Grievability

1. Determining Issues Qualifying for the Management Steps - If the first or second step written management response indicates that a given issue is not grievable, an employee may appeal to the County Administrator, or his designee, who is empowered to render a decision on the grievability and on the access of the procedure of issues in the management steps. Neither the County Attorney nor the Commonwealth's Attorney shall be authorized to decide the question of grievability. If the County Administrator finds that the issue is grievable, the grievance may be pursued through the three management steps. However if the County Administrator or his designee, finds that the issue is not grievable, the employee may appeal to the Circuit Court for a hearing on the issues as to whether or not the grievance qualifies for a panel hearing. The appeal procedure shall be in accordance with subsection 2 below.

   If the issue qualified by the court, the management step process should be completed before proceeding to panel (unless the grievance is otherwise resolved).

2. Determining Issues Qualifying for a Panel Hearing - Decisions regarding whether or not a matter qualifies for a panel hearing shall be made by the County Administrator at the request of the department

director or grievant and such decisions shall be made within ten (10) calendar days of such request. Such requests shall be made in writing. Such decisions of the County Administrator may be appealed to the Circuit Court for a hearing on the issues as to whether or not the grievance qualifies for a panel hearing. Proceedings for review of the decision of the County Administrator shall be instituted by filing a written notice of appeal with the County Administrator within ten (10) calendar days thereafter, the County Administrator shall transmit to the Clerk of the Circuit Court to which the appeal is taken a copy of the decision of the County Administrator, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished to the Court shall be furnished to the grievant. The failure of the County Administrator to transmit the record within the time allowed shall not prejudice the rights of the grievant.

The court on motions of the grievant, may issue a writ of certiorari requiring the County Administrator to transmit the record on or before a certain date. Within thirty (30) calendar days of receipt by the Clerk of such records, the Court sitting without a jury, shall hear the appeal on the record transmitted by the County Administrator and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record, the Court, in its discretion, may receive such other evidence as the ends of justice require. The Court may affirm the decision of the County Administrator or may reverse or modify the decision. The decision of the Court shall be rendered no later than the fifteenth (15th) day from the date of the conclusion of the hearing. The decision of the Court is final and is not appealable.

Section 8.7 - Following the Procedure

After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure without just cause will result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five (5) work days of the receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the County Administrator. Failure of either party without just cause to comply with all substantial procedural requirements at the panel hearing shall result in a decision in favor of the other party.

This procedure is provided as a means for employees to resolve problems and complaints without the cost often associated with legal counsel. However, if any employee using the procedure would feel more comfortable in having such support, the employee shall be responsible for related expenses.

ARTICLE IX - Separations

(Revised November 15, 2007, November 20, 2014)

Section 9.0 - Types of Separation

(Revised November 15, 2007)

Separation of employees from positions in the classified service shall be designated as one of the following and shall be accomplished in the manner indicated: resignation, layoff, disability, death, retirement and dismissal.

Section 9.1 - County Equipment

(Revised November 15, 2007, November 20, 2014)

At the time of separation, all records, assets and other items of County property in the employee's custody shall be transferred to his/her department head and certification to this effect shall be signed by the employee.

Section 9.2 - Resignation

(Revised November 15, 2007, November 20, 2014)

To resign in good standing, all employees, with the exception of department directors, shall give notice in writing

to his/her department head at least fourteen (14) calendar days prior to the effective date of the resignation. Failure to comply with this rule will result in the employee being ineligible for rehire, except in extenuating circumstances at the approval of the Director of Human Resources. Thirty (30) calendar days notice is requested for department directors resigning from employment. All department directors shall transmit all resignations to the Department of Human Resources within 24 hours of receipt.

Section 9.3 - Voluntary Resignation

(Revised November 20, 2014)

An employee, who without just cause, fails to report to work for three (3) consecutive work days without authorized leave shall be separated from the payroll. This action shall be reported as a voluntary resignation.

Section 9.4 - Reduction in Force

(Revised November 20, 2014)

Any involuntary separation other than due to delinquency, misconduct, inefficiency, or disciplinary action shall be considered a layoff.

When feasible, an employee shall be laid off on the basis of the following three (3) equally weighted factors:

a. length of service in class;

b. length of service with the County; and

c. the employee's performance evaluations.

When a department director believes an individual is essential to the effective operation of the department because he/she possesses special skills or abilities and he/she wishes to retain that person in preference to a person with a higher rating he/she shall submit a written request to the County Administrator. The request shall detail the specific skills and abilities possessed by the individual and the reasons why the person is essential to the effective operation of the department. The individual may be retained with the approval of the County Administrator.

If a regular full-time employee is scheduled to be laid off, he/she shall be allowed to compete for a vacant position(s) elsewhere in the County. He/she shall submit an application for employment for any vacancy(ies) he/she is interested in and is required to submit to all selection-related activities related to the selection process of the vacancy(ies). Regular full-time employees to be laid off shall be notified in writing by the County Administrator's office at least fourteen (14) calendar days prior to the effective date of the layoff.

ARTICLE X - Recruitment and Selection

(Revised October 6, 2005; February 13, 2007, July 1, 2018)

Section 10.0 - Employment Opportunities

The recruitment, selection, appointment and promotion of employees shall be in accordance with the County's policy regarding equal employment opportunity.

Section 10.1 - Vacant Positions

Department directors shall be responsible for notifying the County Administrator's office of vacant, or soon to be vacant, authorized positions in their department. The notification shall include the class title and salary grade.

As far as practical, vacancies shall be filled by promotion of employees of Isle of Wight County. All vacancies shall be announced to County employees. A vacancy shall be posted for at least three (3) work days in a specified location for each department.

Section 10.2 - Recruitment for Vacant Positions

All vacancies for regular full-time employees shall be publicized by posting announcements and by other means as necessary to assure qualified candidates and equal employment opportunity. Every reasonable effort shall be made to publicize vacancies so that all interested persons are informed and qualified people are attracted to compete.

Section 10.3 - Disqualification of Applications

(Revised July 1, 2018)

An applicant may be removed from consideration for employment by the County because of any of the following list of non-exclusive reasons:

a. he/she does not meet the minimum qualifications established for the position;
b. he/she has a disability that would prevent satisfactory performance of the duties of the position;
c. he/she has made false statements of material fact or practiced deception in his/her application;
d. he/she is addicted to the use of controlled substances or intoxicating liquor;
e. he/she has an unsatisfactory employment record of such a nature so as to demonstrate unsuitability for employment;
f. he/she has been convicted of criminal conduct; or
g. he/she has failed to submit a completed employment application and any required documentation within the prescribed time limit; or
h. he/she does not satisfactorily meet all background check requirements; or
i. he/she does not satisfactorily pass any pre-employment medical and/or substance abuse testing.

Section 10.4 - Selection

(Revised October 6, 2005; February 13, 2007)

The County Administrator or his/her designee shall review all applications for employment to determine whether the applicant meets the established standards of employment. In addition, as is consistent with the requirements of the Va. Code § 15.2-1509, a veteran's military service shall be taken into consideration during the selection process, provided that such veteran meets all of the knowledge, skill, and ability requirements for the position. Additional consideration shall be also given to veterans who have a service-connected disability rating fixed by the United States Veterans Administration. For purposes of this section, a "veteran" shall mean any person who has received an honorable discharge and has (1) provided more than 180 consecutive days of full-time, active-duty service in the armed forces of the United States or reserve components thereof, including the National Guard or (2) has a service-connected disability rating fixed by the United States Veterans Administration.

When appropriate, examinations may be used which may be written or oral or a combination thereof. Such tests shall relate to the duties and responsibilities of the position for which the applicant is being examined. Only applicants meeting class specifications for the position will be referred to the department director. Interviews are to be coordinated through the Human Resources Department. The successful candidate will be selected by majority decision of an interview panel consisting of a minimum of two (2) supervisory-level staff. The County Administrator maintains final approval in all hiring decisions.

ARTICLE XI - Miscellaneous Policies and Regulations

(Revised April 7, 2005, November 17, 2005, May 18, 2006, October 16, 2006, September 4, 2008, May 21, 2015, September 17, 2015, July 1, 2020)

Section 11.0 - Political Activity

Every County employee is entitled to exercise his/her rights to vote. Employees may join or affiliate with civic

organizations of partisan or political nature, attend political meetings, advocate and support the principles and policies of civic or political organizations in accordance with Federal, State and local laws.

Section 11.1 - Special Conditions

(Revised May 18, 2006)

No employee shall (1) engage in any political activity while at work during working hours; (2) be required to contribute to, solicit for, or act as a custodian of funds for political purposes; (3) coerce or compel contributions by any other employee of the County for political purposes; or (4) use any County supplies, materials or equipment for political purposes or to aid a political candidate, party or cause. Any violations of the provisions of this section shall be deemed improper conduct and such employee(s) shall be subject to disciplinary actions. Any employee elected to public office in Isle of Wight County or any elected public office in any municipality within Isle of Wight County shall resign his/her non-elective County position on taking office.

Section 11.2 - Confidential Information

An employee may not make use of or permit others to make use of confidential information for the purpose of furthering a private interest acquired by virtue of employment with Isle of Wight County. Violations of the provisions of this section shall be deemed improper and such employee(s) shall be subject to disciplinary action.

Section 11.3 - Gifts and Gratuities

No employee shall accept gifts, gratuities or loans of any kind from organizations, business concerns or individuals with whom he/she has official relationships on the business of the County government the acceptance of which could be reasonably construed as evidence of favoritism, coercion, unfair advantage or collusion unless such gifts, gratuities or loans are available free of charge to the general public. Employees who violate this section are subject to disciplinary action as detained in Article VII.

Section 11.4 - Use of Alcohol and Controlled Substances

(Revised September 4, 2008, July 1, 2020)

Purpose

Isle of Wight County is committed to maintaining a safe, healthy and productive work environment that is free from the effects of alcohol and drugs and to abiding by all State and Federal laws governing alcohol and controlled substance testing. This policy will provide guidelines for the detection and deterrence of alcohol and drug abuse in the workplace and is intended to comply with the Drug-Free Workplace Act of 1988 and the Omnibus Transportation Employee Act of 1991 and the regulations promulgated by the U.S. Department of Transportation under that Act.

Employees with a substance abuse problem are strongly encouraged to seek professional help through the County's Employee Assistance Program (EAP) which provides professional help without initial cost. Employees with a substance abuse problem are encouraged to self-refer to the EAP to help themselves before their employment is jeopardized.

As a condition of employment, every employee of the County is deemed to have consented to the drug and alcohol testing that is required under this policy.

Definitions

Alcohol **-** the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

***Alcohol use* -** Consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

***Controlled substances* -** a drug or chemical regulated under the Drug Control Act of Virginia and identified in Schedules I through IV which is set out at 54.1-3400 of the Code of Virginia, 1950, as amended and/or the federal Controlled Substances Act of 1970 as amended.

***Illegal drugs* -** Marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates.

***DOT Testing* -** Applies to all applicants and employees subject to Department of Transportation (DOT) testing procedures selected for or working in positions requiring a Commercial Driver's License (CDL) and operating a Commercial Motor Vehicle defined as a vehicle with a gross vehicle weight rating or gross combination weight rating of 26,001 or more lbs., or with the capacity to carry 16 or more passengers (including the driver), or of any size that is used to transport hazardous materials which require the vehicle to be placarded.

***Non-DOT Testing* -** Testing conducted under the guidance of the Department of Health and Human Services and the County. Includes all positions which do not require a Commercial Driver's License (CDL) and are not subject to Department of Transportation (DOT) testing procedures.

Medical Review Officer (MRO) —Licensed physician who is responsible for receiving and reviewing laboratory results and evaluating medical explanations for certain drug test results.

***Outside Medical Attention* -** Treatment at a doctor's office, emergency room or other medical facility.

Performing (a Safety-Sensitive Function) – With respect to CLD holder - a CDL holder is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform or immediately available to perform any safety-sensitive function.

Safety Sensitive Function – With respect to CDL holders – All time from the time a driver begins work or is required to be in readiness to work until the time relieved from work and from all responsibility for performing work. Safety-sensitive functions include, but are not limited to:

- All time inspecting, servicing or conditioning any commercial motor vehicle.
- All time spent at the driving controls of a commercial motor vehicle in operation.
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Substance Abuse Professional (SAP) - a person who has the credentials, knowledge and training as required by the DOT drug testing program to evaluate employees who have violated a DOT drug & alcohol regulation and who makes recommendations concerning education, treatment, follow up testing and aftercare.

***Refusal to Consent* –** Any of the Following:

- Refusal to sign a consent form
- Refusal to submit to a controlled substance or alcohol test
- Failure to cooperate fully with the administration of a test
- Any behavior which makes testing more difficult, or prevents administration or completion of the test or in any manner alters or attempts to alter the test result including but not limited to diluted sample (regardless of whether a consent form was signed)

Under the influence of Drugs or Controlled Substance – Having any detectable trace of an illegal drug or controlled substance in the blood or urine.

Under the influence of Alcohol – Having an alcohol concentration of .04 or more.

Policy

A. Covered Substances:
   1. Alcohol of any kind.
   2. Controlled substances and/or illegal drugs, which include all forms of narcotics, hallucinogens, depressants, stimulants and other drugs whose use, possession, or transfer are restricted or prohibited by law.
   3. The County will specifically test for the presence of amphetamines, cannabinoids (marijuana/THC), cocaine, (codeine, morphine, and heroin), Phencyclidine (PCP) and analogues (MDA).

B. Prohibitions:
   1. The following activities are prohibited while an employee, volunteer or contract worker is in the workplace, on duty, or otherwise engaged in County business. Any violation of this policy will result in disciplinary action up to and including termination, in accordance with Chapter 1, Article 7 of the County policy manual.
      a. The manufacture, possession, use, sale, unauthorized distribution, dispensation, receipt, or transportation of any controlled substance, illegal drug or alcohol at levels described within this policy.
      b. Being under the influence of alcohol, illegal drugs, or substances in any manner during business hours, whether consumed outside of working hours. (Consumption of alcohol within 4 hours of performing work duties of a safety-sensitive position).
      c. Performing duties while under the influence of alcohol or controlled and/or illegal substances or drugs regardless of whether the employee is on or off County property.
      d. The presence in the body of controlled substances not prescribed to the employee or of prescribed drugs or substances not disclosed to supervisors which might possibly affect an employee's effective performance of duties or operation of County equipment.
   2. Consumption of or being under the influence of alcohol or controlled substances or drugs while assigned to standby or "on-call" status is prohibited.
   3. The prohibition of the consumption or possession of alcohol shall not be applicable to employees, volunteers or contract workers in attendance of social events associated with County business. At no time shall an employee, volunteer or contract worker operate a County motor vehicle after consuming alcohol.
   4. While using medically prescribed medications and drugs is not per se a violation of this policy, employees must notify their supervisors, before beginning work, when taking medications or drugs which might interfere with the safe and effective performance of duties or operation of County equipment. In the event there is a question regarding an employees ability to safely and effectively perform assigned duties while using such medications or drugs, the employee will not be allowed to operate in any position until the prescribing physician has reviewed the job duties and certifies to the County in writing that the employee is able to perform in that position.

Responsibilities

Supervisor Responsibility

Department Heads and Supervisors at all levels are responsible for identifying and documenting instances of unacceptable work performance, patterns of inadequate or deteriorating work performance and abnormal behavior suggesting that an employee may have a drug or alcohol problem. Department Heads and Supervisors shall:

1. Observe and monitor their employees' behavior for signs or symptoms of drug or alcohol use and shall promptly document and report such observations to the appropriate Department Head;
2. Discuss any case of suspected violation of this policy with the Director of Human Resources, or his/her designee as soon as practicable;
3. Promptly report any suspected violation of this policy to the Director of Human Resources or his/her designee;
4. Not allow an employee to perform safety-sensitive duties, operate County vehicle or equipment or perform work, if the supervisor has knowledge or "reasonable suspicion" that an employee is using, under the influence of, or has possession of alcohol or illegal drugs;
5. Protect confidentiality by not sharing test results with inappropriate staff/persons;
6. Not warn an employee that he/she has been selected for random testing prior to the official notification to report for testing; and
7. Attend all required substance abuse supervisory training programs

Department Heads and/or Supervisors who fail to take appropriate action to detect and/or properly deal with substance abuse by employees under their supervision will themselves be subject to disciplinary action, up to and including termination.

Employee Responsibility

Employees shall:
1. Adhere to the guidelines established in this policy;
2. Submit immediately to requests for alcohol and/or drug testing when requested by a responsible County representative;
3. Not have unsatisfactory levels of alcohol or controlled substances in his or her body while on duty or assigned to "stand-by" or on-call status;
4. Be responsible for being aware of any effect prescribed drugs may have on the performance of their duties and to report the use of such substances to their supervisor upon receiving the prescription.
5. Notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescriptions, which may interfere with the safe and effective performance of duties or operation of County equipment; and
6. Notify their Department Head or Supervisor of any criminal drug or alcohol statute conviction within 24 hours of notification of the conviction, or no later than the start of the next business day.

Supervisor Training
The County shall make available a program of training to assist supervisory personnel in identifying drug and alcohol use among employees. Such training will be directed towards helping supervisors recognize the conduct and behavior that gives rise to a reasonable suspicion of drug and alcohol use.

Procedure

A. Alcohol and Controlled Substance Testing

The County may perform alcohol and controlled substance testing in the following situations:

1. Pre-employment Testing
   a. All applicants, both internal and external, who are required to possess a Commercial Driver's License (CDL) will be required to submit to a drug/alcohol test as a condition of the offer of employment.
   b. Refusal to Consent - An applicant who refuses to consent to the test within 24-hours, will be denied employment with the County. Any refusal or failure to cooperate fully with the administration of a test, any behavior which makes testing more difficult, or prevents

administration or completion of the test or in any manner alters or attempts to alter the test result, including but not limited to a diluted sample, will be treated as a refusal to consent, regardless of whether a consent form is signed.

c. Confirmed Positive Test Result – Should an applicant test positive for alcohol, illegal drug (s) or controlled substances, his/her application for employment, transfer or promotion with the County shall not be processed further.
   - External applicants shall be denied employment.
   - Internal County applicants shall be terminated.
   - Applicants will be informed in writing if they are rejected based on a confirmed positive drug and/or alcohol test result and will be given a list of SAP's and other resources that can provide assistance to individuals with substance abuse problems.

Please reference the Drug & Alcohol Clearinghouse Query section of this policy for required pre-employment checks.

2. Random Testing - All employees of the County whose position requires them to be CDL holders covered by the Omnibus Transportation Employee Testing Act of 1991 are required to participate in unannounced random drug/alcohol testing.
   a. The random selection procedure will be a computer-generated process that is scientifically valid. The Contract Substance Testing Program will generate a list of employees to be randomly tested with at least 50% tested in a twelve (12) month period for drugs and 10% tested for alcohol. The list will be forwarded on a monthly basis to the Department of Human Resources.
   b. An employee may be randomly selected more than once or not selected at all during a twelve-month period.
   c. The employee's supervisor shall arrange for the employee to proceed to the test site immediately upon notification that the employee has been selected for random testing. Any employee who is subject to random testing must report to the testing site immediately upon notification. A supervisor will accompany the employee to the collection site, when appropriate. Failure to report promptly, as directed, will result in termination of employment.

3. Post-Accident Testing

   Non-Vehicular
   a. An employee shall submit to testing for alcohol and controlled substances immediately following any non-vehicular on-the-job accident when there is reasonable suspicion as outlined in the next section that the employee is under the influence of alcohol or a controlled substance.

   Traffic Accident
   a. Any employee operating a County motor vehicle which is involved in any accident shall immediately submit to testing for alcohol and controlled substances when there is a reasonable suspicion, as outlined in the next section that the employee is under the influence of alcohol or a controlled substance.
   b. When an employee holding a CDL is involved in an accident on a public or private road or on other property while operating a vehicle requiring a CDL, and the accident results in loss of human life or the employee receives a citation for a moving traffic violation arising

from the accident, the employee shall be tested for alcohol and controlled substances as soon as practicable, if the employee is medically able to be tested.

c. For the purposes of the testing required by this paragraph, "accident" is defined as a motor vehicle accident which results in a fatality, or one or more vehicles incurring disabling damage being transported away from the scene by a tow truck or other motor vehicle, or the need for immediate medical treatment away from the scene for anyone involved in the accident.

d. No driver involved in an accident shall use alcohol for eight hours following the accident or until a post-accident alcohol test is administered, whichever occurs first.

e. Failure of the employee to remain ready for testing, except to obtain necessary medical care or to provide needed assistance as a result of the accident, will be deemed as an intentional refusal to submit to testing and will be cause for termination.

f. No employee will be permitted to perform any safety-sensitive functions until such time as the test results are known.

4. Reasonable Suspicion - an articulable belief based on specific facts, and reasonable inferences drawn from those facts, that an employee is under the influence of drugs or alcohol. Circumstances which may constitute a basis for reasonable suspicion may include, but are not limited to:

- An on-the-job or off-the-job serious accident, involving County property where the cause is unknown and the supervisor has reason to question the physical and/or emotional condition of the involved employee(s)
- A pattern of abnormal or erratic behavior such as unexplained mood swings; paranoia, hallucinations, hyperactivity, depression, withdrawal;
- Information of alcohol and/or drug use provided by a reliable, credible source;
- Statements made by the employee;
- Actual observation of drug and/or alcohol use;
- Possession of drugs or drug paraphernalia;
- Presence of physical symptoms of drug and/or alcohol use such as glassy or bloodshot eyes, alcohol odor on breath or body, slurred speech, poor coordination and/or reflexes, needle marks or scars on arms suspected to be drug related, onset of unusual perspiration or shakes, unusual drowsiness or sluggishness; and/or
- Violent or unexpected response to daily problems.

a. All employees are subject to controlled substance and alcohol testing when reasonable suspicion exits that the employee is under the influence of controlled substance or alcohol.

b. Managers and supervisors should consult with the Department of Human Resources if they believe that reasonable suspicion exists that an employee is under the influence of controlled substances or alcohol. Testing must be authorized by and coordinated with the Director of Human Resources, or his/her designee.

c. If reasonable suspicion is determined to exist, the employee may be required to submit to an alcohol or drug screen, which may include providing breath and/or urine sample at a laboratory facility designated by the County. The employee's supervisor will accompany the employee to the laboratory testing facility. No County employee suspected of being impaired will be allowed to drive or operate County equipment. Law enforcement may be called if assistance is needed in escorting the employee off the premises and/or to the employee's residence.

d. Any employee that refuses to consent to a drug and/or alcohol test when requested by a designated County representative will be terminated.

5. Return to Duty Testing - When an employee is returning to duty for any position covered by the Omnibus Transportation Employee Testing Act of 1991, after being on leave of absent from the job for at least thirty calendar days, or after absence following positive results, testing is required before retuning to a covered function.

B. Assistance - Employees who have a substance abuse problem are encouraged to seek professional assistance and are at liberty to do so through the County's Employee Assistance Program (EAP) or a provider of their choice. Any employee whose substance abuse problem or impairment poses risk of harm or damage to himself/herself, fellow employees, the public, or County or private property is obligated to notify his/her supervisor immediately. When an employee makes a voluntary admission of drug or alcohol abuse to a supervisor, the supervisor shall notify the Department Head and Human Resources immediately.

1. If an employee independently admits to a drug or alcohol problem *prior* to being notified of being selected for drug or alcohol testing, and there have been no related misconduct or job performance problems, the employee will be referred to a Substance Abuse Professional (SAP).
2. Depending on their position, employees in "safety sensitive" positions may be relieved from duty until certified by a SAP that they are fit to return to duty. Based on the recommendation of the SAP, the employee may be subject to both drug and alcohol follow-up testing. The employee must take at least six follow-up drug tests during the first twelve months. After that period, the SAP will determine whether the employee should be tested for an additional forty-eight (48) months and if so, how many tests and how frequent the test should be administered. Any and all services being provided by a SAP are to be paid for by the employee.
3. Notwithstanding any recommendations made by the SAP, any employee who tests positive on a drug test remains subject to random drug testing as provided for in this policy.
4. Employees who admit to a drug or alcohol problem *after* being notified of being selected for drug or alcohol testing will be disciplined for positive tests in accordance with this policy whether or not they have received or are receiving voluntary assistance for alcohol or drug problems through the EAP. Additionally, voluntary involvement in EAP shall not be considered a mitigating factor when determining disciplinary action to be taken for a violation of this policy.

C. Prescription Drugs

1. Employees are responsible for being aware of any effect prescribed drugs may have on the performance of their duties and to report the use of such substances to their supervisor upon receiving the prescription.
2. If employees are taking prescription drugs that could possibly have an effect on their performance of duties, the employee will not be allowed to operate in any position until the prescribing physician has reviewed the job duties and certifies to the County in writing that the employee is able to perform in that position.

D. Testing Procedures and Discipline - All drug and alcohol testing of employees and applicants shall be conducted at a facility chosen by the County that is certified and monitored by Substance Abuse, Mental Health Services Administration (SAMHSA), approved by and in accordance with standards established by the US Department of Health and Human Services for workplace drug testing. Employees are required to comply with the "Chain of Custody" procedures of the testing facility and must produce a photo ID for identification purposes.

1. Alcohol Testing
   a. Alcohol testing will be done in accordance with DOT testing regulations 49 CFR Part 40. Testing will be conducted by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT), which will record an employee's blood alcohol concentration (BAC). During the testing process technicians will follow all DOT approved quality assurance protocols for machine accuracy.
   b. When an employee is found to be at work under the influence of alcohol, the employee will be immediately relieved of duty and required to use paid or unpaid leave in accordance with County policy for the remainder of the day.
   c. If the initial test results show a reading of 0.02 BAC or greater, a confirmation test shall be conducted. Only the confirmation test will be used for reporting purposes.
   d. Whenever an employee receives a reading of 0.02 but less than 0.39 on a breath test they will not be allowed to return to work for at least twenty-four (24) hours or until the next scheduled workday. The employee shall return to work at that time unless directed otherwise by the County. Upon the employee's return to work, the employee will be re-tested. Notwithstanding the above, the employee is subject to disciplinary action in accordance with County policy.
   e. Whenever an employee receives a reading of 0.04 or greater, or is found to have been using alcohol within 4 hours of performing a safety sensitive function, the employee will:
      i. Be removed from his/her safety sensitive duties and be placed on unpaid leave status;
      ii. Be subject to disciplinary action in accordance with County policy;
      iii. Be informed about education and treatment programs;
      iv. Before returning to safety sensitive functions, be evaluated by a SAP to determine whether the employee has an alcohol problem and if so, the SAP will then determine the appropriate course of treatment. The employee must follow the course of treatment prescribed by the SAP before returning to work. Any and all services being provided by a SAP are to be paid for by the employee.

2. Return to Duty and Follow-up - If this is a first-time violation of being under the influence of alcohol (0.04 or greater) or using alcohol within four hours of performing safety sensitive functions, the following requirements must be satisfied before the employee can return to performing safety sensitive functions:
   a. the employee must be evaluated by a Substance Abuse Professional (SAP), and
   b. the SAP must determine that the employee has properly followed any prescribed rehabilitation program, and
   c. the employee has passed a return to duty alcohol test with a reading of less than .02.

During the time required to satisfy these requirements, the employee shall be placed on leave in accordance with applicable leave and compensation policies. However, at the department's option, and with the concurrence of the SAP, and the approval of the Director of Human Resources, the employee may be temporarily placed during this time in another assignment which does not involve the performance of safety sensitive functions, provided such assignment is available. The employee is subject to a corresponding salary reduction while on the temporary assignment.

Upon return to regular duty, the employee shall be subject to follow-up controlled substances and alcohol tests for up to 60 months. The SAP is the sole determiner of the number and frequency of unannounced follow-up tests and whether the tests are for drugs, alcohol, or both, unless otherwise directed by the appropriate DOT agency

regulation. However, the SAP must direct that the employee be subject to a minimum of six (6) unannounced follow-up tests in the first 12 months following the employee's return to duty.

A second violation of being under the influence of alcohol at any time or any future incident of any alcohol violation shall result in dismissal.

3. Shy Breath
   a. If an individual cannot provide enough breath for an adequate sample, the BAT will direct the individual to try again.
   b. If the employee is still unable to provide an adequate breath sample, the employee will be referred by the County within twenty-four (24) hours to a physician of the County's choosing for a medical evaluation to determine whether there was a medical problem that could have precluded the individual from providing an adequate breath sample. While waiting for the results of the medical evaluation, the employee will be removed from duty and placed on unpaid leave status. If the physician determines that there was a medical condition that could have precluded the individual from providing an adequate breath sample for testing, the employee may request permission to use sick and/or annual leave in accordance with County policies and procedures. The employee's failure to provide a breath sample shall not be deemed a refusal to take a test. The physician will also provide the County with a written statement outlining the basis for the medical conclusion, and if recommended by the physician, another breath test will be conducted.
   c. If the physician is unable to make a determination that a medical condition precluded the employee from providing an adequate breath sample, the employee's failure to provide an adequate amount of breath will be regarded as a refusal to take a test and the employee will be dismissed.

4. Drug Testing
   a. Drug testing will be done in accordance with DOT testing regulations 49 CFR Part 40. The County will contract with a medical review officer (MRO) who will be responsible for analyzing and reporting results of drug testing.
   b. Drug tests will be performed by urinalysis. For a non-DOT test, a quick test screen may be run by the collector. If the result is negative, testing is complete. If the result is inconclusive, the urine specimen will be divided, packaged and sent to the Lab following DOT procedures. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory.
   c. The employee is encouraged to watch the entire process to ensure conformity with procedures and to ensure the specimen was not mishandled before signing off on the Chain of Custody Form (CCF).

5. Temperature
   a. The temperature of the sample will be checked immediately and must fall within prescribed limits in order to be considered acceptable. The acceptable temperature range is 32-38° C or 90-100° F. If the temperature is outside the acceptable range, the employee/applicant will be asked to produce another sample under direct observation by a collector of the same sex gender as directed by DOT.

6. Shy Bladder
   a. For employee collections, if the employee is unable to provide at least 30 milliliters of urine for the primary sample and 15 milliliters of urine for the split specimen, the collection site person will instruct the employee to drink not more than 40 ounces of fluids and, after a period of up to three hours, the employee will again attempt to provide a complete sample using a fresh collection container.
   b. If the employee is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued and the laboratory will notify the County Human Resources Department.
   c. The employee being tested shall then be referred by the County to a physician of the County's choosing for a medical evaluation to determine whether the employee's inability to provide a specimen is caused by a medical condition that could preclude the individual from providing an adequate urine specimen. The physician's report will be submitted to the MRO for review and final determination.
   d. The employee being tested will be removed from duty and placed on unpaid leave status while being evaluated by the Physician/MRO. If the Physician/MRO determines that the employee has a medical condition that makes it impossible for the employee to provide an adequate urine sample, then the employee may request and be granted permission to use sick leave and/or annual leave in accordance with County policies and procedures, and the employee's failure to provide a urine sample shall not be deemed a refusal to take a test. The Physician/MRO will also provide the County with a written statement outlining the basis for the conclusion, and if recommended by the Physician/MRO, another urine test can be conducted. If the employee does not have a medical condition that prevents the employee from providing an adequate urine sample, this will constitute a refusal to test and the employee will be dismissed.
   e. In pre-employment testing when the applicant does not provide an adequate urine specimen, the applicant will not be referred to a Physician/MRO and the applicant will not be hired.

7. Dilute Specimens - A urine specimen is considered dilute when the creatinine concentration is greater than or equal to 2 mg/dL but less than or equal to 20 mg/dL. If the creatinine concentration is greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, the MRO will report the result as Negative-Dilute and the employee must undergo a second urine collection under direct observation. If the MRO informs the County that a negative drug test was dilute, the County may, but is not required to, direct the employee to take another test immediately. Such recollections must not be collected under direct observation, unless there is another basis for use of direct observation. All employees are to be treated the same for this purpose. For example, the County must not retest some employees and not others. Employees shall be notified in advance of the County's retesting decisions on these matters. If an employee is directed to take another test, the County shall ensure the employee is given the minimum possible advance notice that he or she must go to the collection site. If the employee is directed by the County to take another test, the result of the second test, not that of the original test, becomes the test of record, on which you rely for purposes of this part. If the County requires the employee to take another test, and the second test is also negative and dilute, the County is not permitted to make the employee take a third test because the second test was dilute. However, if the employee declines to take the required second test, the employee is considered to have a refusal to test. If the MRO reports the result of a positive drug test as dilute, the test is treated as a verified positive test. The County shall not direct the employee to take another test based on the fact that the specimen was dilute.

8. Negative Results - If the results of the initial test are negative, the testing laboratory will advise the MRO that the drug test for the employee was negative. No additional tests on the specimen will be done. The County will be notified by the MRO of any non-negative initial results being sent to the laboratory for confirmation. Non-negative results are defined as results that need further confirmation by further analysis due to initial inconclusive results. If the employee's position falls under DOT Testing regulations, the County may not place the employee on paid administrative leave until the results are confirmed by the MRO. If the employee's position falls under Non-DOT Testing regulations, the County may place the employee on paid administrative leave until the results are confirmed by the MRO.

9. Positive Results
   a. The MRO will notify the employee if the analysis of the primary specimen tests positive for the presence of illegal and/or controlled substances. The employee has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis at the employee's cost.
   b. If the analysis of the split specimen does not confirm the presence of drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or un-testable, the employee shall be deemed not to have been tested positive for drugs irrespective of the outcome of the original test.
   c. The employee shall pay the cost of testing split specimen. The County will reimburse the employee for the cost if the analysis of the split specimen does not confirm the presence of drugs, irrespective of the outcome of the original test.
   d. An employee with a confirmed positive drug test result will be dismissed. The employee will also be given a list of SAP's and other resources that can provide assistance to individuals with substance abuse problems.

10. Failure to Submit to Testing
    a. Employees shall not refuse to submit to pre-employment, post-accident, reasonable suspicion, random or follow-up testing.

       Refusal to test is defined as:
       i. Refusal to follow alcohol and drug testing procedures.
       ii. In alcohol testing, failure to provide an adequate amount of breath without a medical reason.
       iii. In drug testing, failure to provide sufficient urine without a medical reason.
       iv. Not cooperating with the testing process in a manner that prevents the completion of the test.
    b. All cases listed above are causes for dismissal.

11. Confidentiality of Test Results
    a. The Human Resources and Risk Management (for post-accident and worker's compensation-related testing only) Departments will maintain and control access to all test results and other records. All information from an employee's or applicant's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant.

    b. However, disclosures, without an employee's or applicant's consent, may also occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the

information has been placed at issue in a formal dispute between the employer and employee or applicant; or (3) the information is to be used in administering an employee benefit plan.

E. Drug and Alcohol Clearinghouse Queries and Consent

The County is required to conduct queries of the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License Drug and Alcohol Clearinghouse to check if current and prospective employees who are selected for or working in positions requiring a Commercial Driver's License (CDL) and operating a Commercial Motor, are prohibited from performing safety-sensitive functions due to an unresolved drug or alcohol program violation.

1. Pre-Employment Queries
   a. Human Resources shall conduct a Full Query through the FMCSA Drug and Alcohol Clearinghouse (Clearinghouse) to obtain available information on the applicant's drug and alcohol violations prior to the applicant being employed by the County to operate a commercial motor vehicle requiring a CDL.
   b. Consent for a Full Query is obtained electronically by the Clearinghouse.
   c. A refusal of an applicant to execute an appropriate release and consent form to query the Clearinghouse equates to a refusal to submit to testing and shall be cause for withdrawal of offer or dismissal.
   d. If consent is refused:
      - The Clearinghouse will notify the County
      - The query will not be conducted
      - The prospective employee shall not perform/shall be removed from safety sensitive functions
   e. If the query returns a violation and there is no negative Return to Duty test result recorded in the Clearinghouse, the prospective employee shall not perform/shall be removed from safety sensitive functions.

2. Currently Employed Queries
   a. Human Resources shall conduct an annual Limited Query of the FMCSA Drug and Alcohol Clearinghouse (Clearinghouse) for each driver currently employed by the County to operate a commercial motor vehicle requiring a CDL.
   b. Human Resources must obtain a signed Limited consent form from the employee prior to conducting the Limited Query of the Clearinghouse. Consent forms shall be maintained in the employee's personnel file.
   c. A refusal of an employee to execute an appropriate release and consent form to query the Clearinghouse equates to a refusal to submit to testing and shall be cause for termination of employment.
   d. If consent is refused:
      - The query shall not be conducted
      - The employee shall be removed from safety sensitive functions
   e. When a Limited Query returns a record found:
      - The Clearinghouse will notify the County and will conduct a Full Quarry to determine violation or Return to Duty details
      - If the Full Query is not conducted within 24 hours, the employee shall be removed form safety sensitive functions
   f. Consent for a Full Query is obtained electronically by the Clearinghouse.

g. A refusal of an employee to execute an appropriate release and consent form to query the Clearinghouse equates to a refusal to submit to testing and shall be cause for termination of employment.

h. If consent for the Full Query is refused:
- The Clearinghouse will notify the County
- The query will not be conducted
- The employee shall be removed from safety sensitive functions

i. If the query returns a violation and there is no negative Return to Duty test result recorded in the Clearinghouse, the employee shall not perform/shall be removed from safety sensitive functions.

j. If the query returns a violation and there is record of a negative Return to Duty test result, no action is required

F. Disciplinary Action for Violation of Policy

The County reserves the right to determine the appropriate level of discipline for violations of this policy but will take the following action in the situations described below:

- Any employee who commits or is convicted of a drug or alcohol related felony shall be terminated, whether the offense took place while the employee was on County premises of conducting County business.
- Any employee who commits or is convicted of a drug or alcohol related misdemeanor shall be terminated if the offense took place while the employee was on County premises or conducting County business, or if the offense is reasonably related to the employee's fitness to perform the employee's job responsibilities.

G. Grievances - If an employee's positive test result has been confirmed and disciplinary action is taken, the employee may grieve or complain of such action, like other disciplinary actions, in accordance with the County's established grievance policy.

H. Searches - The County reserves the right to search, without employee consent, all areas and property over which the County maintains joint control with an employee, or full control. Such areas and property include, but are not limited to desks, closets, bookcases, lockers, file cabinets, and/or County vehicles, and the allowance of employee security measures against third parties shall not divest the County of its authority to search. A department head or his/her designee must consult with the Director of Human Resources or his/her designee before any search is undertaken.

I. Criminal Convictions: Notification

1. It shall be the responsibility of every employee to notify the employee's Department Head, in writing, of any criminal drug or alcohol statue conviction within 24 hours of notification of the conviction, or no later than the start of the next business day. Any failure of an employee to provide this notification shall be separate grounds for disciplinary action.
2. Any Department Head or supervisor who receives notification of a criminal drug or alcohol statute conviction, in addition to other administrative actions directed by this policy, shall immediately report the same to the Director of Human Resources. The Department Head, in conjunction with the Director of Human Resources, shall determine whether the employee involved was directly engaged in the performance of work pursuant to the provisions of a Federal grant and whether the conviction was for a violation occurring in the workplace. In such event, the Department Head shall promptly notify the Federal agency administering the grant of the conviction, within 10 days of having received notice from the employee.

J. Re-Employment - Employees terminated for violation of this policy may not reapply or be considered for any County position unless cleared for duty by a certified SAP.

K. Severability - The provisions of this Policy are severable and if any of its provisions is held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 11.5 - Non-Discrimination and Anti-Harassment Policy

(Revised April 7, 2005, May 21, 2015, July 1, 2020)

Non-Discrimination and Anti-Harassment Policy

Isle of Wight County is committed to providing a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, Isle of Wight County expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice, and harassment.

This policy applies to all persons working for and with Isle of Wight County, regardless of employment status.

Equal Employment Opportunity

It is the policy of Isle of Wight County to be an equal opportunity employer, to maintain a diverse workforce, and to create and maintain a working environment free from discrimination and harassment. Any form of unlawful discrimination, including harassment based on race, color, national origin, religion, sex (including pregnancy, as well as childbirth and related medical conditions, including lactation, sexual orientation, and gender identity), age, disability, marital status, veteran status, genetic information, or other non-job related characteristic protected by applicable law is strictly prohibited. Any employee found to have engaged in illegal discrimination or harassment in the course of his/her employment will be subject to appropriate disciplinary action, up to and including termination of employment.

Types of Harassment

Sexual Harassment - is a form of discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, consistent with the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

1. Accepting or tolerating such conduct is made explicitly or implicitly a term or condition of an individual's employment; or

2. Accepting or rejecting such conduct by an individual is used as a basis for employment decisions affecting an applicant or employee; and/or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual’s body, sexual prowess or sexual deficiencies; leering, catcalls or

touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Sex- based harassment, harassment not involving sexual activity or language (i.e., male manager yells only at female employees and not males), may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

Workplace Harassment – includes any unwelcome verbal/physical conduct or written communication that either denigrates or shows hostility or aversion towards a person on the basis of race, color, national origin, religion, sex (including pregnancy, as well as childbirth and related medical conditions, including lactation, sexual orientation, and gender identity), age, disability, marital status, veteran status, genetic information, or other non-job related characteristic protected by applicable law that:

- Has the purpose or effect of creating an intimidating, hostile or offensive working environment; or
- Has the purpose or effect of unreasonably interfering with an employee's work performance; or
- Affects an employee's employment opportunities or compensation.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and the display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

Individuals and Conduct Covered

This policy applies to all applicants and employees, and prohibits harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager, or by someone not directly connected to Isle of Wight County (i.e., an outside vendor, consultant, or citizen).
Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting, such as during business trips, business meetings and business-related social events.

Retaliation is Prohibited

Isle of Wight County expressly prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. However, this policy does not grant license for employees to engage in the unfounded or vindictive accusation of others. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

Employee Responsibilities

Each employee of the County is responsible for engaging in and promoting workplace behaviors that create and maintain an environment of respect and promote effective teamwork. Employees are also responsible for reporting behaviors that damage the environment. Employees who experience harassment are encouraged to make it clear to the offender, at the time of the occurrence, that such behavior is offensive. Any employee who believes that he or she is being harassed is urged to contact the Director of Human Resources immediately.

Management Responsibilities

Managers and supervisors have a greater responsibility, not only to model respectful, professional conduct at the workplace, but also to maintain an environment of respect and effective teamwork in their work areas. Managers and supervisors shall:

- Ensure his/her employees are aware of the County's Non-Discrimination and Anti- Harassment Policy and emphasize that harassment will not be tolerated and may result in disciplinary action, up to and including

termination; and

- Create and maintain a workplace that is free from harassment; and
- Monitor the work environment for signs that harassment may be occurring; and
- Counsel employees on the procedures for reporting and resolving complaints of harassment; and
- Refrain from participating in or encouraging actions that could be perceived as harassment.

Managers and supervisors who observe or are made aware of harassment or discrimination taking place in the workplace are required to report the harassment to the Director of Human Resources immediately. All allegations of harassment and discrimination will be investigated by the Human Resources Department as expeditiously as possible. Managers and supervisors who allow harassment or discrimination to continue or fail to take appropriate corrective action upon becoming aware of the harassment or discrimination shall be considered a party to the harassment, even though they may not have engaged in the actual behavior, and shall be subject to disciplinary action. Any questions regarding the County's Non-Discrimination and Anti-Harassment Policy that a manager or supervisor is unable to answer should be referred to the Director of Human Resources.

Complaint Procedure

Isle of Wight County requires the reporting of all incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to this policy or who have concerns about such matters should make their complaints with the Director of Human Resources, or in cases of his/her absence, the Assistant County Administrator, County Administrator, County Attorney, or their supervisor before the conduct becomes severe or pervasive. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of the Director of Human Resources or in cases of his/her absence, one of the other county designated representatives identified above. The Department of Human Resources is responsible for the official investigation of all complaints of discrimination/harassment.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, Isle of Wight County strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. Isle of Wight County will make every effort to stop alleged harassment before it becomes severe or pervasive but can only do so with the cooperation of its employees.

Employees who experience harassment are encouraged to make it clear to the offender, at the time of the occurrence, that such behavior is offensive. If the situation cannot be resolved by the employee or if the offensive behavior is repeated, the employee may make a complaint. Employees should report incidents of harassment as soon as possible after the incident occurs. Other avenues to filing a complaint include the County's Grievance Procedure to remedy complaints of discrimination in any employment practice based on the employee's race, color, national origin, religion, sex (including pregnancy, as well as childbirth and related medical conditions, including lactation, sexual orientation, and gender identity), age, disability, marital status, veteran status, genetic information, or other non-job related characteristic protected by applicable law. The eligible employee should contact the Human Resources Department for the Grievance Procedure.

The Investigation

Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Responsive Action

Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender, and/or disciplinary action such as warning, reprimand, reassignment, temporary suspension without pay, or termination, as the County believes is appropriate under the circumstances. The unwelcomeness, frequency, severity of the behavior, statutes, and the County's Policy determine whether harassment has occurred.

Finally, these policies may not be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work- related social activities or discussions in order to avoid allegations of harassment. The law and the policies of Isle of Wight County prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

Section 11.7 - Recording Device Policy

(Adopted February 2, 2006, Revised July 1, 2020)

Isle of Wight County prohibits employee use of recording devices in the workplace as a preventative step to secure employee privacy and confidential information.

This policy applies to all employees and all visitors while on County premises. The following addresses County expectations as it relates to the use of recording devices:

1. Authorization may be granted when a specific business purpose will be served by the possession or use of such a device and when its use will not violate employee privacy. In such a case all parties to the meeting or conversation that is to be recorded must have been informed at its outset that it will be monitored, transcribed, intercepted, or recorded, and they have consented in writing to such actions prior to the conversation.

2. Authorization may be revoked at any time for any reason.

3. Employees are also prohibited from arranging for others, including non-employees, to engage in any recording of conversations, phone calls or other activities in the workplace.

Employees should regard this policy as an explicit statement that the County does not consent to recording of any meetings or discussions without prior authorization as discussed above. Employees with questions about this policy should contact their supervisor or the Human Resources Department.

Section 11.8 - Saving Clause

If any section, sentence, clause of phrase of this ordinance shall be held, for any reason, to be inoperative, void or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intention of the Board of Supervisors in adopting this ordinance that no portion thereof or provision herein, shall become inoperative or fail by reason of invalidity of any other portion or provision and the Board hereby declares that it would have severally passed and adopted the provisions contained herein, separately and apart one from the other.

Article XII - Violence in the Workplace

(Adopted November 4, 2004, Revised October 4, 2007, May 21, 2015, July 1, 2019)

Section 12.1 - Prohibited Conduct

(Revised October 4, 2007, May 21, 2015, July 1, 2019)

The following acts and behaviors are examples of prohibited conduct. This list is intended to serve as a representative sampling of the kinds of actions the County will consider improper, which means it does not contain all of the possible actions that would be deemed inappropriate under this policy.

a. Physical assault. This includes, but is not limited to, any unwanted or hostile physical contact with another person such as hitting, fighting, pushing, shoving, or intentionally throwing objects at or towards another person.

b. Threatening to physically assault or harm an individual in any way. A threat is improper regardless of whether the person communicating the threat has the present ability to carry it out and regardless of whether the threat is contingent, conditional, or future. Additionally, a threat is not permissible even if it is expressed in veiled terms. Conduct that constitutes a threat is prohibited regardless of whether it is communicated verbally, in writing, or electronically (such as by e-mail). In addition, a threat is impermissible whether it is communicated directly to the intended victim or communicated in an indirect way (such as to a third party).

c. Harassment. This includes, but is not limited to, showing an obsessive interest in another person to the extent a reasonable person would find the behavior frightening or intimidating under all of the circumstances. A few examples of prohibited conduct are stalking and repeated unwanted verbal and/or written references to a grudge or to a romantic interest.

d. Intentionally destroying or damaging property owned by the County, or others.

e. Except in accordance with Section 15.2-915 of the Code of Virginia, 1950, as amended, possessing firearms, weapons, ammunition or explosives by County employees on County property shall be prohibited during work hours without expressed written authorization from the County Administrator, unless otherwise required to do so by their position.

f. Engaging in behavior that creates a reasonable fear of injury in another person.

g. Committing injurious acts motivated by, or related to, domestic violence or sexual harassment.

h. Retaliating against any employee who, in good faith, reports a violation of this policy.

The County does not condone acts or behaviors that were supposedly only a joke or not meant to be taken seriously. Any threat or act of violence will be treated as though the instigator was serious. In addition, any conduct that has the purpose of causing psychological harm and/or inducing fear will be treated the same as conduct that has the purpose of causing physical harm.

Section 12.2 - Procedure: Employee Responsibilities In Cases Of Threats Or Violence and Reporting of Convictions of Crimes Against a Person

(Revised October 4, 2007, Revised May 21, 2015)

Employees who believe they are being, or have been, subjected to an act or behavior that violates this policy should immediately report the incident to their supervisor. If the supervisor is the party who is engaging in the improper conduct, employees should report the incident to their department director or to the Director of Human Resources (or a designee).

If employees are in a situation that constitutes an emergency, they should immediately contact the Sheriff's Office by dialing 911. To the extent possible, employees should inform their supervisor of the incident at the time it is occurring or to other appropriate parties mentioned above if the supervisor is the perpetrator. In non-emergency situations, if the employee, or the employee's supervisor, believes the questionable conduct may constitute a criminal offense, the employee or the supervisor should contact the Sheriff's Office within a reasonable time to report the matter and to determine if the Sheriff will conduct a criminal investigation.

An employee who reports information in good faith in accordance with this policy will not be subject to retaliation by the County (including discipline) solely for making the report. Within its ability to do so under all of the circumstances and considering its resources, the County will take reasonable steps to provide safeguards in the workplace if an employee has legitimate, ongoing concerns about potential violence from another individual. Therefore, employees who have obtained a protective order from a court should make their supervisor aware of the existence of the order.

Any employee who is convicted of any "crime against the person" as defined in Title 18.2, Chapter 4 of the Code of Virginia, 1950 as amended, shall report the conviction to his or her immediate supervisor within 24 hours of notification of the conviction, or no later than the start of the next business day. The obligation exists regardless of the state in which the employee was convicted. The supervisor shall immediately contact Human Resources for a determination regarding whether the on-duty or off-duty conduct has an adverse impact on the employee's ability to perform their assigned duties and responsibilities. Failure to report a conviction or the conviction itself may be grounds for the employee's disciplinary action, up to and including, termination.

Section 12.3 - Procedure: Management Responsibilities In Cases Of Threats Or Violence

(Revised October 4, 2007, Revised May 21, 2015)

If supervisors receive information that one of their employees may have or is engaged in conduct that would be a violation of this policy, information should be gathered and documented and the supervisor shall immediately contact the Human Resources Department. The supervisor should take the necessary steps to obtain information about the situation, including interviewing individuals who may have knowledge about the conduct. Supervisors should document the steps they took in their review and the results of the review.

After completing their review of a situation, if the Human Resources Department and supervisors determine that an employee has violated this policy, they should recommend appropriate disciplinary action, up to and including dismissal. For other violators of this policy (including volunteers; individuals providing temporary services through an outside agency; and citizens), appropriate action should be taken, taking into account all of the circumstances. In a case that involves a threat of violence, the supervisor should take reasonable steps that may be necessary to provide appropriate safeguards in the workplace.

If supervisors receive a complaint or become aware of a situation that involves a non-employee, they should initiate an investigation in conjunction with other appropriate County departments and offices and take appropriate action at the conclusion of the investigation.

If supervisors become aware of a situation that constitutes an emergency, they should immediately contact the Sheriff's Office at 911, followed by the County Administrator, then the Director of Human Resources. In non-emergency situations, if the employee, or the employee's supervisor, believes the questionable conduct constitutes

a criminal offense, the employee or the supervisor should contact the Sheriff's Office within a reasonable time to report the matter and to determine if the Sheriff will conduct a criminal investigation. If the Sheriff's Office becomes involved in a criminal investigation, supervisors will cooperate with the Sheriff's investigation.

Section 12.4 - Searches

(Revised October 4, 2007)

If the County has reasonable suspicion to believe members may be violating this policy or any other County or department policy by inappropriately possessing prohibited weapons, objects, documents, equipment, substances, stolen property, etc., they may be asked to consent to a search of their person.

In addition, the County reserves the right to search property under the control of an employee.

Property subject to search includes, but is not limited to, offices, computers, computer files, computer drives, County vehicles, file cabinets, desks, and lockers. The scope of any search and the manner in which it is performed will conform to applicable legal requirements.

Section 12.5 - Discipline/Repercussions

(Revised October 4, 2007)

Employees who violate this policy will be subject to discipline, up to and including dismissal. Depending on all of the circumstances, dismissal may be the appropriate sanction even for a first infraction. Other violators of this policy (including volunteers; individuals providing temporary services through an outside agency; and citizens) will be subject to appropriate action based upon the totality of the circumstances. In addition to any discipline or other appropriate action that may be imposed, in appropriate circumstances the County may institute a prosecution against a violator of this policy or in its discretion lend reasonable assistance to an employee to prosecute the offender.

In appropriate situations, the County will also prosecute citizens who engage in violent or threatening behavior towards employees while they are performing their job duties or while on County property or, in its discretion, lend reasonable assistance to an employee to prosecute the offender.

Article XIII - Leave Donation

(Adopted April 5, 2007, Revised May 16, 2013, July 1, 2019, March 19, 2020)

Section 13.0 – Purpose

(Revised March 19, 2020)

Isle of Wight County recognizes that employees may have a family emergency or a personal crisis resulting in the need for time off in excess of their leave balance. To address this need, all eligible employees will be allowed to donate annual leave and/or sick leave from their unused annual leave and/or sick leave balance to colleagues in need. Participation is strictly voluntary.

Section 13.1 – Eligibility

(Revised July 1, 2019, March 19, 2020)

The leave donation program is open to full-time employees with specific eligibility criteria as follows:

- Full-time employees that are Virginia Retirement System (VRS) Plan 1 or Plan 2 members.
- Full-time employees that are VRS Hybrid Plan members with less than one (1) year of full-time service with a serious or life-threatening personal illness or injury. (Those with one (1) year of service or more are not eligible for the Leave Donation Policy because they are eligible for short and long-term disability

benefits included within the VRS Hybrid Plan).

- Full-time employees that are VRS Hybrid Plan members caring for an immediate family member's serious or life-threatening illness or injury.
- VRS Hybrid Plan members may only donate annual leave (not sick leave) to other employees.

Section 13.2 – Guidelines

(Revised March 19, 2020)

The following situations qualify an employee to request leave donations:

- An employee's serious or life-threatening personal illness or injury (VRS Plan 1 or Plan 2 members) (VRS Hybrid Plan members with less than one (1) year of full-time service may participate).
- To care for an employee's immediate family member with a serious or life-threatening illness or injury (VRS Plan 1, Plan 2, and Hybrid Plan members may participate) – immediate family of an employee is defined as: natural parents, adoptive parents, step-parents, foster parents, spouse, and natural, adopted or foster children, and grandparents, or any family member residing within the employee's same household.
- A personal crisis of severe nature that directly impacts the employee, including a natural disaster impacting the employee's primary residence such as a fire or severe storm (VRS Plan 1, Plan 2, and Hybrid Plan members may participate)

Donations are intended for absences of long-term nature or a one-time illness of unknown duration.

There is no restriction on the number of colleagues an employee may donate annual and/or sick leave. The donation minimum is four (4) hours. The maximum leave donation an employee may make to an individual colleague per fiscal year is forty (40) hours or fifty percent (50%) of their current annual leave and/or sick leave balance, whichever is less. For example, if an employee wishes to donate forty (40) hours of his/her annual leave or sick leave to a colleague, but only has 32 hours of annual leave or sick leave in his personal balance, he may only donate 16 hours of annual leave or sick leave to his colleague. An employee wishing to donate annual and/or sick leave to a colleague must complete a Leave Donation Form specifying which type of leave and the amount of leave he/she is donating. All Leave Donation Forms completed by employees shall be verified and approved by Human Resources prior to donated leave being applied to an employee.

An employee that donates annual and/or sick leave is responsible for managing his/her own leave balances to account for his/her own planned usage of annual and/or sick leave to ensure he/she will have leave for his/her own needs (ex. preapproved/preplanned annual leave the employee intends to take within that year).

An employee to whom leave is donated must first have used all of their own available leave. Employees who are currently on an approved leave of absence cannot donate leave.

The total number of hours donated to an employee shall not exceed 320 hours (8 weeks) within a fiscal 12 month period. Once the employee returns to work or separates employment, any portion of unused donated leave will be forfeited by the employee. Employees may not save unused donated leave for follow-up appointments or subsequent absences.

Section 13.3 – Procedure

(Revised March 19, 2020)

Employees requesting leave donations must complete and submit to Human Resources a Leave Donation Request

Form which includes authorization to present their request to the employees of Isle of Wight County for the sole purpose of soliciting donations.

Employees donating leave must complete a Leave Donation Form and submit to Human Resources. Leave donations in excess of need will be returned to the donor.

ARTICLE XV - Employee Safety Program

(Revised September 17, 2015, July 1, 2019)

Section 15.0 - Management Commitment to Safety

The executive team of Isle of Wight County is committed to providing its employees with a safe and healthy workplace. It is the county's basic philosophy that all incidents are preventable, when the causes are known. It is the County's position that:

- A safe and healthy work environment will be provided for the protection of its most vital resources-its employees. Employee safety is of the greatest importance at all levels of management and supervision, ranking in importance above all other things. Personal safety will not be compromised for any reason.
- Management is accountable for the prevention of workplace injuries and illnesses. Management provides direction and full support to supervisors and employees regarding safety and health, job training and hazard-elimination procedures. Management will develop and communicate clear goals and objectives and provide the resources and authority necessary to correct unsafe conditions and implement changes to improve workplace safety.
- Supervisors are directly responsible for supervising and training their employees in proper procedures, work practices and safe methods. Supervisors must enforce county rules and take immediate corrective action to eliminate hazardous conditions and practices. They will not permit safety to be sacrificed for any reason.
- Management and supervisors will be held accountable for ensuring employees are aware of workplace hazards and are trained to work safely.
- Management will take disciplinary action against an employee who willfully or repeatedly violates safety rules.
- Employees' workplace recommendations to improve health and safety conditions will be given full consideration by management.
- All employees, regardless of his or her position within the county, share the responsibility for safety and are fully responsible for their own safety and the safety of those with whom they work.
  All employees are expected to cooperate in all aspects of the safety program including these requirements:
  - Perform all work tasks in a safe manner.
  - Report all incident, injuries and unsafe conditions to their supervisors immediately.
  - Participate in Safety and Wellness Council activities and support council membership.

Purpose

The purpose of the Isle of Wight County Employee Safety Program is to prevent human suffering and conserve resources as a result of employees serving our community in a safe manner. The safety policies, rules and safe work practices contained in this program provide the minimum requirements for safety and health.

Objectives

This program was developed in accordance with the Isle of Wight County personnel policies as well as the *U.S. Department of Labor Occupational Safety and Health Act (OSHA), State of Virginia Occupational Safety and Health Act (VOSH)* and other pertinent safety directives.

Applicability

County employees, official appointees of the Board of Supervisors, volunteers, and all others who are required to adhere to the County's policies shall be governed by this policy. The members of the Board of Supervisors and Constitutional Officers and their staffs will use this policy as a guide when conducting County business.

For the purposes of this Policy the phrase "county employee and volunteer" is intended to include all persons referenced in paragraph 1 of this section.

Responsibilities

Operating an effective occupational safety and health program is an inherent responsibility of management at all levels. Each responsible official must ensure all personnel assigned to their department are provided a safe and healthy working environment. Annual performance evaluations will show personal accountability in this respect, with recognition for superior performance and, conversely, administrative actions as proper for deficient performance.

All Isle of Wight County employees are charged with the responsibility and support of the Employee Safety Program objectives. All employees are expected, as a condition of employment, to adopt the concept that the safe way to perform a task is the most efficient and the only acceptable way to perform it. Failure to follow safe work practices will be subject to disciplinary action for both employee and supervisor.

A. Department/Agency Head

1. Ensure reasonable safety procedures and work practices pertinent to department functions are developed and provided to employees.
2. Ensure adequate job training and continuing safety instruction is provided for all employees.
3. Ensure an overview of the safety program pertinent to the department is presented to all new employees during job orientation.
4. Designate a Safety Liaison to internally manage departmental safety training and equipment needs.
5. Ensure safety training and equipment costs are included in the department's annual budget request.
6. Serve or provide appropriate representation on the Safety and Wellness Council.
7. Ensure accidents are properly and thoroughly investigated as to cause and prevention. File proper reports and all pertinent facts in a timely manner with the Risk Management Coordinator.
8. Ensure that all inspections and audits for their divisions are completed by established guidelines.
9. Ensure that all identified safety deficiencies are corrected in a timely manner.
10. Cooperate with the Risk Management Coordinator in matters of safety and safety program development.
11. Set a good example for safety by working in a safe manner and encouraging others to do so.

B. Risk Management Coordinator

1. Review all accident reports for completeness and recommend actions or further review. Perform follow-up inspections as necessary.
2. Prepare statistical and informational reports which detail the progress or status of the Employee Safety Program.
3. Review supervisor's inspections reports and recommend appropriate action on non- compliant items.
4. Conduct inspections of work sites and conditions as outlined in the policy.
5. Develop a suggestion or safety complaint procedure and review all submissions.
6. Offer the required expertise to ensure that programs are meeting or exceeding minimum federal and state regulations.
7. Review departmental safety training and equipment requests and make appropriate budget

recommendations to the County Administrator.

8. Research state and federal laws and regulations for changes or updates to employer- mandated training requirements.
9. Locate and schedule safety trainings as requested by departments.
10. Maintain a safety training database to monitor training compliance.
11. Produce statistical reports, safety bulletins and related safety awareness material.
12. Develop and oversee the County wide new employee orientation program; providing awareness level training.

C. Supervisors

1. Maintain a safe work environment free of recognized hazards for employees working under their supervision.
2. Require that their employees comply with safe rules and practices, whether or not this program covers those rules or practices.
3. Adequately inform employees of safety and health issues and procedures and ensure compliance as issues and policies are communicated from the Department/Agency Head or the Risk Management Coordinator.
4. Inform employees to report accidents when they happen no matter how minor.
5. As soon as practical, provide information to an employee's supervisor when an employee not directly under his/her supervision reports an accident.
6. Ensure that employees are provided the necessary training to perform required tasks in a safe and healthful manner.
7. Provide basic job training and safety instruction to new employees to help prevent accidents.
8. Promptly and thoroughly investigate all accidents/incidents, near accidents and complete required reports.
9. Set a positive example by performing tasks in a safe manner.
10. Conduct self-inspections of work sites and conditions.
11. Correct any unsafe act or condition, which might result in an accident in a timely manner.
12. Determine departmental safety training and equipment needs and make appropriate recommendations to the Department/Agency Head for budget inclusion.
13. Purchase and issue PPE and safety equipment to employees under their supervision and provide basic job training on its proper use and care.
14. Ensure all department employees meet and maintain mandated safety training requirements.
15. Cooperate with the Risk Management Coordinator in matters of safety and safety program development.
16. Set a good example for safety by working in a safe manner and encouraging others to do so.

D. Safety Liaison

1. Communicate departmental safety training requirements to the Risk Management Coordinator for scheduling.
2. Maintain departmental safety training database to document and monitor attendance and certifications.
3. Assist the supervisor with maintaining required safety program documentation for the department.

E. Employees

1. Promptly report all work related injuries and vehicle accidents to their supervisor and cooperate with all investigations when employee has information relating to an accident or injury.
2. Promptly report all unsafe practices or conditions to his or her supervisor.
3. Become familiar with and observe all approved safety policies and procedures for his or

her work activities, including the use of personal protective equipment.

4. Serve on the safety and wellness council when appointed and participate in all required safety and occupational health programs.
5. Inform the supervisor in charge if employee feels for any reason that he or she is unable to perform assigned work in a safe and healthful manner.
6. Immediately notify the supervisor when work being performed is in violation of the provisions of this program or that work is being performed in an unsafe manner.
7. Be subject to disciplinary action in accordance with Chapter 1, Personnel, Article VII, if employee violates safety rules, procedures or standards, or the provisions of this article, or acts in such a manner as to endanger his or her own or another's personal safety.
8. Inform his or her supervisor when taking medication, which may impair physical or mental alertness and affect ability to perform a job safely.
9. Actively support and participate in approved programs designed to encourage health and safety among employees.
10. Assist and support co-workers in regards to safety practices and procedures.

Inspections, Audits and Unsafe Conditions

Although the Department/Agency Head, Risk Management Coordinator and VOSH Inspectors periodically inspect the work site, the supervisor is the Key Person to make inspections.

Supervisors shall:

1. Conduct regular inspections of all equipment, materials, work-sites and work practices under his or her supervision in accordance with Chapter 1, Personnel, Article 15, Section 15.7.
2. Conduct informal daily inspections of all equipment, materials, work-sites and work practices under his or her supervision.
3. If recognized, immediately stop any unsafe work condition or practice and ensure steps are taken to correct the condition or practice before work is allowed to continue.
4. Complete Job Safety Analysis (JSA) in accordance with Chapter 1, Personnel, Article 15, Section 15.5 for appropriate tasks.

The Risk Management Coordinator will also conduct inspections of work sites and practices on a regular basis. The Risk Management Coordinator shall:

1. Assist supervisors when completing self-inspections when requested and deemed appropriate. The Risk Management Coordinator has the authority to shut down a job if a life-threatening situation is noted during the inspection. The Department/Agency Head shall be called to initiate corrective action.
2. Review submitted supervisory reports to ensure corrective actions have been taken and to recommend further action.
3. Coordinate a comprehensive audit of the county's safety program on an annual basis.
4. Conduct other inspections as deemed necessary or assist other entities such as OSHA or VOSH with compliance.

Performance and Discipline

It is recognized that some county employees may intentionally or unintentionally violate work rules, policies or procedures and commit unsafe acts. Therefore, each violation or unsafe act will require immediate attention by supervisors and Department/Agency Heads to determine if disciplinary action is required. It should be emphasized that safe work and driving practices must be enforced for the protection of Isle of Wight County employees and all who are affected by the work of our employees.

Supervisors shall consider violations of the safety policies and procedures when completing employee evaluations

and recommending future promotions. Employees should realize the impact on themselves and others if they willfully or negligently commit an unsafe act.

Training and Education

The county is committed to providing employees with the opportunity to improve themselves through participation in training and education programs which will enhance the employee's ability to perform their job. This training is for both safety and professional development topics. Employees attending training functions or safety meetings provided by the county shall confirm attendance by signing the training attendance roster. The training oversight function is the responsibility of the Risk Management Coordinator.

Section 15.1 - General Safety and Health

(Revised July 1, 2019)

The purpose of this program is to provide safety and health guidelines, rules, regulations and procedures for performing common job functions within the County. The listed policies are by no means inclusive of every employee's job function. It is a listing of those deemed to be the most hazardous, or those with the potential for causing harm to the employee or others around the work area.

There are some specialized safety programs which are only briefly explained in this section of the safety program because they are more explicitly detailed in later sections of this policy.

A. Personal Conduct

1. Employees shall not be under the influence of any substance, legal or illegal, which adversely affects their ability to perform their duties in any way. No one will report to work under the influence of any controlled substance, to include alcohol. Any employee reporting to work or returning to work under the influence of any illegal drug or alcohol may be terminated. The use or abuse of legal or prescription drugs that adversely affects the employee's ability to perform their duties in any way will result in the immediate removal from County property, and the employee will be subject to discipline up to and including termination of employment.
2. Controlled Substances may be taken when prescribed by a physician unless their use affects the employee's ability to perform his/her work safely. It is the employee's responsibility to notify their supervisor when using this kind of medication.
3. Except in accordance with Section 15.2-915 of the Code of Virginia, 1950, as amended, possessing firearms, weapons, ammunition or explosives by County employees on County property shall be prohibited during work hours without expressed written authorization from the County Administrator, unless otherwise required to do so by their position.
4. Seatbelts will be properly worn in any vehicle when on County business.
5. Smoking is permitted in designated smoking areas only. Smoking is not allowed in the vehicles or while operating equipment.
6. Practical joking, fighting, and "horseplay" are strictly forbidden while on duty.
7. Creating or contributing to unsanitary conditions, unsafe conditions or poor housekeeping is not permitted.

B. Personal Clothing and Accessories

1. Employees shall not wear loose or flapping clothing or have rags or other objects extending from pockets or belts when working on or in the vicinity of moving machines, motors, engines, etc.
2. Employees shall wear clothing suitable for the weather and safe for the performance of their duties. An employee's supervisors may require long sleeves or pants for safety reasons at any time.
3. Employees shall not wear dangling or hanging jewelry when working on machinery. It is

recommended that rings, wrist or watchbands be removed under conditions noted above.

4. Employees' hair shall be kept so as to prevent it from being caught or tangled with any part of moving equipment.
5. Department/Agency Heads may establish more specific rules for their departmental functions.

C. Office Hazards

1. Tripping hazards shall not be left or placed in aisles or in areas exposed to foot traffic.
2. Desk and file drawers and cabinet doors shall not be left open or unattended. To prevent tipping of the file cabinet, not more than one drawer shall be opened at a time.
3. Do not carry pointed or sharp objects in pockets with points unprotected.
4. When sitting in chairs, all of the chair legs shall remain on the floor.
5. Employees shall not run in hallways or stairways. Employees shall use handrails where provided.
6. Employees shall stand clear of all closing elevator doors. When maintenance work is being performed, employees shall not disregard warning signs or barricades.
7. Electrical appliances shall only be used in designated areas and shall have a UL and commercial rating.
8. When lifting, employees shall get assistance when an article is awkward or too heavy.

D. Housekeeping Practices

1. Combustible materials such as oil-soaked and paint-covered rags, waste, packing material, and other rubbish shall not be allowed to accumulate on benches, floors, rooms, or yards. The combustible materials shall be stored in designated areas or receptacles a minimum of 6" away from a bulkhead and shall be appropriately identified or labeled.
2. Stairways, aisles, exits, walkways, storage areas and work areas shall be kept free of debris and other obstructions.
3. Material and supplies shall be stored in an orderly manner to prevent their falling, rolling, or spreading and to prevent tripping and stumbling hazards.
4. Floors and platforms shall be kept free of oil, grease, water and other slippery materials unless properly marked with caution signs.
5. Protruding nails should be bent over or removed.
6. Dispose of scrap and waste materials at frequent and regular intervals or at the end of each shift.
7. All places of employment, yards, shops, storerooms, vehicles and office facilities and job sites shall be kept clean and orderly and in sanitary condition. The supervisor shall be responsible for proper housekeeping in and around their respective areas.

Section 15.2 - Shop Work, Machinery, Tools and Equipment

General Safety Requirements

1. Employees shall wear personal protective equipment in accordance with Chapter 1, Article XV, Section 15.6.
2. Only authorized and properly trained employees shall operate, maintain, or repair machines and equipment.
3. Employees shall be instructed in the proper use of tools and equipment.
4. Machine guards shall be kept in place except when removed for purpose of inspection or repair. All guards shall be reinstalled immediately following such inspection or repair.

Hand Tools, Portable Electronic Tools, and Extension Cords

1. Inspect tools and cords prior to each use. If they appear to be unsafe, the condition should be reported to the supervisor who shall be responsible for seeing they are repaired or replaced. Do not use defective

tools or cords until they are repaired or replaced.

2. Select the appropriate tool for the job.
3. Do not lay tools in places from which they can fall.
4. Carry sharp tools in covers or point away from the body.
5. Non-sparking tools shall be used in areas where a fire hazard exists.
6. All portable electric tools shall be double insulated or effectively grounded by means of a three-wire cord and grounding plug. GFCI cords must be used.
7. Extension cords shall not be used for permanent installations.
8. The on/off or dead man switch shall not be taped or restricted.

Power Driven Equipment

1. All vehicles/equipment in use shall be inspected at the beginning of each shift to assure that all parts, equipment and accessories that affect safe operation are in proper operating condition. All defects shall be corrected before the vehicle is placed in service.
2. Roll-Over Protection Structures shall be used on all heavy motorized equipment.
3. Safety belts shall be fastened before equipment is operated.
4. The operator shall not leave machinery unattended while idling on an incline or on loose gravel.
5. Aerial lifts, cranes, boom trucks or back hoes shall not be moved from job locations unless the boom has been returned to the cradle position.
6. Employees shall not ride in equipment buckets not designed as manlifts.

Forklifts

1. Only employees who have successfully completed training shall operate forklifts.
2. Operators shall lower forks, shut off power and set bakes when leaving a forklift.
3. Forklifts shall be inspected before use. Passengers are not allowed on a forklift.
4. Operators shall wear seatbelts while operating forklifts.

Fixed Ladders

1. Fixed ladders shall be designed in accordance with 29 CFR 1910.27.
2. Ladder safety devices shall be used on elevated storage tanks or other structures where a fixed ladder with safety rail is available.
3. All ladder safety devices such as those that incorporate life belts or body harnesses shall meet the design requirement of the ladder which they serve.
4. Ladder safety devices shall be inspected prior to ascending a ladder.
5. All safety devices must be capable of withstanding, without fail, a drop test of a 500-pound weight dropping 18 inches.

Portable Ladders

1. Only OSHA approved ladders, in good condition, shall be used. Inspect ladders for defects and dangerous conditions prior to use. Supervisors are responsible to procure ladders appropriate for the work being done and ensure the serviceability of ladders in their work place.
2. Maintain ladder markings in legible condition.
3. Visually inspect ladders before each use.
4. Remove from service ladders with defects which cannot be immediately repaired and ensure they are scheduled for repair or destruction.
5. Straight and extension ladders should be placed with the feet approximately one-fourth of the ladder's extended length from the wall or object on which the top is resting. When this position is not possible, another employee shall secure the ladder, unless the top is securely lashed.
6. Straight and extension ladders must extend three feet above the support structure.

7. Step ladders will be fully opened and in the locked position before use.
8. When ascending or descending ladders, face the ladder and use both hands for support. An employee's feet shall never be placed higher than the third rung from the top of a straight ladder, or the second step from the top of a step ladder.
9. Do not use metal or conductive ladders around or near energized conductors or equipment.
10. Only one employee may work on a ladder at a given time unless designed for use by two people.
11. When working from a ladder where the top cannot be lashed or otherwise secured, the reaching distance may not exceed one arm's length to either side.
12. Carry ladders in the horizontal position only.

Section 15.3 - Emergency Action Plan

Purpose

To plan and prepare for workplace emergencies that can be reasonably expected, by auditing the workplace, training employees, obtaining the necessary equipment and assigning responsibilities. These emergencies may include fire, terrorism and natural disasters.

Policy

Isle of Wight County shall establish an Emergency Action Plan for establishments occupied by county employees. The plan shall be maintained in accordance with this policy and the requirements or 29 CFR 1910 Subpart E.

Responsibilities

A. Risk Management shall:
   1. Assist in the development of plans as required.
   2. Audit and spot inspect plans for compliance.
   3. Maintain Plan in accordance with this policy and Subpart E of 29 CFR 1910.
   4. Conduct annual and spot drills to ensure employee understanding of the Plan.
   5. Instruct all newly assigned individuals on the contents of the Plan.

B. General Services Building Division shall:
   1. Maintain building floor plans for all buildings housing County employees.
   2. Supply updates when building configurations change.

Emergency Action Plans

A. The emergency action plan shall be maintained and made available to employees for review at all times.

B. The emergency action plan shall include the following:
   1. Procedures for reporting emergencies;
   2. Procedures for emergency evacuation, including type of evacuation and evacuation zone assignments;
   3. Procedures to be followed by employees who remain to operate critical operations before they evacuate;
   4. Procedures to be followed by employees performing rescue or medical duties; and
   5. The job title of the employee who may be contacted by employees who need more information about the plan or an explanation of their duties under the plan.

Training - The Risk Management Coordinator shall:

1. Instruct all newly assigned employees in the contents of the Plan
2. Instruct all affected employees whenever there is a change to the Plan

3. Coordinate annual drills to ensure employees understand the contents of the Plan

Section 15.4 - Accident/Incident Reporting and Investigation Plan

No matter how conscientious the safety effort at Isle of Wight County, accidents are going to happen sometimes due to human or system error.

Purpose

This written Accident/Incident Reporting and Investigation Plan is intended to demonstrate compliance with the requirements in 29 CFR 1904 by:

- prescribing methods and practices for reporting and investigating accidents; and
- providing a means to deal with workplace accidents in a standardized way.

It is the policy of Isle of Wight County to comply with all workers' compensation laws and regulations.

Accident/Incident Reporting and Record Keeping Requirements

The Supervisor's Accident/Incident Investigation Report Form, found in the Risk Management Forms Directory, will be used for the following situations:

1. Motor Vehicle Accidents
2. Damage to County Property
3. Damage to Other Party Property
4. Injury to Employee
5. Injury to Other Party

The supervisor's Accident/Incident Investigation Report will be forwarded through the Department/Agency Head to the Risk Management Coordinator within 24 hours after the accident or damage was discovered or the Monday following an occurrence on a weekend. When the accident/incident involves vehicles, damage to County or Other party property or Injury to Other Party the report will also be forwarded to Budget and Finance. Additionally, when the accident/incident involves a County Fleet vehicle the report will be forwarded to the Director of General Services.

When an accident/incident occurs the following shall take place:

A. The Employee shall:
   1. Report the accident/incident to the immediate supervisor as soon as reasonably possible after the accident; while at the scene, when possible. Reports must be made before the end of the work period.
   2. Near miss accidents/incidents should be reported as well.
   3. Call 911 to summon Police and emergency medical service if needed.
   4. When the accident/incident involves a County owned vehicle the operator shall follow procedures outlined in Chapter 4, Fleet, Article I, Section 1.4.
   5. Employees who are involved in or who are passengers or witnesses to an accident/incident shall provide a written statement and take part in the supervisor's investigation.

B. The Supervisor shall:
   1. Travel to the accident scene, when practicable, and conduct an investigation to ascertain all pertinent information (names, addresses, license numbers, witness information, description of incident, contributing factors, etc.) necessary to complete the Supervisor's Accident/Incident Investigation Report form.
   2. Make every effort to photograph the scene and damage to the vehicles or equipment involved.
   3. Determine if the Substance Abuse Policy and Procedure, Chapter 1, Personnel, Article XI, Section 11.4 is applicable to the accident.

4. Complete the Supervisor's Accident/Incident Investigation Report Form with the aid of the employee(s) involved.
5. Forward the completed Supervisor's Accident/Incident Investigation Report form and all other documentation obtained in the investigation to the Department/Agency Head for Review.

C. The Department/Agency Head shall:
Review all accident investigation documentation and forward to the Department of Budget & Finance Accounting Manager, Department of Human Resources Risk Management Coordinator, and when appropriate, the Department of General Services within twenty-four (24) hours of the accident or the Monday following an accident which occurs on a weekend.

D. Risk Management Coordinator shall:
1. Be notified of all accidents and assist supervisors at the accident scene if necessary.
2. Obtain additional information if needed. Assist with gathering additional facts or furthering the investigation.
3. Review events surrounding accidents involving County employees or property. As a result of the review, findings may be made as to whether an accident was "Preventable" or "Not Preventable" and recommendations may be made for procedures to put in place to prevent future similar accidents. The findings and recommendations will be presented to the Department/Agency Head and the Director of Human Resources for review and action, if necessary. Any corrective actions of an administrative or disciplinary nature resulting from the findings of the accident review process may be considered and administered by the Director of Human Resources and the appropriate Department/Agency Head. Should disciplinary action be necessary, the employee has the right to appeal in accordance with the grievance procedure in Chapter 1, Personnel, Article VIII.
4. Maintain Accident/incident investigation reports.
5. Maintain the OSHA 300 log and compile and submit the required annual OSHA 300 injury reports.
6. If a workplace accident results in injury or illness requiring in-patient hospitalization of an employee or a fatality or dismemberment of one or more employees, report the incident within eight hours to the nearest VOSH office.

E. Budget and Finance shall:
Complete and submit appropriate property and liability insurance claim forms.

Personal Injury

All personal injuries must be reported to the supervisor as soon as possible following the injury. The following steps will occur in regard to a workplace injury.

1. Employees will notify his or her supervisor and report the injury in accordance with the workers compensation policy, Chapter 1, Personnel, Article VI, Section 6.6.
2. The supervisor shall notify the Department/Agency Head and the Risk Management Coordinator whenever a workplace injury occurs.
3. When a workplace accident/incident results in a fatality, the loss of a limb, in-patient admittance to a hospital for care, or injury to multiple employees, the supervisor shall report the incident to the Risk Management Coordinator within eight hours so that VOSH may be notified within the mandated time frame.

Accident Investigation Requirements

A thorough investigation of all accidents will lead to identification of accident causes and help:

- determine why accidents occur, where they happen, and any trends that might be developing;

- employees develop an awareness of workplace problems and hazards;
- identify areas for process improvement to increase safety and productivity;
- note areas where training information or methods need to be improved;
- suggest a focus for safety program development; and
- reduce economic losses from injuries and lost productive time.

The focus for the accident/incident investigations is to find the causes for the purpose of preventing future incidents and injuries, not to place blame.
Supervisors will perform the following duties for all accident investigations:

- Conduct the accident/incident investigation *at the scene* as soon as safely possible.
- Ask the employee(s) involved in the incident and any witnesses, in separate interviews, to tell in their own words exactly what happened.
- After the employee has given his/her description of the event, ask appropriate questions that focus on causes.
- Gather information regarding the description of the incident, individuals involved, location, witnesses, and events that preceded the incident.
- Determine the likely sequence of events, any abnormality of events, and the probable cause of the incident (direct, indirect, basic).
- Determine what preventive actions should be taken to prevent a future incident and assign responsibility for correction to the appropriate department or individual,
- Remind the employee(s) the investigation is to determine the cause so actions can be taken to help eliminate the cause(s) of the incident.
- Complete the Supervisor's Accident/Incident Investigation Report with the employee and review data with employee for accuracy.

Keep in mind, accident/incidents normally have two or more causes. It is important to properly identify all causes so suitable controls can be implemented. It is important to address the safety policies as well as employee action/inaction when investigating any incident.

The Risk Management Coordinator will review each investigation to ensure it is complete and thorough. Poorly executed investigations will be returned to the responsible party for revision. Assistance will be available upon request.

The accident investigation report is used to:

- track and report injuries;
- group injuries by type, cause, body part affected, time of day, and process involved;
- determine if any trends in injury occurrence exist and graph those trends if possible;
- identify any equipment, materials, policies, procedures, or environmental factors that seem to be commonly involved in injury incidents;
- discuss the possible solutions to the problems identified with the safety team and superiors; and
- proceed with improvements to reduce the likelihood of future injuries.

Training

The information and requirements of this written plan are presented to employees through:

- New Employee Orientation
- Policy Dissemination

Program Evaluation

The accident reporting and investigation program is evaluated annually and updated if necessary by the Risk Management Coordinator.

Section 15.5 - Job Safety Analysis

Writing a Job Safety Analysis (JSA), establishing work rules, instructing workers to follow the work rules, and supervisor enforcement of work rules can help reduce injuries.

Policy

A Job Safety Analysis will be conducted to:

1. Identify hazards associated with each step of any job or task that has the potential to cause serious injury;
2. determine how to control the hazards;
3. determine Personal Protective Equipment (PPE) required for each task;
4. produce a written tool that can be used to train staff and provide documentation of training; and
5. meet OSHA requirement 29 CFR 1910.132 (d) by developing procedures and work rules that are specific for each job or task

Responsibilities

A. The Risk Management Coordinator shall:
   1. Provide supervisor with training on how to complete JSA's.
   2. Assist the supervisor with conducting the first JSA for their area of responsibility.
   3. Inspect JSA's on file during spot inspections.

B. Supervisors shall:
   1. Conduct hazards assessments of the work area within their control to identify each job/task that has the potential to cause serious injury.
   2. Conduct a Job Safety Analysis (JSA) for each identified job/task using the Job Safety Analysis form and instructions found in the Risk Management Forms Directory. Supervisors and staff who actually use the particular piece of equipment should work together to develop the JSA.
   3. Keep the JSA on file in the department.
   4. Train affected staff on the work rules and practices outlined in the JSA.
   5. Enforce the work rules.
   6. Review the JSA's for their area of control annually and when equipment or tasks change.

C. Employee:
   1. Staff who actually perform the identified task and/or use the equipment should participate in the analysis because they usually are the most knowledgeable about the hazards and have direct control over them.
   2. Staff performing tasks identified in a JSA shall follow the established work rules for the task and utilize the identified controls and PPE.

Section 15.6 - Personal Protective Equipment

To protect County employees from exposure to work place hazards and the risk of injury through the use of personal protective equipment (PPE). PPE is not a substitute for more effective control methods and its use will be considered only when other means of protection against hazards are not adequate or feasible. This section addresses general PPE requirements, including eye and face, head, foot and leg, hand and arm, and body (torso) protection. This policy does not cover PPE used for respiratory protection and hearing protection as the need for participation in these programs is established through industrial hygiene monitoring.

Policy

In accordance with 29 CFR 1910 Subpart I, personal protective equipment will be provided, used and maintained

when it has been determined that its use is required to ensure the safety and health of our employees and that such use will lessen the likelihood of occupational injury and/or illness. PPE will be used in conjunction with other controls unless no other means of hazard control exists. No employee is permitted to use damaged or defective PPE.

Responsibilities

A. Risk Management Coordinator shall:
   1. Assist divisions in PPE selection
   2. Review PPE selection for appropriateness
   3. Inspect the serviceability and availability of PPE during spot inspections
   4. Provide guidance on proper use and care of PPE

B. Supervisors shall:
   1. Conduct hazards assessment for job tasks and ensure the proper PPE is available
   2. Review and update PPE hazard assessments as necessary
   3. Record hazard assessments and selected PPE on the Job Safety Analysis form in accordance with Chapter 1, Personnel, Article XV, Section 15.5.
   4. Issue selected PPE to users upon initial job assignment and maintain documentation of issued PPE.
   5. Ensure all users of selected PPE under their supervision are trained in the care and use of required PPE.
   6. Ensure all users of selected PPE under their supervision use and care for PPE appropriately.
   7. Immediately dispose of and replace damaged or defective PPE.

C. Employees and volunteers shall:
   1. Wear PPE as required.
   2. Attend required training sessions.
   3. Properly care for, clean, maintain and inspect PPE as required.
   4. Inform the supervisor immediately of the need to replace or repair PPE.

Hazard Assessment

A. Supervisors are responsible for completing Job Safety Analysis (JSA) in accordance with Chapter 1, Personnel, Article XV, Section 15.5

B. The JSA is a resource for supervisors to log PPE hazard assessments, assign appropriate PPE, and inform employees of the hazards and required PPE associated with particular tasks.

C. While conducting hazard assessments the following items shall be considered in regard to PPE:
   1. Impact hazards
   2. Penetration hazards
   3. Compression (roll-over) hazards
   4. Chemical hazards
   5. Heat/Cold Hazards
   6. Harmful dust
   7. Light (optical) radiation hazards
   8. Biologic hazards
   9. Sources of energy and electricity
   10. Sources of motion
   11. Sources of high temperature
   12. Types of chemicals in the workplace
   13. Sharp objects

PPE Selection

A. All PPE clothing and equipment shall be of safe design and construction and be maintained in a clean and reliable condition.

B. Always check the manufacturer's recommended usage for all PPE prior to purchase and use.

C. PPE selected shall provide a level of protection equal to or greater than the minimum required to protect employees from hazards.

D. General requirements.

1. Eye and Face Protection
   a. Shall be worn any time work operations can cause foreign objects to get in the eye.
   b. Shall protect against specific workplace hazards.
   c. Shall comply with ANSI Z87.1-1989.
   d. Should fit properly and be reasonably comfortable to wear.
   e. Should provide unrestricted vison and movement
   f. Should be durable and cleanable.
   g. Should allow unrestricted functioning of any other required PPE.
2. Head Protection shall:
   a. Shall be worn any time work operations can cause foreign objects to get in the eye.
   b. Be worn when objects might fall above and strike the head, the employee has a potential to bump their head against fixed objects, or there is the potential for head contact with electrical hazards.
   c. Comply with ANSI Z.1-1986.
   d. Be worn as designed.
   e. Fit the employee.
3. Foot and Leg Protection
   a. Shall be worn when an employee has exposure to or potential exposure to falling or rolling material, crushing or penetrating materials, corrosive chemicals, poisonous materials or electrical hazards.
   b. Safety footwear shall comply with ANSI Z41-1991 or ASTM F2413-05.
   c. Special conditions for electrically conductive shoes and electrical hazards safety toe shoes shall be given for employees exposed to electrical hazards.
4. Hand and Arm Protection
   a. Shall be worn where an employee is exposed to or potentially exposed to skin absorption of hazardous substances, electrical dangers, lacerations, bruises, scrapes or the like.
   b. The hand and arm protection chosen shall be specific to the job hazard. Examples include:
      - Leather gloves – protection against sparks, moderate heat, blows, chips and rough objects.
      - Aramid fiber gloves – protection against heat, cold, and are cut and abrasive resistant.
      - Fabric gloves – protect against slivers, chafing, and abrasions
      - Coated fabric gloves – general purpose with slip resistance.
      - Chemical and liquid resistant gloves – provide an impervious barrier against specific hazards.
5. Body Protection:
   a. High visibility garments shall be worn by all County employees working around construction equipment or within or adjacent to a roadway which shall, at a minimum, be a Class II reflective outer garment.
   b. Where the posted speed limit of a roadway is 50 mph or greater a Class III garment shall be worn.
   c. Shall be worn when an employee has exposure to temperature extremes, splashes from hot

metals or liquids, impacted from tools or machinery or materials, and hazardous chemicals.

6. Hearing Protection:
   a. Shall be required when an employee is exposed to a noise level of 85 dB for an eight hour shift unless a standard threshold shift is experienced.
   b. Shall be required when an employee is exposed to a noise level of 115 dB in a 15 minute period.
   c. No employee shall be exposed to impact/impulse noises grater then 140dB.

Training

A. Any worker required to wear PPE will receive training in the proper use and care of PPE before being allowed to perform work requiring the use of PPE.
B. Periodic retraining will be offered to PPE users as needed.
C. The need for retraining will be indicated when:
   1. An employee's work habits or knowledge indicates a lack of necessary understanding, motivation, and skills required to use the PPE (i.e., uses PPE improperly)
   2. New equipment is installed
   3. Changes in the workplace make previous training out-of-date.
   4. Changes in the types of PPE to be used make previous training out-of-date.
D. The training will include, but not necessarily be limited to, the following subjects:
   1. When PPE must be worn;
   2. What PPE is necessary;
   3. How to properly don, doff, adjust, and wear PPE;
   4. The limitations of the PPE; and
   5. The proper care, maintenance, useful life, and disposal of PPE.
E. After the training, the employee will demonstrate that they understand how to use PPE properly, or they will be retrained.
F. Training of each employee will be documented using the JSA to verify that each affected employee has received and understands the required PPE.

Cleaning and Maintenance

A. It is important that all PPE be kept clean and properly maintained. Cleaning is particularly important for eye and face protection where dirty or fogged lenses could impair vision. Employees must inspect, clean and maintain their PPE according to the manufacturers' instructions before and after each use.
B. Supervisors are responsible for ensuring that users properly maintain their PPE in good condition.
C. PPE must not be shared between employees until it has been properly cleaned and sanitized.
D. PPE shall be distributed for individual use whenever possible.
E. If employees provide their own PPE, supervisors shall make sure that it is adequate for the workplace hazards, and that it is maintained in a clean and reliable condition.
F. Defective or damaged PPE shall not be used and will be immediately discarded and replaced.
G. Contaminated PPE which cannot be decontaminated shall be disposed of in a manner that protects employees from exposure to hazards.

Section 15.7 - Self-Inspections

Taking a pro-active approach toward accident prevention in the workplace by regularly conducting safety inspections.

Policy

Departments shall implement a program of self-inspections for the purpose of maintaining a safe and healthful workplace for County employees.

Responsibilities

A. The Risk Management Coordinator shall:
   1. Assist supervisors and division safety liaisons with self-inspections as necessary.
   2. Review checklists for compliance, applicability, and verification of completion through spot inspections and safety program audits.
   3. Provide or coordinate training for persons responsible for conducting inspections.
   4. Provide guidance for development of department specific checklists.

B. Supervisors shall:
   1. Coordinate and conduct self-inspections for their area of responsibility.
   2. Manage the self-inspection program for their area of responsibility.
   3. Attend training on conducting self-inspections.
   4. Implement appropriate corrective actions.
   5. Train employees to conduct appropriate self-inspections according to checklists.

C. Division Safety Liaison shall:
   - Assist the supervisor with maintaining self-inspection program documentation.

D. Employees and Volunteers shall:
   1. Assist the supervisor with self-inspections as necessary.
   2. Conduct appropriate assigned self-inspections.

Training

A. Supervisors shall receive one-time training from Risk Management regarding self-inspections.

B. The training may be repeated at the request of the supervisor or if the individual displays a need for additional training.

C. Training shall explain the following topics in detail:
   1. Purpose
   2. Documentation
   3. Communications and feedback

D. Employee training will be conducted by the supervisor for specific self-inspections for which the employee is solely responsible.

Documentation

A. All self-inspection checklists shall be maintained by the Department for a period of 1 year.

B. Self-inspection checklists shall be made available for review by Risk Management at all times.
   - This is best accomplished by maintaining a self-inspection program binder. This should be maintained by the division safety liaison.

Self-inspections

A. Self-inspections are workplace inspections that ensure the safety and health of employees. Supervisors shall conduct self-inspections using a self-inspection checklist at least every six months.

B. The sample Safety Self-Inspection Checklist, found in the Risk Management Forms Directory, is a broad general example of a self-inspection checklist for use by Departments. Each department should add or delete items to make the checklist unique and useful for their area of responsibility. Deletions may be subject to approval by the Risk Management Coordinator.

C. Interest areas for inspections include but are not limited to:
   1. Postings
   2. Processing, receiving, shipping and storing
   3. Building and grounds
   4. Housekeeping
   5. Electricity

6. Lighting
7. Heating and ventilation
8. Machinery
9. Personnel
10. Hand and Power tools
11. Chemicals
12. Fire Prevention
13. Maintenance
14. Personal Protective Equipment
15. Transportation
16. First-Aid
17. Evacuation Plans

D. All self-inspections shall be conducted using information provided by the manufacturer where applicable.

E. Self-inspection checklists shall be maintained by the department for three years and made available to the Risk Management Coordinator for review when requested.

Section 15.8 - Hazard Communication & Chemical Safety Program

(Revised September 17, 2015, February 16, 2017)

To ensure that the hazards of all chemicals produced or imported are evaluated, and that information concerning their hazard is transmitted to employees.

Policy

This written program has been established for Isle of Wight County to comply with the Hazard Communication Standard, 29 CFR 1910.1200. All departments and divisions of the County are included within this program. Copies of this written program will be available for review by any employee in the following locations:

- On the Central network drive, in the Policies Folder
- Human Resources Department
- In Safety Data Sheet Binders

Responsibilities

A. The Risk Management Coordinator Shall:

1. Develop and maintain the Hazard Communication program
2. Act as a resource for implementation of the program
3. Conduct or coordinate awareness level new employee training for the program
4. Ensure Safety Data Sheet (SDS) files are acquired by departments
5. Inspect the program at least annually

B. Department/Agency Heads shall:

1. Ensure departmental compliance with the Hazard Communication program
2. Implement corrective action as required to ensure compliance
3. Review and accept Hazardous Chemical listings for their department.
4. Ensure SDS's are acquired for all chemicals within their department.
5. Ensure outside personnel are notified of the program.
6. Ensure the development of procedures for non-routine tasks.

C. Supervisors shall:

1. Ensure employees are informed of the workplace Hazard Communication program.
2. Determine affected employees and ensure job specific training is provided.

3. Assist the Department/Agency Head with the implementation of corrective actions as required to ensure compliance.
4. Develop procedures for non-routine tasks.
5. Conduct annual self-inspections to ensure compliance with this policy.

D. Employees shall:

1. Comply with the elements of the policy and program.
2. Seek additional training as necessary to ensure awareness.
3. Wear PPE required when using hazardous chemicals.
4. Advise management of program deficiencies.
5. Assist as necessary with self-inspections.

To avoid injury and/or property damage, persons who handle chemicals in any area of the County must understand the hazardous properties of the chemicals. Before using a specific chemical, safe handling methods and health hazards must always be reviewed.

The basic components of this program include:

- Hazardous Chemical Inventory List – listed alphabetically
- Safety Data Sheets
- Labels and Other Forms of Warning
- Employee Information and Training
- Non-Routine Tasks
- On-site Contractors
- General Chemical Safety
- Program Review

Hazardous Chemical Inventory List

A list of all known hazardous chemicals (products) used by Isle of Wight County employees under this written program is maintained by the Risk Management Coordinator in the Master Hazardous Chemical Inventory on the Central computer network.

A list of hazardous chemicals used by each department is kept with corresponding safety data sheets in Human Resources, E911, Emergency Services, Public Works, Utility Services and Parks and Recreation.

Hazard Determination

All hazardous chemicals in the County are purchased materials; there are no manufactured or intermediate hazardous chemicals. Therefore, Isle of Wight County shall rely on the hazard determination made by the chemical manufacturer as indicated on the SDS.

Safety Data Sheets (SDS)

If chemicals not listed in the Master Hazardous Chemical Inventory are ordered or purchased, the department making the purchase shall be responsible to obtain the manufacturer's corresponding, properly formatted, safety data sheets and forward them to the Risk Management Coordinator for inclusion in the Master SDS file.
The Risk Management Coordinator will review the SDS's for completeness and proper format. Should any SDS be incomplete, the department which made the purchase will immediately send correspondence to the manufacturer requesting the proper information.

A complete Master file of SDSs for all hazardous chemicals to which employees of the County may be exposed will be kept in labeled binders in Human Resources, E911, Emergency Services, Public Works, Utility Services

and Parks and Recreation.

Departments who use chemicals are responsible to maintain SDSs for all hazardous chemicals used by their departments, in labeled binders. Departmental SDS Binders must be kept in the main office area of the respective department, at each location where their employees report to work and at any other location necessary to make them readily accessible to employees within their work areas during each work shift. Should SDSs be unavailable, please contact the Risk Management Coordinator immediately. SDSs will be reviewed annually by the Risk Management Coordinator to ensure they remain current.

After three documented requests of the manufacturer for a required SDS have been unsuccessful, the problem will be reported to the nearest Virginia Occupational Safety and Health (VOSH) office.

Labels and Other Forms of Warning

The Hazard Communication Standard requires that hazardous chemicals be labeled by manufacturers. The label must contain the following:

- Chemical identity;
- Appropriate hazard warnings; and
- Name & address of chemical manufacturer, importer, or other responsible party

Upon delivery of chemicals, the Department/Agency Head or designee will ensure that chemicals are labeled properly. Any chemicals without proper labeling will not be accepted.

When chemicals are transferred from the manufacturer's containers to secondary containers, the Manager or Supervisor of each department shall ensure that the containers are labeled with the identity of the chemicals and appropriate hazard warnings using the Global Harmonized System (GHS) label (i.e. gas – fire hazard, Round-Up – eye warning).

The labeling procedure will be reviewed annually by the Risk Management Coordinator and changed as necessary.

Employee Information and Training

Prior to starting work, new employees of Isle of Wight County will attend a safety orientation program. The Risk Management Coordinator will be responsible for organizing and conducting the initial training. This training will consist of general training covering:

- Location and availability of the written Hazard Communication Program;
- Location and availability of the List of Chemicals used in the workplace;
- Methods and observation used to detect the presence or release of a hazardous chemical in the workplace;
- Information contained in SDSs for employees to protect themselves;
- Explanation of the chemical labeling system; and
- Location and use of SDS

Job Specific Training

Employees will receive on the job training from their supervisor. This training will cover the following elements relative to the specific chemicals they will be using or will be working around in their work area:

1. The specific physical and health hazard of chemicals in the workplace;
2. Specific control measures for protection from physical or health hazards;
3. Proper use and storage of the chemicals in their workplace; and
4. PPE requirements.

Immediate On-the-Spot Training

This training will be conducted by supervisors for any employee that requests additional information or exhibits a lack of understanding of the safety requirements.

Following each training session, the employee is required to sign and date the training record verifying attendance. Before any new employee can begin work which requires the use of or potential exposure to hazardous chemicals, training as indicated for new employees must be completed. Additional training will be provided with the introduction of each new hazard. Records of the additional training will be maintained.

Non-Routine Tasks

Non-routine tasks are defined as working on, near, or with unlabeled piping, unlabeled containers of an unknown substance, confined space entry where a hazardous substance may be present and/or a one-time task using a hazardous substance differently than intended (example: using a solvent to remove stains from tile floors).
Steps for Non-Routine Tasks:

Step 1: Hazard Determination
Step 2: Determine Precautions
Step 3: Specific Training & Documentation
Step 4: Perform Task

The Department Supervisor will evaluate all non-routine tasks before the task commences to determine all hazards present and the necessary precautions needed to either remove the hazard, change to a non-hazard, or protect from the hazard (use of personal protective equipment) to safeguard the employees present. In addition, the Department Supervisor will provide or obtain necessary specific safety training for employees present or affected by the non-routine task and will document the training.

Prior to an employee beginning a hazardous non-routine task, he/she must report to the Department Supervisor to determine the hazards involved and the protective equipment and/or training required.

All outside contractors working inside County Facilities are required to follow the requirements of their own Hazard Communication Program. The County will provide the contractors a copy of the Hazard Communication Program when requested. Contractors are responsible for any chemicals they bring to the facility and notifying the appropriate staff of the chemical.

General Chemical Safety

Assume all chemicals are hazardous. The number of hazardous chemicals and the number of reactions between them is so large that prior knowledge of all potential hazards cannot be assumed. Use chemicals in as small quantities as possible to minimize exposure and reduce possible harmful effects. The following general safety rules shall be observed when working with chemicals:

- Read and understand the Safety Data Sheets.
- Keep the work area clean and orderly.
- Use the necessary safety equipment.
- Carefully label all secondary containers with the identity of the contents and appropriate hazard warnings (GHS).
- Store incompatible chemicals in separate areas.
- Substitute less toxic materials whenever possible.
- Limit the volume of volatile or flammable material to the minimum needed for short operation periods.
- Ensure primary labels are legible and intact.
- Provide means of containing the material if equipment or containers should break or spill their contents.

Task Evaluation

Each task that requires the use of chemicals should be evaluated to determine the potential hazards associated with the work. This hazard evaluation must include the chemical or combination of chemicals that will be used in the work, as well as other materials that will be used near the work. If a malfunction during the operation has the potential to cause serious injury or property damage, a Safe Operational Procedure (SOP) should be prepared and followed. Operations must be planned to minimize the generation of hazardous wastes.

Chemical Storage

The separation of chemicals (solids or liquids) during storage is necessary to reduce the possibility of unwanted chemical reactions caused by accidental mixing. Use either distance or barriers (e.g., trays) to isolate chemicals into the following groups:

- *Flammable Liquids*: store in approved locations.
- *Acids*: treat as flammable liquids.
- *Bases*: do not store bases with acids or any other material.
- *Other liquids*: ensure other liquids are not incompatible with any other chemical in the same storage location.
- Lips, strips, or bars are to be installed across the width of storage shelves to restrain the chemicals in case of earthquake.

Chemicals will not be stored in the same refrigerator used for food storage. If a refrigerator is used to store chemicals, a label on the door must appropriately identify refrigerators used for storing chemicals.

Emergencies and Spills

In case of an emergency, implement the following:

- Evacuate people from the area.
- Isolate the area.
- If the material is flammable, turn off ignition and heat sources.
- Only personnel specifically trained in emergency response are permitted to participate in chemical emergency procedures beyond those required to evacuate the area.
- Call for emergency assistance if required.

Housekeeping

1. Maintain the smallest possible inventory of chemicals to meet immediate needs.
2. Periodically review stock of chemicals on hand.
3. Ensure that storage areas, or equipment containing large quantities of chemicals, are secure from accidental spills.
4. Rinse emptied bottles that contain acids or inflammable solvents before disposal.
5. Do not place hazardous chemicals in salvage or garbage receptacles.
6. Do not pour chemicals onto the ground.
7. Do not dispose of chemicals through the storm drain system.
8. Do not dispose of highly toxic, malodorous chemicals down sinks or sewer drains.
9. Periodically purge old chemicals that are no longer needed.

Program Review

This written Hazard Communication Program will be reviewed by the Risk Management Coordinator annually and updated as necessary.

Section 15.9 – Hazardous Energy Control - Lockout/Tag-out (LOTO) Policy

(Revised July 1, 2019)

Purpose

The purpose of a lockout/tagout (LOTO) program is to prevent injuries to County employees and contractors during maintenance or repair of installed machinery or equipment due to improper isolation from its energy source(s), inadvertent activation by any personnel during maintenance or repair, or release of latent or stored energy in the machinery or equipment.

Policy

All County departments with employees who perform work where the control of hazardous energy is necessary for the safe accomplishment of maintenance or other operations will develop LOTO programs specific to the machinery or equipment being serviced or maintained in accordance with OSHA Standards 29CFR1910.147.

Definitions

Affected Employee – An employee whose job requires them to operate or use a machine or equipment on which servicing, or maintenance is being performed under lock-out or tag-out, or whose job requires them to work in an area in which such servicing or maintenance is being performed.

Authorized Employee **–** A person who locks out or tags out machines or equipment in order to perform servicing or maintenance on that machine or equipment. An affected employee becomes an authorized employee when that employee's duties include performing servicing or maintenance covered under this section.

Energized - Connected to an energy source or containing residual or stored energy.

Energy isolating device - A mechanical device that physically prevents the transmission or release of energy, including but not limited to the following: A manually operated electrical circuit breaker; a disconnect switch; a manually operated switch by which the conductors of a circuit can be disconnected from all ungrounded supply conductors, and, in addition, no pole can be operated independently; a line valve; a block; and any similar device used to block or isolate energy. Push buttons, selector switches and other control circuit type devices are not energy isolating devices.

Energy source - Any source of electrical, mechanical, hydraulic, pneumatic, chemical, thermal, or other energy

Lockout – The placement of a lock-out device on an energy isolating device, in accordance with an established procedure, that ensures that the energy isolating device and the equipment being controlled cannot be energized or operated until the lock-out device is removed.

Lockout Device – A device that utilizes a positive means such as a lock, either key or combination type, to hold an isolating device in the safe position and prevent the energizing or operating of a machine or equipment, in accordance with an established procedure, to indicate that the energy isolating device and the equipment being controlled may not be operated until the lock out device is removed.

Normal Production Operations - The utilization of a machine or equipment to perform its intended production function.

Servicing and/or Maintenance – Workplace activities such as constructing, installing, setting up, adjusting, inspecting, modifying, and maintaining or servicing machines or equipment. These activities include lubrication, cleaning or unjamming of machines or equipment and making adjustments or tool changes, where the employee may be exposed to the unexpected energization or startup of the equipment or release of hazardous energy.

Setting up – Any work performed to prepare a machine or equipment to perform its normal production operation.

Tagout – The placement of a tag-out device on an energy isolating device, in accordance with an established procedure, to indicate that the energy isolating device and the equipment being controlled may not be operated or energized until the tag-out device is removed.

Tagout Device – A prominent warning device, such as a tag and a means of attachment, which can be securely fastened to an energy isolating device in accordance with an established procedure, to indicate that the energy isolating device and the equipment being controlled may not be operated or energized until the tag-out device is removed.

Responsibilities

A. Risk Management shall**:**

- Facilitate and oversee development of the County's LOTO Program;
- Assist with departments' specific program development;
- Serve as a resource and provide technical assistance during the development and implementation of the program;
- Review department specific LOTO policies and procedures for compliance with OSHA Standard 29CFR1910.147 and this policy;
- Assist with departments' awareness training for designated County employees;
- Conduct annual and routine inspections to verify compliance with the Departmental and County LOTO policy (LOTO Procedure Inspection Certification Form – Risk Management Forms Directory);
- Monitor the departments' programs annually to verify their compliance

B. Department/Agency Heads shall:

- Ensure time and resources are dedicated for development and implementation of their Department's LOTO program;
- Oversee the development and implementation of their LOTO program;
- Ensure all of their employees are informed of the County and Department LOTO Program;
- Ensure all of their Affected employees are trained in LOTO recognition;
- Ensure all of their Authorized employees are trained in the County and Department LOTO policies;
- Ensure appropriate LOTO and isolating devices and materials are available to their employees;
- Monitor their program annually to ensure compliance;
- Establish and implement corrective actions as required to ensure compliance;
- Ensure implementation for any program updates required as a result of new equipment, maintenance repair or service procedures, or any deviations or inadequacies identified by staff or as a result of the periodic monitoring of program compliance;
- Ensure all contractors and outside personnel are notified of the program as outlined in this policy (LOTO Contractor Notification Form – Risk Management Forms Directory).

C. Division Managers**:**

- Assist in the development of the departmental LOTO program;
- Ensure the County and Department LOTO policies are fully implemented by division staff;
- Ensure all division employees are informed of the County and Department LOTO policies;
- Ensure all Affected division employees are trained in LOTO recognition;

- Ensure that Authorized division employees are appropriately trained and have demonstrated technical competency for locking out or tagging out equipment or machinery (LOTO Authorized Employee Training Certification Form – Risk Management Forms Directory on Central);
- Establish and maintain an inventory of machines and equipment requiring LOTO devices or materials (Inventory of Machines/Equipment Form – Risk Management Forms Directory on Central);
- Ensure written LOTO procedures are available and used by their employees whenever they work on installed machinery or equipment;
- Ensure appropriate LOTO and isolating devices and materials are available to their employees;
- Conduct annual and routine self-inspections to ensure compliance with the Department and County LOTO policy (LOTO Procedure Inspection Certification Form – Risk Management Forms Directory on Central);
- Monitor the division's program to ensure compliance;
- Assist the department head with the implementation of corrective actions as required to ensure compliance with the program;
- Notify the department head of the need for any program updates;
- Ensure all contractors and outside personnel are notified of the program as outlined in this policy (LOTO Contractor Notification Form – Risk Management Forms Directory on Central).

D. Supervisors:

- Assist Division Manager as necessary with the development and implementation of the Department LOTO program;
- Ensure Affected employees are informed of the LOTO Program;
- Ensure Authorized employees have received required training and demonstrate technical competencies whenever they work on installed machinery and equipment;
- Ensure all LOTO procedures are conducted in accordance with County and Department Policies;
- Ensure that all necessary isolating devices and materials are onsite, in place and in good working order prior to work on machinery or equipment;
- Routinely inspect work areas and processes to ensure compliance;
- Notify the Division Manager of any program deficiencies;
- Notify the Division Manager of the need for any program updates.

E. Employees

- Assist as necessary with the development and implementation of the Department program;
- Ensure all work efforts comply with the County and Department's LOTO policies;
- Understand emergency procedures in case of an accident when working on machinery or equipment;
- Request additional training as necessary to ensure proficiency prior to working on machinery or equipment;
- Store, maintain and guard against damage, to isolating devices and materials that are used of LOTO;
- Report any deficiencies or malfunction of isolating devices and materials to their supervisor immediately;

- Wear the required personal protective equipment when engaged in working on machinery or equipment to prevent injury;
- Notify their supervisor/management of program deficiencies;
- Notify their supervisor of the need for any program updates.

Procedures

A. Written LOTO procedures shall be developed and used by County employees and contractors whenever they work on installed machinery or equipment.

1. The purpose of LOTO procedures is to isolate equipment or machinery that is being repaired or maintained from all energy sources to prevent unexpected activation, startup or other release of energy that could cause injury.
2. Energy sources may be electrical, hydraulic, steam, pneumatic, thermal, gravity, etc. or a combination of energy sources in one machine or piece of equipment.
3. Some methods to isolate or neutralize the energy that may be contained in a machine or equipment include:
   - pipe valves may be turned off with locked devices installed to prevent opening of the valves or blind flanges to prevent the flow of air, steam, water, or other liquid or gas to the equipment or machine being isolated;
   - electrical energy may be locked out at the breaker switch;
   - latent energy in capacitors or other components may be bled to ground;
   - heavy machinery components may shift, cycle, or fall due to gravity, therefore blocks or jacks may be used to hold them in place.

B. LOTO procedures are not required when:

1. Exposure to hazardous energy is controlled completely by unplugging the equipment from an electric outlet and where the employee doing the service or maintenance has exclusive control of the plug. This applies only if electricity is the only form of hazardous energy to which employees may be exposed.
2. It is demonstrated that de-energizing introduces additional or increased hazards or is not feasible due to equipment design or operational limitations. This exception may only be used when:
   - The department has developed specific safe work practices to protect employees who may be exposed to electrical hazards involved and the safe work practices are documented on the Job Safety Analysis (JSA) form. Such work practices shall protect employees against contact with energized electrical parts and be suitable for the conditions under which the work is to be performed and for the voltage level of the electric conductors or circuit parts; and
   - Work is performed only by trained and authorized employees following the documented safe work practice for the task; and
   - Employees use special insulated equipment and PPE, identified in the JSA that provides proven, effective protection.

C. A written energy control procedure is not required if all of the following elements or characteristics apply to the equipment or machinery being repaired or maintained:

1. The machinery or equipment has no potential for stored or residual energy, or re-accumulation of stored energy after shutdown which could endanger employees;
2. The machine or equipment has a single energy source which can be readily identified and isolated;
3. The isolation and locking out of that energy source will completely de-energize and deactivate the machine or equipment;
4. The machine or equipment is isolated from that energy source and locked out during servicing or maintenance;
5. A single lockout device will achieve a locked-out condition;
6. The lock-out device is under the exclusive control of the authorized employees performing the repair or maintenance;
7. The servicing and/or maintenance does not create hazards for other employees; and
8. There have been no accidents involving the unexpected activation or re-energizing of the machine or equipment during repair or maintenance.

D. Steps to be addressed in LOTO procedures:

1. Energy Isolation – LOTO shall be performed only by the authorized employee(s) performing repair or maintenance on the machine or equipment. (LOTO Procedure Form – Risk Management Forms Directory on Central)
2. Notification of Employees – Affected employees shall be notified by the authorized employee or his supervisor of the application and removal of lockout or tagout devices on specific machines or equipment. Notification shall be given before the controls are applied and after they are removed.
3. Preparation for Shutdown – Before an authorized employee turns off a machine or equipment, the authorized employee shall have knowledge of the type and magnitude of the energy, the hazards of the energy to be controlled and the means or methods to control energy.
4. Machine or Equipment Shutdown – The machine or equipment shall be turned off or shut down using the procedure established for the machine or the equipment. An orderly shutdown must be utilized to avoid any additional or increased hazards to employees as a result of equipment stoppage.
5. Machine or Equipment Isolation – All energy isolating devices that are needed to control the energy to the machine or equipment shall be physically located and operated in such a manner as to isolate the machine or equipment from the energy source(s).
6. Lockout or Tagout Device Application – Lockout or tagout devices shall be affixed to the energy isolating device by authorized personnel.
   - Lockout devices shall be affixed in such a manner as to hold the energy isolating devices in a “safe” or “off” position.
   - Tagout devices shall be affixed in such a manner as will clearly indicate that the operation or movement of energy isolating devices from a “safe” or “off” position is prohibited.
   - If a tagout device cannot be attached directly to the energy isolating device, the tag shall be located as close as safely possible to the device, in a position that will be immediately obvious to anyone attempting to operate the device.
7. Stored Energy – Following the application of LOTO devices to energy isolating devices, all potentially hazardous stored or residual energy shall be relieved, disconnected, restrained, and otherwise rendered safe. If there is a possibility of re-accumulation of stored energy to a hazardous level, verification of isolation shall be continued until the servicing or maintenance is completed, or until the possibility of such accumulation no longer exists.

8. Verification of Isolation – Prior to starting work on machines or equipment that have been locked and tagged out, the authorized employee shall verify that isolation and de-energizing the machine or equipment has been accomplished.
9. Release from LOTO – Before LOTO devices are removed and energy is restored to the machine or equipment, the authorized employee(s) must inspect the work area and ensure: nonessential items have been removed, machine or equipment components are operationally intact, and all other employees have been safely positioned or removed from the work area.
10. LOTO Device Removal – Each lockout or tagout device shall be removed from each isolating energy device by the employee who affixed the device. However, in emergency situations where the employee is not available at the facility to remove the device, the division manager may authorize removal of the device. Reasonable efforts shall be made to notify the authorized employee that his/her device is being removed or the employee will be informed upon his return to work at the facility.

E. LOTO and isolating devices and materials:
1. Each department and division shall provide the required materials and hardware necessary for isolating, securing, or blocking assigned machinery and equipment maintained by their employees. These may include locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware.
2. LOTO devices shall not be used for any other purpose other than controlling energy and must meet the following provisions:
   - Be durable and capable of withstanding the environment to which they are exposed for the maximum period that exposure is expected;
   - Be standardized in color, shape, or size. Tag-out devices shall be standardized in print and format;
   - Be substantial enough to prevent removal without the use of excessive force or unusual techniques, such as with the use of bolt cutters or other metal cutting tools;
   - Shall indicate the identity of the employee applying the device(s).
3. Tag-out devices, including their means of attachment, shall be substantial enough to prevent inadvertent or accidental removal and must meet the following provisions:
   - Tag-out devices shall be constructed and printed so that exposure to weather conditions or wet and damp locations will not cause the tag to deteriorate or the message on the tag to become illegible;
   - Device attachment shall be a non-reusable type, attached by hand, self-locking, non-releasable with minimum unlocking strength of no less than 50 pounds and having the general design and basic characteristics of being at least equivalent to a one-piece, all-environment-tolerant nylon cable tie;
   - Tag-out devices shall warn against hazardous conditions if the machine or equipment is energized and shall include a legend such as “Do Not Start”, “Do Not Open”, “Do Not Close”, “Do Not Energize”, or “Do Not Operate”.

F. Guidelines for equipment or machines that are not capable of being locked out from energy sources or when tagout alone provides adequate employee protection:
1. If an energy isolating device is not capable of being locked out, the specific LOTO procedures will require tagout only.

2. If an energy isolating device is capable of being locked out but the Department can demonstrate that the utilization of a tagout system will provide full employee protections, then tagout procedures can be used.
3. When tagout device is used it shall be attached at the same location that the lockout device would have been attached.
4. Additional means to be considered as part of the tagout procedures shall include the implementation of additional safety measures such as removal of an isolating circuit element, blocking of a controlling switch, opening an extra disconnecting device, or the removal of a valve handle to reduce the likelihood of inadvertent energization.

G. Outside Personnel (Contractors) – Whenever outside servicing personnel are to be engaged in activities covered by the scope and application of this standard, the Department Head or designee, or the division manager and the outside employer's representative shall inform each of their respective LOTO procedures (LOTO Contractor Notification Form – Risk Management Forms Directory on Central). The division manager shall ensure that their employees understand and comply with restrictions and prohibitions of the outside employer's energy control program.

H. Group LOTO - When repair or maintenance is performed by a crew, they shall utilize a procedure which affords the employees a level of protection equivalent to that provided by the implementation of personal LOTO devices.
1. A single authorized employee shall assume the overall responsibility for the control of hazardous energy for all members of the group while the servicing or maintenance work is in progress.
2. The authorized employee with the overall responsibility shall implement the energy control procedures, communicate the purpose of the operation to the servicing and maintenance employees, coordinate the operation and ensure that all procedural steps have been properly completed. In such operations, it is critical that each authorized employee involved in the group lockout/tagout activity be familiar with the type and magnitude of energy that may be present during the servicing and maintenance work.
3. When an energy isolating device cannot accept multiple locks or tags a multiple lockout or tagout device (hasp) will be used.
4. When activities involving group lockout or tagout extend into another work shift, or there is a change of authorized employees, the authorized employee and their immediate supervisor are responsible for coordinating the transfer of devices for machines or equipment that will be serviced or maintained through a shift change.

I. Training (LOTO Authorized Employee Training Certification Form – Risk Management Forms Directory on Central):
1. Each authorized employee shall receive annual training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy present in the workplace, the methods and means necessary for energy isolation and control, and the specific LOTO procedures for the equipment and machines they are required to repair or maintain.
2. Each Affected employee or any other employee whose work operations are or may be in an area where LOTO procedures are being utilized, shall be instructed about the procedures and the consequences relating to attempts to restart or re-energize machines or equipment which are locked or tagged out.

3. Employee training shall be provided for all Authorized and Affected employees whenever there is a change in their job assignments; a change in machines, equipment or processes that present a new hazard; or when there is a change in LOTO procedures. Additional training may also be conducted whenever a periodic inspection reveals or whenever there is reason to believe that there are inadequacies in the employees' knowledge or use of LOTO procedures.

J. Inspection and review of LOTO procedures:

- The Risk Management/County Safety Officer or designee shall conduct reviews of the department's LOTO procedures annually or more often to ensure that the procedures and the provisions of this policy are being followed.
- Inspections shall be documented including the date inspections have been performed, the machine or equipment on which the LOTO procedures were being utilized, the employees included in the inspection, and the person performing the inspection (LOTO Procedure Inspection Certification Form – Risk Management Forms Directory on Central)
- If the inspector finds that employees are not following a LOTO procedure or that the procedure is not protecting them, employees must be retrained, and the procedure's deficiencies corrected immediately.

K. LOTO Program Forms: Forms can be found in the Risk Management Forms Directory on Central:

1. Inventory of Machines and Equipment (Inventory of Machines/Equipment – Risk Management Forms Directory) **–** An inventory of all machines and equipment maintained by County employees shall be kept within the department.
2. LOTO Procedure Form (LOTO Procedure Form – Risk Management Forms Directory) – Each piece of equipment on the inventory list must be evaluated and LOTO procedures identified.
3. Authorized Employee Training Certification Form (LOTO Authorized Employee Training Certification Form – Risk Management Forms Directory)**-** Employees who may be exposed to hazardous energy will receive training before their assignment to ensure that they understand the energy-control policy and have the skills to apply, use, and remove energy controls.
4. Contractor Notification Form (LOTO Contractor Notification Form – Risk Management Forms Directory). **-** The department shall coordinate the exchange of written practices between the County and Contractors. Outside personnel may not begin working unless their practices meet or exceed those of the County.
5. LOTO Procedure Inspection Certification Form (LOTO Procedure Inspection Certification Form – Risk Management Forms Directory) – The division supervisor and Risk Management/County Safety Officers will verify that periodic inspections have been performed and document the machine or equipment on which the LOTO procedures were being utilized, the date of the inspection, the employees included in the inspection, and the person performing the inspection.

Section 15.10 - Excavations, Trenching and Shoring

A trench is a special kind of excavation which defined as an excavation whose width is less than 15 feet across and whose depth is greater than its width. It is these dimensions which make trench operations so hazardous. Because of its narrowness, the workers in a trench are confined; and because of the depth of the trench, cave-ins are an ever-present danger. In the event of trench wall failure, there is little time to avoid burial. All work below ground level requires the continual watchfulness by workers and their supervisors to protect workers.

Purpose

To protect workers who are exposed to open excavations made in the earth's surface, and to meet the requirements of 29 CFR 1926 Subpart P.

Definitions

Accident – the point in a sequence of unplanned events which results in an injury, illness, and/or damage.

Accepted engineering practice – those requirements which are compatible with standards of practice required by a registered professional engineer.

Aluminum Hydraulic Shoring – a pre-engineered shoring system comprised of aluminum hydraulic cylinders (crossbars) used in conjunction with vertical rails (uprights) or horizontal rails (wales). Such system is designed specifically to support the sidewalls of an excavation.

Bell-Bottom pier hole – a type of shaft or footing excavation, the bottom of which is made larger than the cross section above to form a belled shape.

Benching – a method of protecting employees from cave-ins by excavating the sides of an excavation to form one or a series of horizontal levels or steps, usually with vertical or near-vertical surfaces between the levels.

Cave-in – the separation of a mass of soil or rock material from the side of an excavation, or loss of soil from under the trench shield or support system, and its sudden movement into the excavation, either by falling of sliding, in sufficient quantity so that it could entrap, bury, or otherwise injure and immobilize a person.

Competent person – one who can identify existing and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

Cross braces – the horizontal members of a shoring system installed perpendicular to the sides of the excavation, the ends of which bear against either uprights or wales.

Face or sides – the vertical or inclined earth surfaces formed as a result of excavation work.

Failure – the breakage, displacement, or permanent deformation of a structural member or connection so as to reduce its structural integrity and its supportive capabilities.

Hazardous atmosphere – an atmosphere which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating oxygen deficient, toxic, or otherwise harmful, may cause death, illness, or injury.

Kickout – the accidental release or failure of a cross brace.

Protective systems – a method of protecting employees from cave-ins, from material that could fall or roll from an excavation face or in an excavation, or from the collapse of adjacent structures. Protective systems include support systems, sloping and benching systems, shield systems, and other systems that provide the necessary protection.

Ramp – an inclined walking or working surface that is used to gain access to one point from another and is constructed from earth or from structural materials such as steel or wood.

Registered Professional Engineer – a person who is registered as a professional engineer in the state where the work is to be performed.

Sheeting – the members of a shoring system that retain the earth in position and in turn are supported by other members of the shoring system.

Shield (Shield system) – a structure that is able to withstand the forces imposed on it by a cave-in and thereby protect employees within the structure. Shields can be permanent structures or can be designed to be portable and moved along as work progresses. Additionally, shields can be either pre-manufactured or job-built in accordance with 29 CFR 1926.652(c) (3) or (c) (4). Shields used in trenches are usually referred to as "trench boxes" or "trench shields".

Sloping (sloping system) – a method of protecting employees from cave-ins by excavating to form sides of an excavation that are inclined away from the excavation so as to prevent cave-ins. The angle of incline required to prevent cave-ins varies with differences in such factors as the soil type, environmental conditions of exposure, and application of surcharge loads.

Stable rock – natural solid mineral material that can be excavated with vertical sides and will remain intact while exposed. Unstable rock is considered to be stable when the rock material on the side or sides of the excavation is secured against caving-in or movement by rock bolts or by another protective system that has been designed by a registered professional engineer.

Structural ramp – a ramp built of steel or wood, usually used for vehicle access. Ramps made of soil or rock are not considered structural ramps.

Support systems – a structure such as underpinning, bracing, or shoring, which provides support to an adjacent structure, underground installation, or the sides of an excavation.
Tabulated data – means tables and charts approved by a registered professional engineer and used to design and construct a protective system.

Trench (trench excavation) – a narrow excavation (in relation to length) made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench (measured at the bottom) is not greater than 15 feet. If forms or other structures are installed or constructed in an excavation so as to reduce the dimension measured from the forms or structure to the side of the excavation to 15 feet or less (measured at the bottom of the excavation), the excavation is also considered a trench.

Uprights – the vertical members of a trench shoring system placed in contact with the earth and usually positioned so that individual members do not contact each other.

Wales – horizontal members of a shoring system paced parallel to the excavation face whose sides bear against the vertical members of the shoring system or earth.

Policy

County work crews who perform excavations and/or work in excavations shall have a competent person inspect the excavation prior to entry to ensure elimination of hazards and who remains on site for the duration of work. All employees required to work in or around excavations shall be trained in the hazards associated with this work.

Applicability

All employees and volunteers of County offices and departments.

Responsibilities

A. Supervisors shall:
   1. Ensure a competent person is onsite during excavation operations.
   2. Ensure awareness training of all personnel required to work in or around open excavations.
   3. Ensure utility markings are clear and applicable permits are obtained prior to conducting

operations.

4. Notify the appropriate parties in the event of emergency or accident disturbance or damage of existing installations.
5. Ensure a safe work zone is set up prior to conducting operations in or near the roadway in accordance with the Virginia Work Area Protection Manual.
6. Retain excavation inspection checklists for one year and make available for review when requested.

B. Risk Management Coordinator shall:
   1. Provide awareness level training to employees working in or around excavations.
   2. Assist supervisors in acquiring training for competent persons.

C. Competent Person shall:
   1. Conduct all worksite inspections regarding excavation safety.
   2. Log inspections using the Excavation Inspection Checklist found in the Risk Management Forms Directory.

Underground Installations

A. A survey of underground utilities or other installations shall be conducted, and an estimated location of these installations shall be marked prior to conducting excavation operations.

B. While the excavation is open, all installations shall be protected, supported, or removed as necessary to safeguard employees.
   - If installations are disturbed or damaged in any way during operations, the supervisor shall:
     1. Call 911 and evacuate the area if a dangerous situation is created.
     2. Contact the owner immediately.
     3. Not attempt to repair or cover up accidental damages.

Access, Egress and Additional Precautions

A. Means of egress shall be in excavations greater than or equal to four feet in depth and shall not be located more than 25 feet of lateral travel from employees.

B. Ramps and runways for employees' access and egress shall be designed by a competent person in accordance with 20 CFR 1926.651 paragraph C.

C. Employees shall wear a Class II or III reflective outer garment when working in or around excavations.

D. When working near the roadway the supervisor shall ensure the requirements of the Manual of Uniform Traffic Control Devices and the Virginia Work Area Protection Manual is consulting and appropriate safe zones are established.

E. No employee shall work underneath loads handled by lifting or digging equipment. Employees must stand away from vehicles being loaded or unloaded to prevent contact due to spillage or falling materials.

F. No employee shall work in an excavation where water accumulation exists unless:
   1. Special support systems are implemented to protect employees from cave-ins,
   2. Water removal equipment is used and monitored by a competent person, and
   3. Surface water is diverted and controlled.

G. A warning system shall be established by the supervisor to when mobile equipment must approach an excavation and the operator does not have an unobstructed line of sight to the excavation. The following may be utilized:
   1. Barricades
   2. Hand signals
   3. Stop logs

H. Walkways shall be provided where employees or equipment are required or permitted to cross over excavations.
I. Guardrails shall be provided where walkways are six feet above lower levels.

Hazardous Atmospheres

A. Where oxygen deficient atmospheres may exist, atmospheric testing shall be conducted for excavation greater than four feet in depth.
B. Adequate precautions shall be taken, such as providing ventilation, to meet acceptable atmospheric standards.
C. Where atmospheric controls are used, atmospheric monitoring shall be conducted as often as necessary to ensure a safe atmosphere.
D. Emergency rescue equipment appropriate for the excavation shall be made available when hazardous atmospheres are reasonably expected to develop during operations. This equipment shall be attended by a person trained to use the equipment in the event of emergency.
E. Employees entering bell-bottom pier holes, or the like shall wear a harness with a lifeline securely attached.
    1. The lifeline shall not be used to handle materials.
    2. The lifeline shall be individually attended while employee is in the excavation.

Stability of Adjacent Structures

A. Support systems such a shoring, bracing, or underpinning must be used to support structures that may be unstable due to excavation operations.
B. Excavating below the base or footing of a foundation or wall is not permitted unless:
    1. Support system is provided to ensure the stability of the structure; or
    2. The excavation is in stable rock; or
    3. A Registered Professional Engineer approves the operation.
C. Support systems must be provided for sidewalks, pavements, and other structures that may be affected by the excavation operation.
D. Protection of employees from loose rock or soil.
    1. Employees must be protected from being struck by materials falling or rolling from the edge and face of the trench.
    2. Spoil piles and equipment must be back at least 2 feet from the edge of the trench and/or a retaining device must be installed.
E. Fall protection is required for walkways and bridges over trenches. Bridges and walkways must be equipped with standard guardrails and toe boards. Another fall protection may also be required.
F. All excavations must be backfilled, covered, or barricaded if left unattended.

Inspections

A. Daily inspections of excavations, protective systems and adjacent areas shall be completed by a competent person.
B. Additional inspections shall be conducted:
    1. Prior to starting work
    2. As needed throughout the shift
    3. After rainfall or another hazard increasing event occurs.
C. Inspections shall be recorded on the Excavation Inspection Checklist Form, found in the Risk Management Forms Directory, and kept for a period of one year or until the next excavation at the same location.

Protective Systems

A. All employees must be protected from cave-ins by shields, sloping or shoring. A competent person is

required even when the trench is less than 5 feet deep.

B. Protective systems must have the strength to resist all intended or expected loads.

C. Employees must be protected from cave-ins when entering and exiting trench shields and protective systems.

D. Employees are not permitted in shields when they are being installed, removed, or moved vertically.

E. Design of sloping and benching systems must be selected and constructed using one or more of four alternative methods.

Option 1: Allowable configurations and slopes.

a. Sloped at an angle of 34 degrees = 1-1/2 to 1.

b. Use of other configurations described in Appendix B of 29 CFR 1926 Subpart P for Type C soil classifications.

Option 2: Determination of sloping and benching configurations using Appendices A and B of 29 CFR 1926 Subpart P.

a. Soil and rock must be classified based on:
   - Site and environmental conditions
   - The composition of the soil

b. Acceptable visual and manual tests for classifying soils as described in Appendix A of 29 CFR 1926 Subpart P

c. Selecting sloping or benching configuration from Appendix B of 29 CFR 1926 Subpart P based on soil type.

Option 3: Designs using other tabulated data, such as tables and charts, may be used to select sloping and benching configurations when the following requirements met.

a. Identity of the Registered Professional Engineer who approved the data must be stamped on the data.

b. The tabulated data must be in written form, describing detailed information on its use and limitations.

c. Tabulated data must be at job site during construction of the protective system.

d. After construction of the protective system, the tabulated data may be kept off site but must be available for inspection.

Option 4: Sloping and/or benching designs prepared and approved by a Registered Professional Engineer may be used when the following requirements are met.

a. Identity of the Registered Professional Engineer who approved the data must be stamped on the sloping and/or benching designs.

b. Designs must identify the project.

c. The configurations must be determined safe for the project.

d. Designees must be at the job site during construction of the sloping and/or benching configuration.

e. After construction of the sloping configuration, the designs may be kept off site, but must be available for inspection.

F. Excavations greater than 20 feet in depth must be designed by a Registered Professional Engineer and the tabulated data and design must be available for inspection, unless using a protective system approved for depths greater than 20 feet.

G. Design of support systems, shield systems, and other protective systems must be selected and constructed in accordance with the following options:

Option 1: Design using appendices A, C and D of 29 CFR 1926 Subpart P may be used by a competent person.

a. Timber shoring is designed by using Appendices A and C.

b. Appendix A and D of 29 CFR 1926 Subpart P may be used for hydronic shoring if the manufacturers tabulated data is not available or cannot be used.

Option 2: Design using pre-manufactured protective systems (shoring, shields, or other) and components must be prepared using the manufacturer's tabulated data.

a. Deviations from the use of the manufacturer's specifications must be approved by the manufacturer.
b. Manufacturer's written approval to deviate from a specification must be on site during construction of the system.
c. After construction of the system, the written approval may be off site but must be available for inspection.

Option 3: Design using other tabulated data, such as tables and charts, may be used to design support systems, shield systems, or other protective systems.

a. There must be enough information to make an accurate selection of the protective system.
b. Identity of the Registered Professional Engineer who approved the data must be stamped on the data.
c. The tabulated data must be in written form, describing detailed information on its use and limitations.
d. Tabulated data must be at the job site during construction of the protective system.
e. After construction of the protective system, the tabulated data may be kept off site but must be available for inspection.

- Materials and equipment used for protective systems
  a. Must be free from damage or defects.
  b. Must be maintained in good condition.
  c. Must be inspected by a competent person and removed from use if determined unsafe.
  d. If determined by a competent person to be unsafe, must be evaluated and approved by a registered professional engineer before being returned to service.

- Installation and removal of supports.
  a. Members of the support system must be securely connected.
  b. Employees must be protected from cave-ins and other hazards during installation and removal.
  c. Members of the support system may not be overloaded.
  d. Precautions must be taken to prevent cave-in during removal of structural supports. Removal must start from the bottom.
  e. Observe structure for indications of failure during removal of support systems.
  f. Backfill as removal of support systems progress.

- Additional requirements for support systems for trench excavations.
  a. Removal of materials to depth of 2 feet below the bottom of the support system is permitted if:
     1. The system is designed to resist loads at the full depth of the trench.
     2. There are no indications of the possible collapse of soil from behind or below the bottom of the support system.
  b. Support systems must be installed as the excavation of the trench proceeds.

- Employees are not permitted to work on the faces of sloped or benched excavations above other employees, unless the employees at the lower level are protected from being struck by materials or equipment.

- Shield systems (trench boxes)
    a. Systems should not be overloaded
    b. Lateral or hazardous movement should be restricted.
    c. Employees must be protected from cave-ins when entering and exiting the shield.
    d. Employees are not permitted in shields during installation, removal, or vertical movement.
    e. Employees may remain in shield during horizontal movement if the shield is not lifted in any way.
    f. Removal of materials to a depth of 2 feet below the bottom of the support system is permitted if:
        1. The system is designed to resist loads at the full depth of the trench.
        2. There are no indications of possible collapse of soil from behind or below the bottom of the support system.

Training

A. Awareness training for employees will be conducted by Risk Management.
B. Competent person training will be conducted or acquired as appropriate.
C. Training shall be documented in the employees electronic personnel file.

Section 15.11 - Confined Space Entry

Purpose

To provide a means by which employees are protected from hazards associated with entering confined spaces and to develop procedures by which employees shall enter such spaces. This program has been designed to comply with Occupational Safety and Health Administration (OSHA) standard 29 CFR 1910.146, Permit-Required Confined Spaces, and Virginia Department of Labor and Industry standards.

Policy

All spaces owned or operated by the County that meet the definition of confined spaces shall be identified and appropriately marked, and access to such spaces shall be controlled.
Employees are prohibited from entering any space meeting the definition of permit required confined space, unless the following conditions are met:

A. The County determines that employees must enter permit required confined spaces to perform duties of the department.
B. The employees are trained in the duties under this policy which they are to perform.
C. The space is rendered safe for entry by:
    1. Issuance and compliance with the conditions of a permit;
    2. The space is reclassified as a non-permit space; or
    3. Alternate entry procedures are performed.

Permits issued under the procedures in this policy shall be limited in duration to no longer than eight hours.

Applicability

This program applies to all departments that have employees who work in confined spaces. A confined space is a space that meets all three criteria:

A. Is large enough that a person can bodily enter and perform assigned work.
B. Has limited or restricted means for entry or exit.
C. Is not designed for continuous human occupancy.

Note: Spaces that are designed for human occupancy are typically provided with lighting, ventilation, and sufficient room to work.

Examples of confined spaces in Isle of Wight County include:
1. Storage or water tanks
2. Sewers
3. Manholes
4. Pipelines
5. Tunnels
6. Excavations/trenches

Confined Space Definitions

Confined space - any space that is 1) large enough and so configured that an employee can bodily enter and perform assigned work, 2) has limited or restricted means for entry or exit, and 3) is not designed for continuous employee occupancy.

Confined spaces include, but are not limited to: storage tanks, pits, vats, vessels, sewer manholes, electrical manholes, vaults, pump or lift stations, septic tanks, boilers, pipelines, tunnels, ventilation and exhaust ducts, trenches, and excavations.

Non-permit confined space - a confined space which after evaluation is unlikely to have potential hazards, or the hazards have been eliminated by engineering controls.

Permit-required confined space - a confined space which after evaluation is found to contain actual or potential hazards which have not been eliminated by engineering controls. Written authorization for entry is required if the space has one or more of the following characteristics:
1. Contains or has a potential to contain a hazardous atmosphere;
2. Contains a material that has the potential for engulfing an entrant;
3. Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or
4. Contains any other recognized serious safety or health hazard.

Person Definitions

Attendant - a designated individual stationed outside a permit space who monitors entrants and performs attendant's duties as assigned and required by this program.

Authorized entrant - an employee who is authorized by the employer to enter a confined space.

Entrant - any authorized employee who enters a confined space, including any part of the employees' body breaking the plane of any opening of the confined space.

Entry Supervisor - the departmental person responsible for determining if acceptable entry conditions are present in a confined space where entry is planned, for authorizing and overseeing entry operations, and for terminating entry as required by this program.

An entry supervisor also may serve as an attendant or as an authorized entrant, if that person is trained and equipped as required by this section for each role he or she fills. Also, the duties of entry supervisor may be passed from one individual to another during an entry operation.
Rescue Team - those persons whom the employer has designated prior to any permit-required confined space

entry to perform rescues from confined spaces, i.e. certified staff in the Department of Emergency Services or Volunteer Fire & EMS representatives.

Hazard Definitions

Engulfment - the surrounding and effective capture of a person by finely divided solids or a liquid substance that can be aspirated to cause death by filling or plugging the respiratory system or that can exert enough force on the body to cause death by strangulation, constriction, or crushing.

Hazardous Atmosphere - means an atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from a permit space), injury, or acute illness from one or more of the following causes:

1. Flammable gas, vapor, or mist more than 10 percent of its lower flammable limit (LFL);
2. Airborne combustible dust at a concentration that meets or exceeds its LFL; NOTE: This concentration may be approximated as a condition in which the dust obscures vision at 5 feet (1.52 m) or less.
3. Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent;
4. Atmospheric concentration of any substance for which a dose or a permissible exposure limit is published in Subpart G, Occupational Health and Environmental Control, or in Subpart Z, Toxic and Hazardous Substances, of this Part and which could result in employee exposure in excess of its dose or permissible exposure limit; NOTE: An atmospheric concentration of any substance that is not capable of causing death, incapacitation, impairment of ability to self-rescue, injury, or acute illness due to its health effects is not covered by this provision.
5. Any other atmospheric condition that is immediately dangerous to life or health (IDLH).

Immediately dangerous to life or health (IDLH) - any condition that poses an immediate or delayed threat to life, or that would cause irreversible adverse health effects or that would interfere with an individual's ability to escape unaided from a confined space.

LEL/LFL - lower explosive/flammable limit; the minimum concentration of vapor-in-air or vapor-in-oxygen below which propagation of flame does not occur on contact with a source of ignition. Expressed in terms of percentage by volume of gas or vapor in air.

Oxygen deficient atmosphere - an atmosphere containing less than 19.5% oxygen by volume.

Oxygen enriched atmosphere - an atmosphere containing more than 23.5% oxygen by volume.

PEL - permissible exposure limit; the allowable air contaminant level established by the Occupational Safety and Health Administration (OSHA).

UEL/UFL - upper explosive/flammable limit; the maximum proportion of vapor or gas in air above which flame propagation does not occur. Expressed in terms of percentage by volume of gas or vapor in air.

Hazard Control Definitions

Acceptable entry conditions - the conditions that must exist in a confined space to ensure that employees can safely enter and work within the space.

Blanking or blinding - the absolute closure of a pipe, line, or duct by the fastening of a solid plate (such as a spectacle blind or a skillet blind) that completely covers the bore and that can withstand the maximum pressure of the pipe, line, or duct with no leakage beyond the plate.

1. A blank is designed as a flat plate between two flanges, typically inside the flange bolt pattern. The blank must be sized for full design pressure (maximum non-shock pressure rating) of the line.
2. A blind is designed as a bolted flat plate, which can be used to terminate a pipe line.

Double block and bleed - the closure of a line, duct, or pipe by closing and locking or tagging two in-line valves and by opening and locking or tagging a drain or vent valve in the line between the two closed valves.

Inerting - the displacement of the atmosphere in a confined space by a noncombustible gas (such as nitrogen) to such an extent that the resulting atmosphere is noncombustible. NOTE: This procedure produces an IDLH oxygen-deficient atmosphere that can only be entered using self-contained breathing apparatus (SCBA) and following permit-required confined space entry procedures.

Isolation - the process by which an energy source is removed from service and completely protected against the release of energy and material into the space by such means as: blanking or blinding; misaligning or removing sections of lines, pipes, or ducts; a double block and bleed system; lockout or tagout of all sources of energy; or blocking or disconnecting all mechanical linkages.

Line breaking - the intentional opening of a pipe, line, or duct that is or has been carrying flammable, corrosive, or toxic material, an inert gas, or any fluid at a volume, pressure, or temperature capable of causing injury.

Local exhaust ventilation - a system used during welding, cutting or other similar operations in confined spaces as necessary to remove harmful gases, smoke and fumes.

Lockout-tagout - placing locks or tags on the energy isolating device (e.g. breaker boxes, control switches, valves, etc.) to prevent the unauthorized re-energization of the device or circuit while work is being performed by personnel. Tags shall indicate that the energy isolated device must not be operated until the tag is removed by the individual(s) that installed the tag.

Permit Definitions

Alternate Entry Procedures- the use of continuous forced air ventilation and atmosphere monitoring in lieu of a permit to enter a permit required confined space that:

1. Has an actual or potential hazardous atmosphere that can be demonstrably controlled by continuous forced air ventilation alone; and
2. Has no other hazards of any kind.

Emergency - any occurrence or event inside or outside of the confined space that could endanger entrants.

Entry - the action by which a person passes through an opening into a permit-required confined space. Entry includes ensuing work activities in that space and is considered to have occurred as soon as any part of the entrant's body breaks the plane of an opening into the space.

Entry permit (permit) - means the written or printed document that is provided by the employer to allow and control entry into a permit space and that contains the information specifically identified by this program.

Prohibited Condition- any condition in a permit space that is not allowed by the permit during the period when entry is authorized.

Testing - the process by which the hazards that may confront entrants to a confined space are identified and evaluated. Testing includes specifying the tests that are to be performed in the permit space.

NOTE: Testing enables employers both to devise and implement adequate control measures for the protection of

authorized entrants and to determine if acceptable entry conditions are present immediately prior to, and during, entry.

Other Definitions

Ground-fault circuit-interrupter - a device designed to disconnect an electric circuit when it seeks ground through a person or grounded object, thus preventing electric shock and fires.
Hot work permit - the employer's written authorization to perform hotwork operations (e.g. welding, cutting, burning, or heating) capable of providing a source of ignition.

Retrieval System - the equipment used for non-entry rescue of persons from confined spaces, and includes retrieval lines, chest or full body harness, and a lifting device or anchor. A retrieval line is primarily for use in vertical entry confined spaces and must not be used in confined spaces consisting of horizontal tunnels or spaces where obstructions could increase the hazard to the entrant during emergency retrieval.

Zero Mechanical State - the mechanical potential energy of all portions of the machine or equipment is set so that the opening of the pipe(s), tube(s), hose(s) or actuation of any valve, lever, or button will not produce a movement which could cause injury.

Responsibilities

A. The Risk Management Coordinator shall:
   1. Provide awareness level training to employees working in or around confined spaces.
   2. Assist supervisors in acquiring training for entrants, attendants and entry supervisors.
   3. Maintain employee training certificates in the employee's personnel file for the duration of employment.
   4. Conduct periodic onsite program inspections, including audit of entry procedures and review of competed confined space hazard assessment forms and/or entry permits.
   5. Review the program annually for effectiveness and compliance with all regulations.

B. Supervisors of employees who are required to enter an identified confined space shall:
   1. Implement all provisions of the Confined Space Entry Plan for work areas under their control.
   2. Identify each space under their control which meets the definition of confined space in accordance with 29 CFR 1910.146 (b) and maintain a written inventory of such spaces.
   3. Evaluate each identified space or space class to determine if it is a permit required or non- permit required space using the Confine Space Hazard Assessment form found in the Risk Management Forms Directory. Retain the Assessment form with the written inventory. For all spaces classified as non-permit required, the supervisor must certify on the Confined Space Hazard Assessment form the basis for determining that all hazards in the space have been eliminated. Certification must contain the date, location of the space and the signature of the person making the determination.
   4. Maintain a written inventory of all identified confined spaces with designation of each as non-permit or permit required.
   5. Update the inventory when necessary to incorporate newly acquired or identified confined spaces.
   6. Provide access to the inventory list and entry designation to all affected managers, employees and the Risk Management Coordinator.
   7. Select, appropriate employees as permit-required confined space "entry supervisors", entrants and attendants and ensure each attends an approved Confined Space Entry training course.
   8. Provide site-specific training to authorized Confined Space entrants regarding the specific equipment and practices used during entry for the spaces each entrant is authorized to enter.
   9. Provide operational control and maintenance of equipment within their respective departments.
   10. Retain canceled Entry Permits for not less than one year following the date of entry and produce

them, upon request, for inspection and audit.

11. Ensure testing instruments are calibrated and maintained in accordance with the manufacturer's specifications and maintain related records for one year.
12. Maintain calibration gases and test accessories to service all respective departmental monitoring instruments.
13. Ensure that warning signs are posted immediately outside of entrances to a Confined Spaces, and that such signs are secured. (Underground utility access vaults will not be posted. Employees will be informed of the Confined Space classification of these spaces during Confined Space training.)
14. Ensure entrances to confined spaces are locked when feasible.
15. Ensure that all personnel performing contractual work on County owned property comply with the requirements of the OSHA Standard 1910.146 by providing their own written program, equipment, and supervision of their employees.

C. Entry Supervisors shall:

1. Adhere to all requirements of the Confined Space Entry Plan
2. Complete all safety training requirements, request further instruction if unclear on any part of the training and comply with documentation procedures;
3. Complete the Confined Space entry permit, found in the Risk Management Forms Directory, and verify that all precautions and pre-entry procedures have been fulfilled prior to entry into a permit required space;
4. Terminate entry and cancel permits in the event conditions within the space change, entrants show signs of over-exposure or conditions cannot be verified;
5. Verify the availability of a local rescue team prior to entry
6. Establishing the means for communication between entrants, attendants and emergency services dispatcher.
7. Assure that unauthorized people do not enter the Confined Space during the time that authorized entry is in progress.
8. Assure that appropriate personal protective equipment is available and used by entrants;
9. Assure that original entry permits are forwarded to the department supervisor upon completion or termination of a Permit-Required Confined Space entry.
10. Coordinate entry operations with outside contractors.

Note: An entry supervisor also may serve as an attendant, or as an authorized entrant, if that person is trained and equipped to do so. The duties of entry supervisor may be passed from one individual to another during an entry.

D. Qualified Person(s) - Each department may designate staff as a "Qualified Person(s)" to inspect non-routine spaces (spaces not on the inventory) and to authorize entry into same as outlined in this program. The department supervisor shall certify all "Qualified Person(s)" to the Director of their respective department with the Qualified Persons Certification form found in the Risk Management Forms Directory.

The Director will forward a copy of the Qualified Persons Certification form to the Risk Management Coordinator.

Qualified Person(s) shall inspect confined spaces for compliance with the atmospheric reading contained in this program and complete a Confined Space Hazard Assessment form prior to any personnel entering this space.

E. Authorized Entrant - Personnel entering confined spaces must only do so after receiving appropriate

training. Authorized entrants shall:

1. Know the hazards that may be faced during entry, including information on the mode, signs or symptoms, and consequences of the exposure,
2. Properly use any equipment associated with the entry, including prescribed personal protective equipment and other controls as directed by the Entry Supervisor,
3. Communicate with the attendant as necessary to enable the attendant to monitor entrant status and to enable the attendant to alert entrants of the need to evacuate the space, and
4. Alert the attendant whenever warning signs or symptoms of exposure to a dangerous situation are recognized, a prohibited condition is recognized, and exit the space if indicated.

F. Designated Attendant - Personnel designated as "Attendant" by the Entry Supervisor shall:

1. Know the hazards that may be faced during entry, including information on the mode, signs or symptoms, and consequences of the exposure,
2. Know the possible behavioral effects of hazard exposure in authorized entrants,
3. Continuously maintain an accurate count of authorized entrants in the space and ensure that the means used to identify authorized entrants accurately identifies who is in the space.
4. Remain outside the space during entry operations until relieved by another attendant.
5. Communicate with authorized entrants as necessary to monitor entrant status and to alert entrants of the need to evacuate the space.
6. Monitor activities inside and outside the space to determine if it is safe for entrants to remain in the space and order the authorized entrants to evacuate the space immediately under any of the following conditions:
   a. The attendant detects a prohibited condition;
   b. The attendant detects behavioral effects of hazard exposure in the authorized entrants;
   c. The attendant detects a situation outside the space that could endanger the authorized entrant; or,
   d. The attendant cannot effectively and safely perform the requirements of this section.
7. Summon rescue and other emergency services as soon as the attendant determines that authorized entrants may need assistance to escape from permit space hazards.
8. Warn unauthorized persons to stay away from the confined space, advise the unauthorized persons that they must exit immediately if they have entered the space, and inform the authorized entrants and the entry supervisor if unauthorized persons have entered the space.
9. Perform non-entry rescues as specified herein.
10. Perform no other duties that might interfere with the attendant's primary duty to monitor and protect the authorized entrants.

G. Employees - All employees shall assume responsibility for their own safe working actions and be familiar with the requirements of this program and comply with the rule and requirements contained herein.

H. Contractor(s) - must comply with all local, state and federal safety requirements and must assure that all employees performing work on Isle of Wight County property have their own written program, been suitably trained, are provided appropriate personal protective equipment, and supervision of their employees. Contractor(s) performing work in County owned confined spaces must coordinate their work with the contracting department, as appropriate.

Program Requirements

Departments are responsible to identify, evaluate, and classify as non-permit or permit required confined spaces in their work areas and develop written assessments and entry protocols. Hazards of each permit space shall also be indicated.

Employees must be informed of such spaces in the work area by posting danger signs, or by other equally effective means. Departments are responsible for providing and applying appropriate signs in accordance with 29 CFR 1910.146(c) (2).

Where departments decide that employees will not enter permit spaces, effective measures must be taken to prevent inadvertent and unauthorized entry. Unauthorized entry into a confined space is strictly prohibited due to the potential for death, incapacitation, injury or acute illness. Employees who work near, but who will not enter, confined spaces should attend Confined Space Awareness training.

Departments with personnel who need to enter confined spaces for work-related activities must have a trained entry supervisor to oversee entry activities, including assessing the conditions of the space prior to entry, performing air monitoring and ensuring appropriate hazard controls have been implemented and are effective.

Personnel entering the confined space or serving as an attendant must also attend Confined Space Entrant/Attendant/Supervisor level training. If the space has been classified as "permit-required", entry, assessment, and rescue services must be coordinated through the appropriate supervisor.

Entry Procedures

A. For All Entry Types - During any confined space entry, all safety rules and procedures shall be followed.
   1. Smoking in a confined space is prohibited.
   2. Any use of chemicals in a confined space must be pre-approved by the Supervisor and the SDS must be available at the work location.
   3. Any hot work conducted in a confined space must be approved by the Supervisor in accordance with OSHA rules and regulations and a Hot-work Permit, found in the Risk Management Forms Directory, must be issued.
   4. Adequate and approved lighting (appropriate for the conditions) shall be provided.
   5. Personal protective equipment shall be provided to workers as necessary for safe entry. All PPE must be selected, used, and maintained in accordance with the Personal Protective Equipment Program.
   6. All PPE must be approved by the Entry Supervisor.
   7. Electrical equipment used in the confined space shall be appropriate for the hazard and meet the requirements of the National Electric Code.
   8. Any condition making it unsafe to remove an entrance cover must be eliminated before the cover is removed.
   9. When the cover has been removed, the opening(s) shall be promptly guarded to prevent accidental falls into the opening and to prevent objects from falling into the opening.
   10. Appropriate vehicle and pedestrian barriers shall be used to protect workers.
   11. Any atmosphere that is hazardous or conditionally unstable shall not be entered. The entry supervisor will cancel the permit until conditions improve.

Pre-Entry Duties

1. Determine date of entry, time, entry location and number. The entry supervisor obtains the descriptive identification of the space and reviews Confined Space Hazard Assessment Form on file for that space including the entry procedures indicate
2. All hazards must be identified, and the hazard effectively eliminated or controlled prior to entry. Hazards and controls must be identified on the assessment form.
3. Conduct initial atmospheric testing to determine current atmospheric condition.
4. Document any other recognized hazard that could result in accidental injury or occupational illness requiring treatment greater than first aid.

5. The entry supervisor must determine the appropriate entry procedure indicated by the Assessment Form. Entry will either be:
   a. Non-Permit Required (i.e. no hazards or hazards have been eliminated) - If all hazards can be controlled from outside of the space and there are no atmospheric hazards, entry may be conducted using the Confined Space Entry Procedure,
   b. If the only uncontrolled hazard is either an actual or potential atmospheric hazard, entry may be conducted under the Forced Air Ventilation Entry Procedure, or
   c. Permit-Required Confined Space - If all hazards have not been effectively eliminated or controlled, the entry supervisor must consult with the department supervisor prior to using the Permit Entry Procedure.
   6. Notification of the selected rescue personnel shall be required for each permit required entry.

B. For Non-Permit Entry - This procedure is to be used only if all hazards identified in the confined space have been eliminated, isolated, or otherwise controlled so as not to expose entrants to additional risk.
   1. The departmental confined space entry supervisor must complete the Confined Space Hazard Assessment Form, prior to personnel entering the confined space. The Supervisor must recertify all hazards within the space have been eliminated or isolated prior to entry (i.e. the space is reclassified); and there may be no atmospheric hazard present in the space (or that will be created by the work to be performed).
   2. Establish personal protective equipment and procedural requirements for entry.
   3. Establish and maintain communication between entrants and personnel outside the confined space. Notify appropriate departmental personnel when entry begins (and when all personnel have exited the confined space).
   4. Atmospheric testing must be conducted, and results must be recorded on the Confined Space Hazard Assessment Form every half hour.
   5. Should conditions arise that may affect the health or safety of personnel inside the space, the space must be evacuated, and the entry supervisor must reassess the confined space and reevaluate the entry procedure.
   6. When work is completed, and all personnel have exited the space, close out the entry on the Confined Space Hazard Assessment Form. The form must be retained by the department for one year following entry and made available to the Risk Management Coordinator for review.

C. For Forced Air Ventilation – Reclassification Entry - This procedure may only be used if an actual or potential atmospheric hazard is the only hazard within the space.

   General Requirements:
   1. The forced air will be directed to the immediate vicinity of each employee within the space and must be provided until all employees exit the space.
   2. The method and ventilation equipment selected will be determined based upon the size of the confined space, the size of the entrance into the space, the gases present within the space, and the source of make-up air.
   3. If mechanical ventilation should fail during entry operations, all employees must immediately evacuate the space until ventilation is restored and retesting indicates acceptable entry conditions.
   4. Ventilation systems and electrical tools and equipment used in flammable atmospheres must be explosion-proof and appropriately rated for the hazard.
   5. There may be no hazardous atmosphere within the space whenever any employee is inside of the space.
   6. If a hazardous atmosphere is detected during entry:
      1. Each employee must leave the space immediately;

2. The space must be evaluated to determine how the hazardous atmosphere developed; and,
3. Measures must be implemented to protect employees from the hazardous atmosphere before any subsequent entry takes place.

Entry Procedure:

1. The departmental confined space entry supervisor must complete the Confined Space Hazard Assessment Form, prior to personnel entering the confined space. The Supervisor must recertify all hazards within the space have been eliminated or isolated prior to entry (i.e. the space is reclassified); and there may be no atmospheric hazard present in the space (or that will be created by the work to be performed) not eliminated by ventilation.
2. Establish forced air ventilation to employee work area within the confined space.
3. Establish personal protective equipment and procedural requirements for entry.
4. Establish and maintain communication between entrants and personnel outside the confined space. Notify appropriate departmental personnel when entry begins and after all personnel have exited the confined space.
5. Make the initial evaluation information available to each entering employee prior to entry.
6. Continuous atmospheric testing must be performed. Results must be documented on the Confined Space Hazard Assessment Form every half hour.
7. When work is completed, and all personnel have exited the space, close out the entry on the Confined Space Hazard Assessment Form. The form must be retained by the department for one year following entry and made available to the Risk Management Coordinator for review.

D. For Permit Required Entry

General Requirements:

1. Entry into permit-required confined spaces must be coordinated with the department supervisor.
2. An attendant must be posted at each entrance to the confined space. Attendants must perform duties as specified within the program.
3. The Entry Permit must be completed and posted at the entrance. It must be signed by the authorizing entry supervisor prior to anyone entering. Entrants must sign in/out throughout the shift. The permit must be dated and have an expiration time no longer than 8 hours. The entry will be terminated if a potential hazardous situation occurs which exceeds the conditions authorized on the permit.
4. Only trained/authorized/qualified personnel essential to the work will be permitted to enter a permit-required confined space.
5. Everyone entering a permit required confined space will have a safety or retrieval line attached to a chest harness, body harness or wristlets unless one of the conditions listed in a. or b. below exist. The other end of the line will be secured to an anchor point or lifting device outside the entry portal under the control of the attendant. The anchor point will not be secured to a motor vehicle in a manner that would pull the line out of the space if the vehicle moved. A retrieval line is not required if:
    1. A confined space has obstructions or turns that would prevent pull on the retrieval line from being transmitted to the entrant, or,
    2. A confined space from which an employee being rescued with the retrieval system has projections which would injure the employee if forcefully contracted.

Rescue:

1. Employees will conduct <u>non-entry</u> rescue only unless the employee is certified for entry rescue and is a member of the Recue Team.
2. If entry into an atmosphere that is or potentially immediately dangerous to life or health is deemed necessary, the Rescue Team must be either present, if permissible, or on stand-by.

3. Entry rescue will only be performed by Rescue Team personnel which are certified in confined space entry rescue.
4. An atmosphere supplied breathing apparatus will be used for entry rescues.

Procedure:
1. Coordinate all permit-required entries with the department supervisor including rescue notification and response.
2. The departmental entry supervisor must complete the Entry Permit.
3. Conduct pre-entry atmospheric testing. This must be done within 15 minutes of entry.
4. Establish personal protective equipment and procedural requirements for entry.
5. Establish and maintain communication between entrants and personnel outside the confined space. Notify appropriate departmental personnel when entry begins, and all personnel have exited the confined space.
6. Make the initial evaluation information and personal protective equipment and procedures available to entering employees prior to entry.
7. Continuous atmospheric testing must be performed. Results must be documented on the Entry Permit periodically (i.e. at least every half hour).
8. When work is completed, and all personnel have exited the space, close out the entry on the Entry Permit. The form must be retained by the department for one year following entry and made available to the Risk Management Coordinator for review.

Note: No permit shall be issued for a period longer than eight hours.

Confined Space Rescue

Entrants and attendants must have means of summoning emergency services anytime a confined space is entered. The preference would be for the attendant to have a cell phone to call 911 immediately. If the means of communication is departmental radio, the base station must be monitored at all times during entry and means of summoning rescue must be readily available.

Permit-required confined space rescue services are provided by the Department of Emergency Services and the Volunteer Fire & EMS agencies located within the County.

A. Self-Rescue

Entrants recognizing problems, or responding to air monitoring alarms, and exiting the space immediately on their own is the first means of rescue that should be considered. Entrants should be familiar with signs and symptoms of oxygen deficiency, carbon monoxide and hydrogen sulfide exposure where continuous air monitoring is not required. At the first sign of trouble, the space must be evacuated.

B. Non-Entry Rescue

Where best practices have been implemented for vertical entry spaces, such as setting up a tripod and wench system and requiring the entrant to wear a full body harness attached to a lifeline, the attendant will immediately notify the appropriate base operator that a confined space emergency has occurred. Attendant and the base operator shall contact emergency services by calling 911 immediately. Once the call has been made, the attendant may begin rescue procedures. *Under no circumstances will the attendant enter the confined space*.

C. Entry Rescue - Non-Permit

Non-permit rescue services are provided for extrication by staff only if they can be performed from the exterior of the confined space, provided that all hazards have been eliminated or isolated.

D. Entry Rescue - Permit-Required

During the initial assessment of the space, if it is determined to be a permit-required space, the entry supervisor

must contact the department supervisor for coordination of rescue services. In general, *if a space cannot be declassified to allow safe entry, the space should not be entered*. If there is a condition in a confined space that is immediately dangerous to life or health, permit rescue services must be on-site during the entry and be prepared to respond to all known conditions of the confined space. Otherwise, during permit entry, the rescue services must be notified that a permit entry is being conducted but may not need to be on-site for entry.

Confined Spaces Training

A. General
   1. Training shall be adequate to ensure that employees acquire the understanding, knowledge, and skills necessary for the safe performance of assigned duties.
   2. Training shall be provided to each affected employee:
      a. Before being assigned duties under this program,
      b. whenever there is a change in assigned duties,
      c. whenever there is a change in permit space operations that present a hazard about which an employee has not been previously trained,
      d. Whenever there is reason to believe that employees are deviating from established permit spaced entry procedures or that there are inadequacies in the employee's knowledge or use of this program.
   3. Training shall establish employee proficiency in assigned duties, and shall introduce new or revised procedures, as necessary.
   4. The employer shall certify that the required training has been accomplished. The certification shall contain each employee's name, the signatures of the trainers, and the dates of the training. All training records will be retained in the personnel file in the Department of Human Resources.
   5. Refresher training must be attended at least every three years.

B. Awareness - Persons that work around, but not in, confined spaces must receive awareness level training, which includes such topics as:
   1. Definition and identification of confined spaces,
   2. Hazards associated with confined spaces,
   3. Authorized entry criteria, and
   4. Basic requirements of this program.

C. Entrant/Attendant/Supervisor - Personnel who enter confined spaces must attend entrant level training that includes:
   1. Awareness training as described above,
   2. Hazardous atmosphere recognition and use of atmospheric testing devices, including information on the mode, signs, symptoms, and consequences of exposure,
   3. The use of personal protective equipment including rescue harnesses, respiratory protection, etc.,
   4. Entry conditions and related precautions,
   5. First aid and CPR training for designated attendants and rescue personnel,
   6. Space classification and reclassification criteria,
   7. Recognition of warning signs, symptoms of exposure and detection of prohibited conditions,
   8. Evacuation requirements,
   9. Emergency and non-entry rescue methods, and procedures for calling rescue services, and
   10. Specific responsibilities and duties for each role (entrant, attendant, supervisor).

Section 15.12 - Bloodborne Pathogens Exposure Control Policy

Isle of Wight County has established this exposure-control policy, in accordance with OSHA standard 29 CFR 1910.1030, for all employees who handle, store, use, process or dispose of potentially infected blood and blood

products. This policy includes requirements for personal protective equipment, housekeeping procedures, training, exposure reporting and recordkeeping.

Responsibilities - The Risk Management Coordinator will:

1. Manage the bloodborne pathogens exposure control program and maintain all related records for all covered county employees except for the Emergency Services Department.
2. Provide guidance and support to the Emergency Services Department in bloodborne pathogens exposure control when requested.
3. Ensure proper adherence to the program through periodic audits. The exposure-control plan will be reviewed and updated at least annually.

The Emergency Services Department will manage the bloodborne pathogens exposure control program for the Emergency Service division and maintain all related records.

Definitions

Biological Hazard - Any viable infectious agent that presents a potential risk to human health.

Bloodborne Pathogens - Microorganisms that can cause diseases such as human immunodeficiency virus (HIV) and hepatitis B (HBV), which are spread through contact with infected blood or blood products.
Exposure Incident: A specific eye, mouth, other mucus membrane, non-intact skin, or parenteral contact with blood, body fluids or other potentially infectious material; inhalation of airborne pathogens; or ingestion of foodborne pathogens or toxins.

Medical Wastes/Infectious Wastes - Blood, blood products, bodily fluids, any waste from human and animal tissues; tissue and cell cultures; human or animal body parts removed by means of surgery or autopsy.

Universal Precautions - Preventing exposure to bloodborne pathogens by assuming all blood and bodily fluids to be potentially infectious and taking appropriate protective measures.

Training

Isle of Wight County will provide training on bloodborne pathogens exposure control to any employee whose assigned job duties require them to be in an environment where they are likely to come into contact with bodily fluids.

All employees in affected jobs will receive training upon hiring, and yearly thereafter. The training will include:

1. County policy;
2. Types and transmission of bloodborne pathogens;
3. General safety rules;
4. Universal precautions;
5. Use of personal protective equipment (PPE);
6. Post-exposure treatment procedures

General Work Procedures

Employees must follow these procedures for controlling exposure to bloodborne pathogens:

1. Supervisors must ensure that their employees are trained in proper work practices, universal precautions, the use of personal protective equipment, and proper cleanup and disposal techniques.
2. Do not eat, drink, smoke, handle contact lenses or apply cosmetics in areas where exposure to bloodborne pathogens is possible. Do not store food and drinks in refrigerators or cabinets where blood and other potentially infectious materials are stored.

3. Wear disposable latex or vinyl gloves when:
   a. you have cuts, abrasions, chapped hands, dermatitis or similar conditions;
   b. you are exposed to blood, blood products or body secretions.
4. Wear gowns, aprons or coveralls whenever there is a possibility that bodily fluids could splash on an employee.
5. Perform procedures involving blood and other potentially infectious materials in such a manner that will minimize splashing or spraying.
6. Wear protective clothing if entering a work area where potentially infectious materials are handled.
7. Wash your hands as soon as possible after handling potentially infectious materials, and after removing protective clothing and equipment.
8. Remove all protective equipment when leaving the work area and, if the equipment is contaminated, place it in a proper storage container for washing, decontamination or disposal.
9. Remove contaminated clothing before entering other areas of the building or leaving the building.

Hepatitis B (HBV) Vaccinations

Isle of Wight County will provide, at its own expense, hepatitis B vaccinations to employees covered under this program and who choose to be vaccinated. The company will document that it offered the vaccine, as well as the employees' decision to accept or decline the vaccination using the Hepatitis B Declination form found in the Risk Management Forms Directory.

Reporting

In the event of a suspected exposure (see definition of *Exposure Incident*) employees must report the incident immediately to their supervisor, in accordance with their departmental exposure control plan and to worker's compensation in accordance with the injury reporting policy, Chapter 1, Article VI, Section6.6.

An employee who has been exposed on the job to HIV, HAV, HBV or HCV should seek immediate medical attention and be tested at the time of exposure to determine if the virus has been transmitted. All testing will be performed at County's expense. Test results will be provided to exposed employees within five business days of their receipt.

Confidentiality will be maintained for the exposed employee during all phases of the post-exposure program.

Recordkeeping

The Risk Management Coordinator will maintain all exposure reports, training and HBV vaccination records. OSHA requires that records be kept for the duration of employment, plus 30 years, except training records which must be kept for 3 years. Hepatitis B or HIV contracted on the job will be recorded on the OSHA 300 log as an illness. Exposure to bloodborne pathogens from contact with 'sharps' will be recorded on the OSHA 300 log if a doctor prescribes treatment with gamma globulin, HBV immune globulin or HBV vaccine.

Exposure Determination - The following job classifications and employees of Isle of Wight County are covered by OSHA's Bloodborne Pathogens Standard

Emergency Services Department:
Chief of Fire & Rescue
Fire & EMS Captain
Fire & EMS Lieutenant
Fire Medic II
Fire Medic I
EMT Paramedic/Intermediate

Public Utilities Department:
Utility Systems Supervisor
Utility Systems Mechanic
Pump Station Mechanic
Utility Systems Worker

Section 15.13 - Electrical Safety

(Effective July 1, 2019)

Purpose

To prevent electrical related injuries and property damage and to meet the requirements established by the Occupational Safety and Health Administration (OSHA) in 29 CFR, Subpart S – Electrical, Sections 1910. 331 through 1910.335, Safety-Related Work Practices, and the 2018 edition of the National Fire Protection Associations (NFPA) 70E, Standard for Electrical Safety for the Workplace. The primary electrical hazards addressed by this program are electrical shock and arc flash.

Policy

This written program has been established for Isle of Wight County to comply with Electrical Safety Standards and work practices. All County departments with employees working on or near exposed energized electrical conductors or circuit parts operating at or above 50 volts or otherwise work in an area where persons may potentially be exposed to an electrical hazard are included in this program.

General Program Responsibilities

A. Risk Management

1. Assist affected departments with implementing and enforcing the principles, policies, practices, procedures and controls of the Isle of Wight County Electrical Safety Program.
2. Evaluate work being performed to assess compliance with the Isle of Wight County Electrical Safety Program.
3. Assist departments with determining specific training and job experience for qualified persons.
4. Maintain safety-related training records of personnel in the Human Resources personnel files.
5. Review, evaluate, and update documentation associated with the Isle of Wight County Electrical Safety Program on a periodic basis and whenever there is an update to OSHA regulations or with each new edition of NFPA 70E – Standard for Electrical Safety in the Workplace.
6. Coordinate training to conform to the requirements of the Isle of Wight County Electrical Safety Program.
7. Evaluate the overall effectiveness of the Isle of Wight County Electrical Safety Program at least annually and whenever there is an occurrence of an electrical accident, incident, or near-miss.
8. Audit qualified electrical workers and in-progress LOTO procedures annually.
9. Ensure review of the Incident Energy Analysis periodically, not to exceed 5 years.
10. Assist departments as needed with conducting accident investigations on all near miss and electrical incidents.

B. Affected Departments:

1. Ensure that personnel under their supervision are provided with a workplace that is free from recognized hazards.
2. Implement and enforce the principles, policies, practices, procedures and controls of the Isle of Wight County Electrical Safety Program.
3. Ensure that personnel under their supervision comply with the principles, policies, practices, and procedures of the Isle of Wight County Electrical Safety Program.
4. Enforce the principles, policies, practices, and procedures of the Isle of Wight County Electrical Safety Program.
5. Determine specific training and job experience requirements for qualified persons under their supervision.
6. Ensure that personnel under their supervision who perform work on electrical systems, as described in this program, are trained and qualified for such work.

7. Identify workers under their supervision who have the potential to perform work on energized electrical equipment, conductors, circuits or circuit parts and providing resources to assure that such workers receive appropriate training prior to working on or near energized electrical equipment, conductors, circuits or circuit parts.
8. Identify and classify qualified persons and unqualified persons. Identification and classification shall be based on the skills and capabilities of the worker relative to the level of assigned responsibility, role in decision making, and knowledge of hazards.
9. Ensure that personnel under their supervision receive training appropriate to their classification and assigned electrical tasks and maintain documentation of such training.
10. Train Isle of Wight County personnel within their department in task specific procedures, prior to commencement of work on or near energized electrical equipment, conductors, circuits or circuit parts.
11. Immediately report any unsafe situation, deficiency, or activity or safety concern per the reporting procedure of this Isle of Wight County Electrical Safety Program. There will be no retaliation or disciplinary action against any person who reports an unsafe condition or safety concern.
12. Immediately report accidents, injuries, illnesses, and exposure incidents per the Isle of Wight County reporting procedure.
13. Inspect new and modified electrical equipment for safety before it is used.
14. Maintain updated single line drawings of all electrical equipment.
15. Routinely inspect electrical equipment to identify potential hazards. Develop plans to eliminate, reduce or control identified hazards.
16. Inform contract employers of known hazards within the facility that are related to the contract work and that may otherwise not be recognized by the contract personnel.
17. Provide information to contract employers to make the assessments required for them to safely perform their work.
18. Report contract employer related violations of Isle of Wight County Electrical Safety Program to the contract employer.

C. Department/Agency Head, Division Managers, Supervisors

1. Lead by example and promote electrical safety awareness in the workplace.
2. Immediately report accidents, injuries, illnesses, and exposure incidents per the reporting procedure of Isle of Wight County.
3. Conduct accident investigations on all near miss and electrical incidents.
4. Develop and maintain a list of all Isle of Wight County personnel under their supervision who are qualified persons according to the requirements of this Isle of Wight County Electrical Safety Program.
5. Inform contract employers under their supervision of known hazards within the workplace that are related to the contract work and that may otherwise not be recognized by the contract personnel.
6. Ensure that workers under their supervision are provided with and use appropriate arc-rated personal protective clothing and other personal protective equipment (PPE), tools, test instruments and associated accessories.
7. Ensure that appropriate arc-rated personal protective clothing and other PPE, tools, test instruments and associated accessories have been approved, maintained and tested.
8. Ensure that appropriate arc-rated personal protective clothing and other PPE, tools, test instruments and associated accessories are available, allocated, and properly utilized.
9. Establish, implement, and maintain principles, policies, practices, procedures, and controls that will ensure the safe performance of electrical work by personnel under their supervision.
10. Ensure that contract employers under their supervision use appropriate arc-rated personal protective clothing and other PPE, tools, test instruments and associated accessories.

11. Promptly guard and correct all electrical deficiencies.
12. Provide adequate illumination in work areas that contain exposed, energized electrical conductors and circuit parts.

D. Employees

1. Comply with the safety-related principles, policies, practices, procedures, and controls of the Isle of Wight County Electrical Safety Program, as described in this Isle of Wight County Electrical Safety Program, including the proper use of appropriate arc-rated personal protective clothing and other PPE, tools, test instruments and associated accessories.
2. Comply with safety and health related codes, standards, and regulations that apply to their duties, such as those established by OSHA, NFPA and the Environmental Protection Agency (EPA).
3. Immediately report any unsafe situation, deficiency, or activity or safety concern to the supervisor or Risk Management. There will be no retaliation or disciplinary action against any person who reports an unsafe condition or safety concern.
4. Immediately report accidents, injuries, illnesses, and exposure incidents per the reporting procedure of Isle of Wight County.
5. Shall not perform any electrical work unless authorized to do so by Isle of Wight County management and without proper training, appropriate arc-rated personal protective clothing and other PPE, tools, test instruments and associated accessories.
6. Attend all training required of the Isle of Wight County Electrical Safety Program.
7. Shall be instructed as to the purpose and application of electrical safety-related procedures, arc flash hazard warning labeling, lockout / tagout and energy control procedures, and other training requirements as described in this Isle of Wight County Electrical Safety Program.
8. Properly use arc-rated personal protective clothing and other safety-related related PPE, tools, test instruments and associated accessories.

<u>Qualified Electrical Workers shall do the following:</u>

1. Read and comply with all policies, procedures and guidelines provided by Isle of Wight County.
2. Complete electrical safety training that covers electrical safe work practices every three years.
3. Attend all required educational and electrical safety training sessions for their position.
4. Understand and comply with all applicable safety requirements and electrical safe work practices.
5. Prepare a Job Safety Plan before any unusual or energized electrical work is started and then give a job briefing to those workers involved with the job.
6. Understand how to use task table 130.5 (C) provided in the 2018 NFPA 70E Standard to determine the likelihood of an arc flash occurrence of happening, when performing a given task.
7. De-energize electrical systems operating at or above 50 volts before working when possible.
8. Consider system energized until proven otherwise.
9. Verify the absence of voltage before touching any conductors or circuit parts by using an appropriate industrial rated test instrument. The test instrument shall be checked for proper operation by using the live –dead- live procedure.
10. Read and follow all requirements and wear the appropriate PPE that is listed on the arc flash/shock hazard warning labels placed on electrical equipment (See Appendix C for an example of a label).
11. Never bare hand or blind reach where conductors or circuit parts are operating at or above 50 volts.
12. Never perform electrical work unless properly trained and qualified for that task.
13. Use and maintain in good condition all assigned equipment including arc rated clothing and flash suits, insulated tools and gloves, and electrical testing equipment.
14. Report any observed at-risk actions or conditions to your immediate supervisor (i.e. tripped circuit breakers, blown fuses, damaged electrical equipment, etc.).

Definitions

Arc Flash Hazard – A source of possible injury or damage to heath associated with the release of energy caused by an electrical arc.

Arc Flash Risk Assessment – A study investigating a worker's potential exposure to arc-flash energy, conducted for the purpose of injury prevention and the determination of safe work practices, arc flash protection boundary, and the appropriate levels of PPE.

Arc Rating – The value attributed to materials that describe their performance to exposure to an electrical arc discharge. The arc rating is expressed in cal/cm² and is derived from the determined value of the arc thermal performance value (ATPV) or the energy of breakopen threshold (E_{BT}) (should a material system exhibit a breakopen response below the ATPV value). Arc rating is reported in either ATPV or $E_{BT,}$ whichever is the lower value.

ATPV - Defined in American Society for Testing and Materials (ASTM) F1959 as the incident energy on material or a multilayer system that results in 50% probability that sufficient heat transfer through the tested specimen is predicted to cause the onset of a second-degree skin burn injury based on the Stoll curve, cal/cm².

Available Fault Current-the largest amount of current capable of being delivered at a point on the system during a short circuit condition.

Boundary, Arc Flash - When an arc flash hazard exists, an approach limit from an arc source at which incident energy equals 1.2cal/cm2

Boundary, Limited Approach - An approach limit at a distance from an exposed energized electrical conductor or circuit part within which a shock hazard exists.

Boundary, Restricted Approach - An approach limit at a distance from an exposed energized electrical conductor or circuit part within which there is an increased likelihood of electric shock, due to electrical arc over combined with inadvertent movement.

E_{BT} - Defined in ASTM F 1959-06 as the incident energy on a material or material system that results in a 50% probability of breakopen. Breakopen is defined as a hole with an area of 1.6 cm² (0.5 in.²) or an opening of 2.5 cm (1.0 in.) in any dimension.

Electrical Hazard - A dangerous condition such that contact, or equipment failure can result in electrical shock, arc flash, thermal burns, or blast.

Enclosure - The case or housing of apparatus, or the fence or walls surrounding an installation to prevent personnel from accidentally contacting energized parts, or to protect the equipment from physical damage.

Energized - Electrically connected to or having a source of voltage.

Exposed (as applied to live parts) - Capable of being inadvertently touched or approached nearer than a safe distance by a person. It is applied to parts that are not suitably guarded, isolated, or insulated.

Guarded - Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of approach or contact by persons or objects to a point of danger.

Human Error - The risk assessment procedure shall address the potential for human error and its negative consequences on people, processes, the work environment and equipment.

Incident Energy Analysis-A component of an arc flash risk assessment used to predict the incident energy of an arc flash for a specified set of conditions.

Insulated - Separated from other conducting surfaces by a dielectric (including air space) offering a high resistance to the passage of current.

Qualified Person - One who has demonstrated skills and knowledge related to the construction and operation of electrical equipment and installations and has received safety training to identify the hazards and reduce the associated risk.
Risk- A combination of the likelihood of occurrence of injury or damage to health and the severity of injury or damage to health that results from a hazard.

Risk assessment - An overall process that identifies hazards, estimates the potential severity of injury or damage to health, estimates the likelihood of occurrence of injury or damage to health, and determines if protective measures are required.

Shock Hazard – A source of possible injury or damage to health associated with current through the body caused by contact or approach to energized electrical conductors or circuit parts.

Shock Risk Assessment – A study to determine the voltage to which personnel will be exposed, boundary requirements, and personal protective equipment necessary to minimize the possibility of electric shock to personnel.

Troubleshooting - Shall be limited to measuring and testing of circuits (ie. voltage, amperage, IR Scanning)

Voltage, Nominal - A nominal value assigned to a circuit or system for the purpose of conveniently designating its voltage class (e.g., 120/240 volts, 480Y/277 volts, 600 volts).

Voltage to Ground - For grounded circuits; the voltage between the given conductor and that point or conductor of the circuit that is grounded; for ungrounded circuits, the greatest voltage between the given conductor and any other conductor of the circuit.

Working On (energized electrical conductors or circuit parts) – Intentionally coming in contact with energized electrical conductors or circuit parts with the hands, feet, or other body parts, with tools, probes, or with test equipment, regardless of the personal protective equipment a person is wearing. There are two categories of "working on": Diagnostic (testing) is taking readings or measurements of electrical equipment with approved test equipment that does not require making any physical change to the equipment; Repair is any physical alteration of electrical equipment (such as making or tightening connections, removing or replacing components, etc.).

Training Requirements

The training requirements contained in this section shall apply to all Isle of Wight County employees who face a risk of an electrical shock or arc flash hazards. The level of training and qualifications required shall be determined by the degree of risk to which the employee will be exposed. Employee training and qualification requirements are divided into four groups; Qualified Electrical Worker Master Level I, Qualified Electrical Worker Level II, Qualified Electrical Worker Level III and Unqualified Person based on the level of hazard of respective job assignments.

A. Qualified Electrical Worker Training

- A qualified person has demonstrated skills and knowledge related to the construction and operation of the equipment with which they are assigned to work and has received safety training to identify electrical hazards that might be present and reduce the associated risks. [NFPA 70E, Article 100]
- A qualified person is an electrical worker who is qualified to work on or near exposed energized parts, equipment and circuits and work within the limited approach boundary of exposed energized electrical equipment, conductors, circuits or circuit parts operating at 50 volts or more.
- Isle of Wight County has established and outlined the qualifications, on-the-job training, and instructor-led training required for all levels of qualified person, that pertain to respective job assignments for a person to be classified as such before they are permitted to perform electrical work. (Qualified Electrical Person Criteria Forms for all levels are maintained on the Central network.)
- Qualified persons must meet the qualifications and training requirements outlined in the Qualified Electrical Person Criteria form for their respective level and receive training on avoiding the electrical hazards associated with working on or near exposed energized parts, equipment and circuits prior to performing energized electrical work. The Isle of Wight County Risk Management Office and Isle of Wight County department management shall verify and/or provide all necessary training and skills evaluation for qualified persons.

B. Unqualified Person Awareness Training - Unqualified persons shall be trained in basic electrical safety awareness and familiar with any electrical safety related practice that is necessary to do their job.

C. Audits and Retraining

- Isle of Wight County shall determine, through regular supervision or through inspections conducted on at least an annual basis, that each qualified employee is complying with all safety–related work practices (Qualified Electrical Worker Audit Forms are maintained on the Central network.)
- Retraining will be performed whenever audit and or inspections performed by Isle of Wight County indicate that an employee does not have the necessary knowledge or skills to safely work on or around electrical systems. Retraining will also be performed when policies or procedures change and/or new equipment or systems are introduced into the work area.
- Disciplinary action up to and including termination shall result from failing to follow electrical safe work practices described in this safety program.
- Retraining shall be performed at intervals not to exceed three years

Training Documentation Requirements

Training documentation shall include the content of the training. Content of training can include one or more of the following: course syllabus, course curriculum, outline, and table of contents or training objectives.

A. Qualified Electrical Worker

1. The employee's name, date, signature, and content of the training (Qualified Electrical Person Qualification and Training Record templates for all levels of Qualified Person are maintained on the Central network.)
2. Written electrical safety test
3. Physical demonstration of work or task involved in front of a designated "qualified person"
4. Documentation that identifies the employee has been trained, is knowledgeable, and has demonstrated the skills necessary to perform a given job or task (Qualified electrical worker certificate templet is maintained on the Central network.)

5. Documentation shall be maintained in the Isle of Wight County Human Resources personnel file for the duration of their employment

B. Un-Qualified Person

1. The employee's name, date, and signature (Employee training record form is maintained on the Central network.)
2. Content of the training

Electrical Safe Work Practices

A. De-energized Electrical Work (LOTO) - Energized electrical conductors or circuit parts to which an employee might be exposed shall be put into an electrically safe work condition before an employee works within the Limited Approach Boundary of those conductors or parts, unless the employer can demonstrate that de-energizing introduces additional or increased hazards or is infeasible due to equipment design or operational limitations.*

De-energizing electrical conductors or circuit parts and making it safe to work on is in itself a potentially hazardous task. The procedures for putting a system in an electrical safe condition are outlined in the Isle of Wight County Lockout/Tag Out, Hazardous Energy Control Policy, Chapter 1: Personnel, Article XV, Section 15.9 of the County LOTO policy manual.

Electrical conductors or circuit parts shall be considered energized until proven otherwise. Energized electrical conductors or circuit parts that operate at less than 50 volts shall not be required to be de-energized if there will be no increased exposure to electrical burns or to explosion due to electric arcs.

*Examples of increased or additional hazards include, but are not limited to, interruption of life support equipment, deactivation of emergency alarm systems, and shutdown of hazardous location ventilation equipment.

*Examples of work that might be performed within the Limited Approach Boundary of exposed energized electrical conductors or circuit parts because of infeasibility due to equipment design or operational limitations include performing diagnostics and testing (e.g., start-up or troubleshooting) of electric circuits that can only be performed with the circuit energized, and work on circuits that form an integral part of a continuous process that would otherwise need to be completely shut down in order to permit work on one circuit or piece of equipment.

B. Job Safety Plan - Before starting each job that involves exposures to electrical hazards the qualified person that is in charge shall complete a documented job safety plan and then conduct a job briefing to ensure that all workers involved are aware and prepared for the hazards of the job. (Job safety plan is maintained on the Central network.)

The job safety plan shall include the following:

1. A description of the job and individual tasks.
2. Identification of the electrical hazards associated with each task.
3. A shock risk assessment for tasks involving a shock hazard
   - Identify the shock hazards
   - Estimate the likelihood of the occurrence of shock and the severity to determine if any additional protective measures are required.
   - Use the "Hierarchy of Risk Control Methods" to determine what protective measures can be used to reduce the hazard.
   - Address the potential for human error
4. An arc flash risk assessment for tasks involving an arc flash hazard
   - Identify if there is an arc flash hazard present

- Estimate the likelihood of the occurrence of an arc flash and its severity to determine if any additional protective measures are required.
- Use the "Hierarchy of Risk Control Methods" to determine what protective measures can be used to reduce the hazard.
- Address the potential for human error

5. List work procedures involved, any special precautions that are necessary, and any energy source controls that are needed
6. Perform a pre-job briefing before work begins with employees involved

C. Energized Electrical Work

1. Where Required - If energized electrical conductors or circuit parts are not placed in an electrically safe work condition (i.e., for the reasons of increased or additional hazards or infeasibility Electrical Safe Work Practices Section A.) work to be performed shall be considered energized electrical work and shall be performed by written permit only. (See Appendix E for a flow chart to help determine when a permit is required).

2. Exemptions to Energized Electrical Work Permit
   a. If the purpose of crossing the Limited Approach Boundary is only for visual inspection (ie. Visual inspection, infrared camera use, general housekeeping) and the Restricted Approach Boundary will not be crossed, then an energized electrical work permit shall not be required.

   b. Work performed within the Limited Approach Boundary of energized electrical conductors or circuit parts by qualified persons related to tasks such as testing, troubleshooting, voltage measuring Infrared thermography, ultra sound shall be permitted to be performed without an energized electrical work permit, provided appropriate safe work practices and personal protective equipment in accordance with this procedure are provided and used.

3. Energized Electrical Work Permit shall include the following items:
   a. A description of the circuit and equipment to be worked on and their location
   b. Justification for why the work must be performed in an energized condition
   c. A description of the safe work practices to be employed
   d. Results of the shock risk assessment
   e. Results of the arc flash risk assessment
   f. Means employed to restrict the access of unqualified persons from the work area
   g. Evidence of completion of a job briefing, including a discussion of any job- specific hazards
   h. <u>Energized electrical work permit approval signatures</u> (Building Maintenance Manager, Utility System Supervisor, Risk Management/Safety Representative (Isle of Wight County Energized Electrical Work Permit is maintained on the Central network.)

D. Risk Assessment Procedure - identifies the process to be used by the employer to identify the hazards involved, assess the risks and implement risk control methods before work is started. (See Appendix F for an example of a risk assessment flow chart). The following are the hierarchy of risk control methods that can be used.

1. Elimination (de-energize)
2. Substitution (substitute with less hazardous electrical equipment)
3. Engineering controls (install current limiting circuit breakers)

4. Awareness (the use of additional signs, labels and barriers)
5. Administrative controls (The use of training, permits and procedures)
6. PPE (the last line of defense)

If the energized electrical conductors or circuit parts operating at or above 50 volts are not placed in an electrically safe work condition then appropriate safety related work practices shall be put into place. Before any work or troubleshooting begins a shock and arc flash risk assessment shall be completed. Both assessments are described below.

1. Shock Risk Assessment
   - Identify the shock hazards
   - Estimate the likelihood of the occurrence of shock and the severity to determine if any additional protective measures are required.
   - Use the "Hierarchy of Risk Control Methods" to determine what protective measures can be used to reduce the hazard.
   - Address the potential for human error

2. Arc Flash Risk Assessment
   - Identify if there is an arc flash hazard present
   - Estimate the likelihood of the occurrence of an arc flash and its severity to determine if any additional protective measures are required.
   - Use the "Hierarchy of Risk Control Methods" to determine what protective measures can be used to reduce the hazard.
   - Address the potential for human error.

E. Arc Flash Risk Assessment and Label Information

1. An arc flash risk assessment was performed by Isle of Wight County in order to protect personnel from the possibility of being injured by an arc flash when working on or near exposed energized electrical conductors or circuit parts. This analysis is an engineering study and provides the incident energy level and arc flash boundary for each piece of electrical equipment in our facilities. This information will be placed on an Arc Flash and Shock Hazard Warning Label.

   Electrical equipment, such as switchboards, panelboards, industrial control panels, meter socket enclosures, and motor control centers that are likely to require examination, adjustment, servicing, or maintenance while energized will be field marked with a label containing the following information:
   - The nominal system voltage level for electrical shock protection
   - The Limited and Restricted Approach Boundaries for electrical shock
   - The incident energy level in (Cal/Cm2) calories per centimeter squared at a working distance of 18 inches
   - The Arc Flash Boundary

(See Appendix A for appropriate selection of PPE and Appendix C for an example of an Arc Flash and Shock Warning Label)

2. In lieu of an incident energy analysis: For electrical equipment that does not have an arc flash /shock hazard warning label; has been modified from the original engineering study or if new equipment has been installed that has not received an Incident Energy Analysis, the NFPA 70E

Tables 130.7(C)(15)(a) for AC Systems and Table 130.7(C)(15)(b) for DC Systems can be used to determine the appropriate PPE category. Table 130(C)(15)(c) lists the appropriate clothing and PPE for each category. Note: This Category "Equipment Based" Method requires that the *assumed* available fault current capacities and fault clearing times associated to the equipment to fall within those parameters listed in the text and notes included with the tables. If it can be determined that the equipment has a greater than *assumed* available fault current capacity or a longer than the *assumed* fault clearing times or the specific task that you are going to do is not listed in the tables or the task to be performed is less than the minimum working distance, then an Incident Energy Analysis shall be required.

F. LOTO Procedure - Lockout Tagout responsibilities, procedures and training requirements are outlined in the Isle of Wight County Lockout/Tag Out, Hazardous Energy Control Policy, Chapter 1: Personnel, Article XV, Section 15.9 of the County Policy Manual.

G. Personal Protective Clothing and Equipment - Electrical workers shall be provided with, and shall use, protective clothing and insulated equipment that is designed and constructed to protect them from shock and arc flash hazards.

1. Personal Protective Clothing (PPE)
   - Electrical workers shall wear arc-rated clothing wherever there is possible exposure to an electric arc flash above the threshold incident energy level for a second-degree burn (1.2 cal/cm2)
   - Arc rated clothing shall meet one of the 3 conformity assessments as outlined in NFPA 70E Article 130.7(C) (14) (c). Note; The product performance standard used shall be marked on the PPE or listed on an attached tag
   - Arc rated clothing shall cover exposed areas as completely as possible. Shirts shall be tucked into pants and sleeves rolled down
   - Arc rated apparel shall meet the standard performance specifications described in ASTM F 1506-10a
   - Arc Flash and Shock Hazard Warning Labels shall be used to determine the minimum required arc rated clothing and PPE necessary (See Appendix A for PPE Selection Table Method for Incident Energy Exposure)
   - Electrical workers shall not wear conductive articles of clothing or jewelry. Examples of these conductive materials include but are not limited to: rings, watchbands, bracelets, necklaces, and hanging metal frame glasses
   - Electrical workers shall not wear underlays made of meltable fibers such as acetate, nylon, polyester, polypropylene and spandex Note: (cotton shirts with a blend of rayon are acceptable)
   - Arc rated clothing shall be inspected before each use and if found damaged or contaminated with grease, oil or combustible materials shall not be used
   - Heavy duty leather footwear with composite protective toe
   - Manufacturer's instructions shall be followed when arc rated clothing is cleaned and repaired

2. Insulated Tools and Ladders
   - Electrical workers shall use insulated tools or handling equipment, portable ladders with non-conductive rails when working inside the restricted approach boundary of exposed energized electrical conductors or circuit parts where accidental contact might occur

- Insulated tools shall be rated for the voltages on which they are to be used
- Insulated tools shall be designed and constructed for the environment to which they are exposed to and the manner in which they will be used
- Insulating tools and equipment must be inspected for damage before each day's use and immediately following any incident that could have caused damage

3. Gloves
   - Voltage rated rubber insulated gloves with leather covers shall be worn together for shock and arc flash protection
   - Employees shall select the right size, length and voltage rating rubber glove depending on the given nominal voltage that they might be exposed to Ex: Class OO (500 v), Class 2 (17000) (See Appendix D for all voltage rated rubber insulated glove classes)
   - A visual and air test must be performed on rubber insulating gloves before each use. Air testing is the process of blowing air into the glove, then trapping the air by twisting the sleeve of the glove. The glove is then inspected for leaks. After this is performed, the gloves shall be inspected for holes, cuts, discoloration and thin spots. (Note: A manual hand pump may also be used to inflate glove).
   - Insulating equipment with a hole, tear, puncture or cut, ozone cutting or checking, an embedded foreign object, any change in texture including swelling, softening, hardening, or becoming sticky or inelastic, or any other defect that could damage the insulating property must not be used
   - Voltage rated insulated gloves shall be electrically tested <u>every 6 months</u> from a certified lab. OSHA CFR 1910.137 & Table 130.7(C) (7) (c) NFPA 70 E 2018
4. Test Instrument (Voltage Measurer)
   - Only category III and IV test instruments shall be used
   - None contact voltage testers shall not be used
   - Test instruments and leads shall be inspected before each use for any physical damage
   - Test instruments shall be tested on a known source to verify that it is working correctly before any voltage measuring or trouble shooting begins

<u>Overhead Power Lines</u>

A. Work on overhead power lines and associated electrical equipment/components: Isle of Wight County Employees, regardless of qualifications, shall not perform any work on or over any overhead power lines or their associated electrical components whether energized or de-energized. Should work be needed on this equipment, the local power company controlling the overhead lines shall be notified.

B. Work near overhead power lines by unqualified personnel: Whether working in an elevated position or on the ground, no conductive item shall be capable of coming closer to unguarded energized contacts than that indicated below.

1. Workers shall never get themselves, their tools or equipment within (10) feet of lines carrying between 600-50,000 volts.
2. For voltages to ground over 50kV the clearance shall be a minimum of ten (10) feet plus at least four (4) inches for every 10kV (or partial 10kV increment) over 50kV.
3. Boom type lifting or hoisting equipment may come within 6 feet of power lines clearance if in transit only with the boom lowered and no load attached.

<u>Portable Cord and Plug Equipment</u>

Note: The following provides general safety criteria for cord & plug type equipment. This list of items should

not be considered as the only items required on any specific piece of equipment.

Electrical equipment defined as "cord and plug-type" electrical devices includes use of extension cords. Examples of such portable cord and plug electrical equipment include powered hand tools, powered bench tools, fans, radios, etc. A ground fault circuit interrupter is required when portable cord and plug electrical equipment is used for maintenance purposes or used in a wet area.

- Ground fault circuit interrupters (GFCI) shall be provided where required by applicable codes or laws
- GFCI devices shall be tested in accordance with manufacturer's instructions
- Power cords shall not be stapled or otherwise hung in a way that may cause damage to the outer jacket or insulation
- Portable equipment shall be used in accordance with the manufactures instructions and safety warnings
- Portable plug and cord electrical equipment shall be visually inspected for damage; wear; loose parts; deformed/missing pins; pinched, crushed, cracked or spilt outer jackets or insulation; etc., before use. Equipment and/or cords exhibiting any defects that could impact their safe use shall be immediately removed and tagged out of service. This equipment shall be inspected and repaired or discarded accordingly. Discarded equipment/cords shall be rendered unusable prior to disposal
- Attachment plugs and receptacles shall not be altered or connected in a way that would prevent the proper continuity of the equipment ground conductor. Adapters may not be used if they interrupt the continuity of the grounding conductor
- Only portable electrical equipment that is double insulated or designed for use in wet areas may be used
- Employees that are wet or have wet hands may not handle portable plug and cord electrical equipment. Personal protective equipment must be used when handling portable plug and cord electrical equipment that is wet
- Where employees operate or use equipment supplied by greater than 125-volts (15, 20, or 30 ampere circuits) GFCI protection or assured equipment grounding conductor program shall be implemented

Alerting Techniques

The following alerting techniques must be used to warn and protect employees from electrical shock hazards, burns, or failure of electric equipment parts.

- Safety Signs and Tags - Safety signs, safety symbols, or accident prevention tags are to be used where necessary to warn employees about electrical hazards that may endanger them
- Barricades – Barricades are used in conjunction with safety signs where necessary to prevent or limit employee access to work areas containing energized conductors or circuit parts. Conductive barricades may not be used where they might cause an electrical contact hazard. Barricades shall be placed no closer than the limited approach or arc flash boundary whichever is furthest
- Attendants - If signs and barricades do not provide sufficient warning from electrical hazards, an attendant is to be stationed to warn and protect employees

Labeling of Distribution Equipment

The following information is provided to help comply with the labeling requirements of 2018 NFPA 70E, Article 130.5 (H) and 2017 NEC 110.16.

- Electrical panels and service disconnects shall be properly identified and labeled with the following "minimum" information: (electrical hazard warning label, the nominal voltage, its purpose and where it is fed from)
- Each circuit breaker shall be numbered and the load identified on a clear, accurate legend in each panelboard. Circuit breaker identification should be as specific as possible.
- All equipment with multiple voltages shall be labeled with multi-feed warning labels.
- Receptacle outlets protected by GFCI circuit breakers or downstream GFCI outlets shall be identified as

such with the labels provided by the manufacturer or by some other means.

- Indicator lights and switches on control panels shall be properly identified, with their purpose and properly maintained.
- Manufacturer's name, trademark or other descriptive marking or nameplates, for identification, shall not be removed or modified.
- Entrance to electrical rooms and outside electrical supply stations shall be properly identified and have the appropriate warning labels present
- For specific label requirements including; format, color, size, and proper safety symbol to use refer to ANSI Z535.4-2007 Standard.

Outside Contractors

A. Isle of Wight County Responsibilities:
   1. Isle of Wight County shall inform contract employers of:
      a. Known hazards that are covered by NFPA 70E, that are related to the contract employer's work, and the contract employer or its employee might not recognize.
      b. Any information about the installation of electrical equipment that the contract employer needs to know, before making any assessments.
   2. Isle of Wight County shall report any observed contract-employer-related violations of NFPA 70E to the contract employer.

B. Contract Employer Responsibilities:
   1. The contract employer shall ensure that each of his or her employees is instructed in the hazards communicated to the contract employer by Isle of Wight County. This instruction is in addition to the basic training required by NFPA 70E.
   2. The contract employer shall ensure that each of his or her employees follows the safe work practices required by NFPA 70E and safety-related procedures required by Isle of Wight County.
   3. The contract employer shall advise Isle of Wight County of:
      a. Any unique hazards presented by the contract employer's work,
      b. Any unanticipated hazards identified during the course of work by the contract employer's that Isle of Wight County did not mention.

C. Documentation: There shall be a written document of the meeting between Isle of Wight County and the contract employer.

Preventive Electrical Maintenance

Isle of Wight County shall be responsible for maintenance of County electrical equipment. The following preventative electrical maintenance items provide guidance on preserving the condition of electrical equipment and installations for the safety of employees who work where there are exposed electrical hazards. Only "Qualified Persons" trained in and familiar with, the specific maintenance procedures and tests required shall work on electrical equipment.

- Maintain in good condition and up-date as necessary all single line diagrams for electrical systems
- Exercise protective/ overcurrent devices according to manufactures instructions
- Ensure that electrical equipment is effectively grounded and bonded
- Ensure that "overcurrent protective devices" be maintained in accordance with manufacturer's instructions or industry consensus standards
- Ensure that all electrical panels, covers and junction boxes are in place, in good condition with all associated fasteners and latches secured, without any gaps larger than a ¼ inch. (Note) The use of sheet metal screws to fasten covers to electrical boxes is not permitted
- Check extension cords and cables for strain, brittleness cracks, frayed wiring, missing ground prong or

any damage that may present an electrical hazard

- Check electrical fan guards and make up air intakes for debris/dust build up
- Provide overall good housekeeping in all electrical work areas
- Apply test or calibration decals to equipment to indicate the date performed and the overall condition of equipment including any evidence of impending failure.
- Inspect circuits breakers annually or after a breaker has opened under a fault condition
- Document all repair, replacement and maintenance work

Note: For guidance on electrical maintenance frequency, methods and tests available refer to the following sources: NFPA 70B, ANSI/NETA MTS, and IEEE 3007.2, NEMA Standard

Illumination - Shall be provided for all working spaces about service equipment, switchboards, panelboards, and motor control centers. Employees shall not enter these spaces containing electrical hazards unless enough illumination is provided to perform work safely. (According to the GSA General Service Administration Standard 2003, under Lighting 6.15, Electrical and Generator Rooms shall have a minimum of 200 Lumens/Square meter (L=lux) of light).

Employees shall not:

- Reach into areas that are obstructed or lack proper illumination where an electrical hazard exists
- Begin work until all necessary areas to perform work safely have been observed

Employees shall:

- Consider evaluating a work area by wearing a tinted face shield to determine if additional lighting is needed
- Provide temporary lighting when needed

Incident Investigation

Safety Representative shall investigate electrical incidents and near misses to Isle of Wight County employees and its sub-contractors. The investigation should include the following:

- Gather information: Record the facts about the incident. Interview witnesses and others involved.
- Analyze the facts: Perform a root cause analysis. Identify the incident causes and contributing factors. Determine how the incident could have been prevented.
- Record the findings: Prepare a written report that describes who was involved, where the accident occurred, when it happened, and what caused it.
- Act on the recommendations: Have management review the report and determine what will be done to prevent similar accidents from occurring in the future.
- Follow up: Ensure that appropriate corrective action was taken to prevent the incident from occurring again. Report incident on OSHA form 301 if applicable.

APPENDIX A

SELECTION OF
PERSONAL PROTECTIVE EQUIPMENT

INCIDENT ENERGY ANALYSIS METHOD*			
PROTECTIVE CLOTHING AND PPE	INCIDENT ENERGY EXPOSURE		
	<1.2 cal/cm²	≥1.2 to 12 cal/cm²	>12 cal/cm²
Protective Clothing, non-melting (in accordance with ASTM F 1506) or untreated natural fiber, long sleeve shirt and pants or coveralls	X		
Safety glasses	X	X	X
Hard hat	X	X	X
Hearing protection	X	X	X
Leather footwear	X	X	X
Rubber insulating gloves with leather protectors for arc and shock protection	X	X	X
Arc rated long sleeve shirt and arc rated pants or arc rated coverall		X	
Arc rated face shield and arc rated balaclava		X	
Arc rated arc flash suit hood, jacket and pants			X
Undergarments shall be made of a non-melting material in accordance with ASTM F 1506	X	X	X

*This table is for use only when an incident energy analysis has been completed. If incident energy exposure has not been determined, refer to NFPA 70E-2018 Edition for PPE Category Method

Personal Protective Equipment - *Simplified Approach*

ARC RATED PPE - For Incident Energy Levels 12 Cal/cm2 and BELOW

Arc-rated clothing with a minimum arc rating of 12 cal/cm²

- Arc-rated long-sleeve shirt and pants
- or arc-rated coverall
- Arc-rated face shield and arc-rated balaclava (hood sock)
- Arc-rated jacket, parka, rainwear, or hard hat liner (AN)

Protective Equipment:

- Hard Hat (e-rated)
- Safety glasses
- Hearing protection (ear canal inserts)
- Rubber insulating gloves with leather protectors
- Leather work boots with composite toe

Note: Undergarments worn shall be made of non-melting material. Ex: cotton

AN = As needed (optional)

ARC RATED PPE - For Incident Energy Levels Above 12 Cal/cm2 to 40 Cal/cm2 (maximum)

Arc-rated suit with a minimum arc rating of 40 cal/cm²

- Arc-rated arc flash suit pants
- Arc-rated arc flash suit jacket
- Arc-rated arc flash suit hood
- Rubber insulating gloves with leather protectors

Protective Equipment:

- Hard Hat (e-rated)
- Safety glasses
- Hearing protection (ear canal inserts)
- Leather work boots with composite toe

Note: Undergarments worn shall be made of non-melting material. Ex: cotton

APPENDIX B

APPROACH DISTANCES - *(For SHOCK PROTECTION)*

Approach Distances AC Voltage Systems

Approach to Energized Electrical Conductors or Circuit Parts for Shock Protection.
(All dimensions are distance from energized electrical conductor or circuit part to employee.)

	LIMITED APPROACH BOUNDARY		RESTRICTED APPROACH BOUNDARY ;
Nominal System Voltage Range, Phase to Phase[2]	**Exposed Movable Conductor[3]**	**Exposed Fixed Circuit Part**	**Includes Inadvertent Movement Adder**
Less than 50	Not Specified	Not Specified	Not Specified
50 to 150	10 ft 0 in.	3 ft 6 in.	Avoid Contact
151 to 750	10 ft 0 in.	3 ft 6 in.	1 ft 0 in.
751 to 15 kV	10 ft 0 in.	5 ft 0 in.	2 ft 2 in.
15.1 kV to 36 kV	10 ft 0 in.	6 ft 0 in.	2 ft 7 in.
36.1 kV to 46 kV	10 ft 0 in.	8 ft 0 in.	2 ft 9 in.
46.1 kV to 72.5 kV	10 ft 0 in.	8 ft 0 in.	3 ft 3 in.
72.6 kV to 121 kV	10 ft 8 in.	8 ft 0 in.	3 ft 4 in.
138 kV to 145 kV	11 ft 0 in.	10 ft 0 in.	3 ft 10 in.
161 kV to 169 kV	11 ft 8 in.	11 ft 8 in.	4 ft 3 in.
230 kV to 242 kV	13 ft 0 in.	13 ft 0 in.	5 ft 8 in.
345 kV to 362 kV	15 ft 4 in.	15 ft 4 in.	9 ft 2 in.
500 kV to 550 kV	19 ft 0 in.	19 ft 0 in.	11 ft 10 in.

For single-phase systems, select the range that is equal to the system's maximum phase-to-ground voltage multiplied by 1.732.

Approach Distances Direct-Current Voltage System

Approach Boundaries are from Energized Electrical Conductors or Circuit Parts to the worker for Shock Protection.

	LIMITED APPROACH BOUNDARY		RESTRICTED APPROACH BOUNDARY;
Nominal Potential Difference	**Exposed Movable Conductor**	**Exposed Fixed Circuit Part**	**Includes Inadvertent Movement Adder**
Less than 50 V	Not Specified	Not Specified	Not Specified
50 to 300 V	10 ft 0 in.	3 ft 6 in.	Avoid Contact
301 to 1 kV	10 ft 0 in.	3 ft 6 in.	1 ft 0 in.
1.1 kV to 5 kV	10 ft 0 in.	5 ft 0 in.	1 ft 5 in.
5.1 kV to 15 kV	10 ft 0 in.	5 ft 0 in.	2 ft 2 in.
15.1 kV to 45 kV	10 ft 0 in.	8 ft 0 in.	2 ft 9 in.
45.1 kV to 75 kV	10 ft 0 in.	8 ft 0 in.	3 ft 2 in.
75.1 kV to 150 kV	10 ft 8 in.	10 ft 0 in.	4 ft 0 in.
150.1 kV to 250 kV	11 ft 8 in.	11 ft 8 in.	5ft 3 in.
250.1 kV to 500 kV	20 ft 0 in.	20 ft 0 in.	11 ft 6 in.
500.1 kV to 800 kV	26 ft 0 in.	26 ft 0 in.	16 ft 5 in.

APPENDIX C

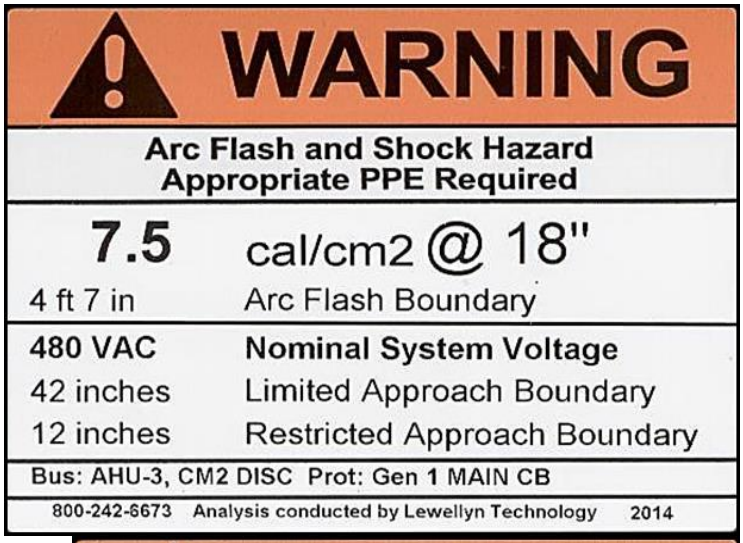
ARC FLASH / SHOCK HAZARD WARNING LABEL

Shows “arc flash hazard” based on incident energy

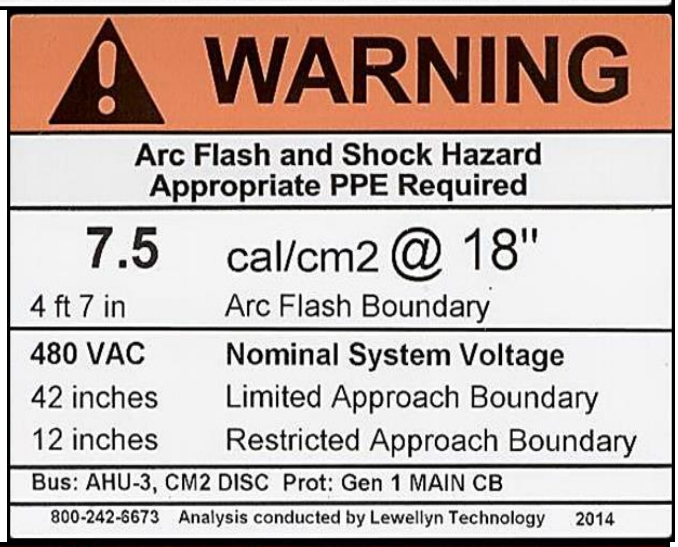
2018 70E 130.5(H) Equipment Labeling

1. Nominal System Voltage
2. Arc Flash Boundary
3. At least one of the following:
   a. Available incident energy and the corresponding working distance, or the arc flash PPE category in Table 130.7(C)(15)(a) or Table 130.7(C)(15)(b) for the equipment, but not both
   b. Minimum arc rating of clothing
   c. Site-specific level of PPE

The owner of the electrical equipment shall be responsible for the documentation, installation, and maintenance of the field-marked label.



Shows “shock hazard” based on voltage



2017 NEC 110.16 requires labeling.

APPENDIX D

VOLTAGE RATED RUBBER INSULATED GLOVES CLASS

Glove Class

ASTM Labeling Chart
For Salisbury Linesmen's Rubber and SALCOR Protective Equipment

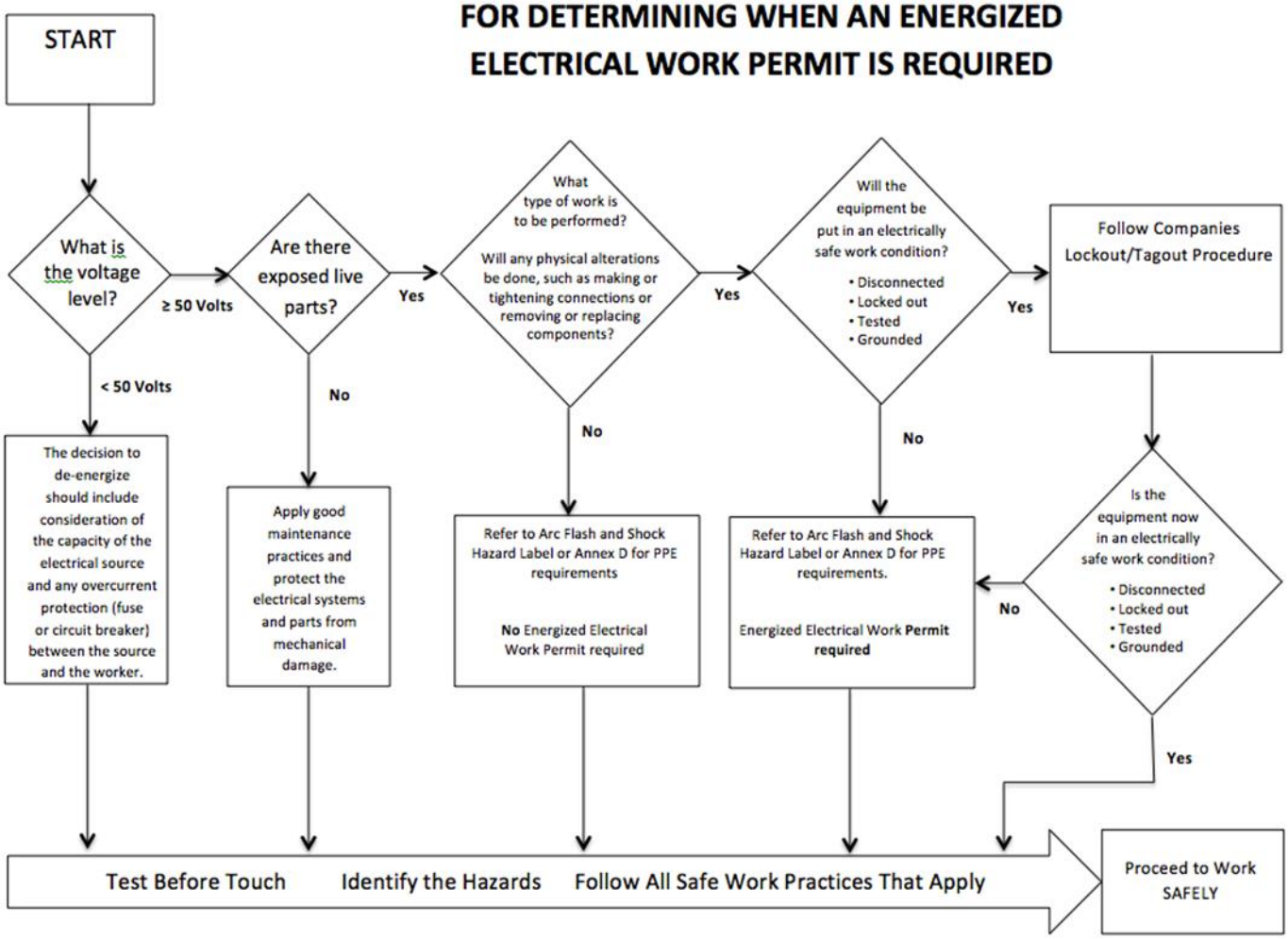
Class Color	Proof Test Voltage AC/DC	Max. Use Voltage AC/DC	Blanket, Line Hose, Sleeve, Covers Label	Glove Label (The label color shows the voltage rating)
00 Beige	2500/10,000	500/750	W.H. Salisbury & Co. CLASS 00 TYPE 1	10 SALISBURY/NORTH ANSI/ASTM D120 MADE IN U.S.A. CLASS 00 TYPE 1 MAX USE VOLT 500V AC
0 Red	5,000/20,000	1,000/1,500	W.H. Salisbury & Co. CLASS 0 TYPE 1	10 SALISBURY/NORTH ANSI/ASTM D120 MADE IN U.S.A. CLASS 0 TYPE 1 MAX USE VOLT 1,000V AC
1 White	10,000/40,000	7,500/11,250	W.H. Salisbury & Co. CLASS 1 TYPE 1	10 SALISBURY/NORTH ANSI/ASTM D120 MADE IN U.S.A. CLASS 1 TYPE 1 MAX USE VOLT 7,500V AC
2 Yellow	20,000/50,000	17,000/25,500	W.H. Salisbury & Co. CLASS 2 TYPE 1	10 SALISBURY/NORTH ANSI/ASTM D120 MADE IN U.S.A. CLASS 2 TYPE 1 MAX USE VOLT 17,000V AC
3 Green	30,000/60,000	26,500/39,750	W.H. Salisbury & Co. CLASS 3 TYPE 1	10 SALISBURY/NORTH ANSI/ASTM D120 MADE IN U.S.A. CLASS 3 TYPE 1 MAX USE VOLT 26,500 AC
4 Orange	40,000/70,000	36,000/54,000	W.H. Salisbury & Co. CLASS 4 TYPE 1	10 SALISBURY/NORTH ANSI/ASTM D120 MADE IN U.S.A. CLASS 4 TYPE 1 MAX USE VOLT 36,000V AC

*Maximum use DC voltage is not part of any ASTM specification. Maximum use DC voltages are valid in reference to IEC 903 only. Type I on all labels designates natural rubber. Type II designates SALCOR UV and ozone resistant equipment.

APPENDIX E

FLOW CHART

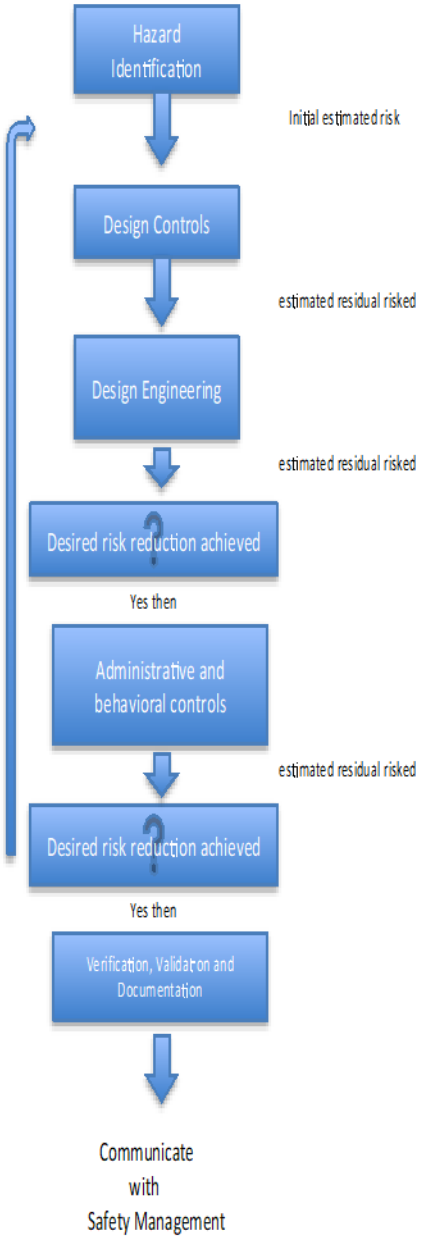
FOR DETERMINING WHEN AN ENERGIZED ELECTRICAL WORK PERMIT IS REQUIRED



APPENDIX F

RISK ASSESSMENT FLOW CHART

Simplified Risk Assessment Flow Chart



CHAPTER 2: FINANCIAL AND ACCOUNTING

ARTICLE I - Central Purchasing

(Adopted December 4, 1975; Revised April 6, 2000, June 19, 2003, October 16, 2003, October 21, 2004, October 2, 2008, June 11, 2008, April 15, 2010, May 27, 2010, December 20, 2012, March 20, 2014, May 15, 2014, October 15, 2015, October 20, 2016, June 9, 2016, May 18, 2017, May 17, 2018, July 1, 2019, September 17, 2020)

DIVISION 1. – GENERALLY

Section 1.0 - Introduction

This policy serves as the County's procurement laws, policies and procedures. The County is anxious to meet your procurement needs. If you have any questions that are not answered by this policy or need further clarification, please contact us at:

County of Isle of Wight
Budget & Finance
Purchasing Division
17090 Monument Circle, Suite 137
P. O. Box 80
Isle of Wight, Virginia 23397
Telephone: (757) 365-6273
Fax: (757) 365-4579

Section 1.1 - Procurement Authority

The County Administrator shall serve as the principal purchasing official for the County and shall assign administrative duties or functions to the designated staff in the Purchasing Division. Except as otherwise provided in this article, no official, elected or appointed, or employee shall purchase, or contract for any goods, services, insurance or construction within the purview of this article other than permitted under the provisions of this article.

1. Authority, Responsibilities and Duties of the County Administrator Except as provided in the following sections of this chapter, or as other specifically provided by the Board of Supervisors, the County Administrator shall have the authority and responsibility to:

    a. Establish regulations and procedures, consistent with this policy, governing the procurement, management, control, and disposal of any and all goods, services, and construction to be procured by the County;

    b. Have the right to reject any, and all bids or proposals, and to waive any informality if it is determined to be in the best interest of the County.

    c. To declare all supplies, materials and equipment which are no longer used, or which have become obsolete, worn or scrapped as surplus as appropriate.

    d. Consider and decide matters of policy within the provisions of this policy;

    e. Exercise authority over the award or administration of any particular contract, or over any dispute,

claim, or litigation pertaining thereto, with appropriate consultation with the County's legal counsel as necessary.

f. Delegate authority, or revoke delegated authority, such authority as may be deemed appropriate to designees or to the head of any department or using Department. Such delegation shall be in writing and shall specify any limits of restriction.

Section 1.31.1 - Appointment, General Powers and Duties of the Purchasing Agent

The purchasing agent may be appointed by the county administrator. The purchasing agent shall be the head of the office of purchasing and shall, under the supervision of the county administrator, or his designee, have general management and control of the office. The purchasing agent shall have the power and it shall be his duty to:

1. Endeavor to obtain as full and open competition as possible on all purchases and sales.

2. Establish and amend, when necessary, such procedures and rules as he deems necessary for the internal management and operation of the office of purchasing.

3. Make available to departments access to vendor's catalogs or contact information to obtain needed products, commodities, etc., to include any available discounts that may be available.

4. Assist county staff in identifying responsible prospective suppliers, including small businesses and businesses owned by women and minorities. Encourage vendors who have requested their names to be included on a bidder's list to register with the Commonwealth's eVA site. Remove prospective bidders from such list when the public interest will be served thereby.

5. Exploit the possibilities of buying "in bulk" so as to take full advantage of discounts.

6. Disqualify vendors who default on their quotations from receiving any business from the county.

7. Participate in, sponsor, conduct or administer a cooperative procurement agreement on behalf of or in conjunction with one (1) or more other public bodies, or public agencies or institutions or localities of the several states, territories of the United States or the District of Columbia, for combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods and services. Except for certain contracts identified in Section §2.1-4304.A of the Code of Virginia, a public body may purchase from another public body's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies. In entering into a cooperative procurement agreement with a county, county or town whose governing body has adopted alternative policies and procedures pursuant to the Virginia Public Procurement Act, the purchasing agent shall comply with said alternative policies and procedures so adopted by said governing body of such county, county or town as designated in the cooperative agreement.

8. Control and supervise the storerooms and warehouses within the office of purchasing.

9. Standardize and establish specifications to reduce commodities to a minimum and assure the quality of goods.

10. Award contracts within the purview of this article.

Section 1.32 - Definitions

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless a different meaning clearly appears from the context:

1. *Affiliate* - Means an individual or business that controls, is controlled by, or is under common control with another individual or business. A person controls an entity if the person owns, directly or indirectly, more than 10 percent of the voting securities of the entity. For the purposes of this definition ‘‘voting security’’ means a security that (i) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (ii) is convertible into, or entitles the holder to receive, upon its exercise, a security that confers such a right to vote. A general partnership interest shall be deemed to be a voting security.

2. *Best value* - As predetermined in the solicitation, means the overall combination of quality, price, and various elements of required services that in total are optimal relative to a public body's needs.

3. *Brand name specification* - A specification limited to one (1) or more items by manufacturers' names or catalogue numbers.

4. *Business* - Means any type of corporation, partnership, Limited Liability Company, association, or sole proprietorship operated for profit.

5. *Board of Supervisors* - The Board of Supervisors of Isle of Wight County.

6. *Competitive negotiation* - A method of contractor selection utilizing a written request for proposal, followed by discussions with responsive, responsible offerors.

7. *Competitive sealed bidding* - A method of contractor selection utilizing a written invitation to bid, public opening and announcement of all bids received, evaluation of bids based upon the requirements set forth in the invitation and award to the lowest responsive, responsible bidder.

8. *Construction* - Building, altering, repairing, improving or demolishing any structure, building or highway, and any draining, dredging, excavating, grading or similar work upon real property.

9. *Construction management contract* - Means a contract in which a party is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner, and may also include, if provided in the contract, the furnishing of construction services to the owner.

10. *Contract* - All types of agreements, regardless of what they may be called, for the procurement of goods, services, insurance or construction.

11. *Contractor* - Any person having a contract with the county.

12. *Direct or indirect participation* - Involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or acting in any other similar capacity.

13. *Design-build contract* - Means a contract between a public body and another party in which the party contracting with the public body agrees to both design and build the structure, roadway, or another item specified in the contract.

14. *Employment services organization* - An organization that provides employment services to individuals with disabilities that is an approved Commission on the Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department of Rehabilitative Services.

15. *Goods* - All material, equipment, supplies, printing and automated data processing hardware and software.

16. *Informality* - A minor defect or variation of a bid or proposal from the exact requirements of the invitation to bid, or the request for proposal, which does not affect the price, quality, quantity or delivery schedule for the goods, services or construction being procured and does not give a competitive advantage as a result thereof. Requirements of a solicitation cannot be waived as an informality.

17. *Insurance* - A contract whereby, for a stipulated consideration, one (1) party undertakes to compensate the other for loss on a specified subject by specified perils.

18. *Invitation for bids* - All documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.

19. *Job Ordering Contracting* - A method of procuring construction by establishing a book of unit prices and then obtaining a contractor to perform work as needed using the prices, quantities, and specifications in the book as the basis of its pricing. The contractor may be selected through either competitive sealed bidding or competitive negotiation depending on the needs of the public body procuring construction services. Professional Services must be procured by Competitive Negotiations as defined in this section. A minimum amount of work may be specified in the contract. The contract term and the project amount shall not exceed the limitations specified in §2.1-4303., Code of Virginia.

20. *Minority-owned business* - A business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals, or any historically black college or university as defined in § 2.1-1604, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.

21. *Multiphase professional services contract* - A contract for the providing of professional services where the total scope of work of the second or subsequent phase of the contract cannot be specified without the results of the first or prior phase of the contract.

22. *Nominal value* - So small, slight or the like, in comparison to what might properly be expected, as scarcely to be entitled to the name, but in no case to be more than twenty dollars ($20.00).

23. *Nonprofessional services* - Any services not specifically identified as professional services.

24. *Potential bidder or offeror, for the purposes of Division 5, Appeals and Remedies for bid protests* - means a person who, at the time a public body negotiates and awards or proposes to award a contract, is engaged in the sale or lease of goods, or the sale of services, insurance or construction, of the type to be procured under the contract, and who at such time is eligible and qualified in all respects to perform that contract,

and who would have been eligible and qualified to submit a bid or proposal had the contract been procured through competitive sealed bidding or competitive negotiation.

25. *Professional services* - Work performed by an independent contractor within the scope of the practice of accounting, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering.

26. *Person* - Any corporation, partnership, business, individual, union, committee, club, other organization or group of individuals

27. *Public contract* - An agreement between the county and a nongovernmental source that is enforceable in a court of law.

28. *Purchasing agent* - The purchasing agent of the County of Isle of Wight, or his designee. The purchasing agent shall be the head of the office of purchasing. Whenever the words purchasing agent or division of purchasing are used in any policy, contract or other document, such shall mean the purchasing agent, or his designee, or the office of purchasing, respectively.

29. *Request for proposals* - All documents, whether attached or incorporated by reference, utilized for soliciting proposals.

30. *Responsible bidder or offeror* - A person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability as demonstrated by previous experience, which will assure good faith performance and who has been prequalified, if required

31. *Responsive bidder* - A person who has submitted a bid which conforms in all material respects to the invitation to bid

32. *Services* - Any work performed by an independent contractor wherein the service rendered does not consist primarily of acquisition of equipment or materials or the rental of equipment, materials and supplies.

33. *Service disabled veteran business* - A business that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

34. *Small business* - A business, independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens, and together with affiliates, has 250 or fewer employees, or annual gross receipts of $10 million or less averaged over the previous three years. One or more of the individual owners shall control both the management and daily business operations of the small business.

35. *Specification* - Any description of the physical or functional characteristics or of the nature of a good, service or construction item. It may include a description of any requirement for inspecting, testing or preparing a good, service or construction item for delivery.

36. *SWaM business* - Means a small, women-owned, minority-owned, or service disabled veteran-owned business or an employment services organization.

37. *Virginia Public Procurement Act (VPPA)* - The procurement Code passed by the General Assembly governing purchasing by the government to a non-governmental entity. The mandatory provisions of the act, §2.1-4343.12, include the exemptions set forth in subdivisions 9 through 11, the provisions of subsections C and D of § 2.1-4303, and §§2.1-4305, 2.1-4308, 2.1-4311, 2.1-4315, 2.1-4317, 2.1-4330, 2.1-4333 through 2.1-4338, 2.1-4343.1, and 2.1-4367 through 2.1-4377 shall apply. Section §§ 2.2-4343.1 and 2.2-4303.2 shall also apply.

38. *Women-owned business* - A business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

Section 1.32.1 - Requisitions and Estimates from Departments

All county departments, either by or with the authorization of the head of the department, shall file with the purchasing agent detailed requisitions or estimates of their requirements in supplies and contractual services in such manner, at such times and for such future periods as the purchasing agent shall prescribe.

Section 1.32.2 - Department Reports of Obsolete or Unused Property; Sale, Transfer or Trade of Such Property

1. All departments shall submit to the purchasing agent at such times and in such form as such agent shall prescribe reports showing stocks of all supplies, materials and equipment which are no longer used, or which have become obsolete, worn or scrapped. The purchasing agent will seek approval from the County Administrator. Once approved, the purchasing agent may sell such property according to the Standard Operating Procedures approved by the Administrator. The purchasing agent may sell the property by competitive bidding, at public auction, or transfer it to other departments or governmental agencies, or may exchange it for or trade it in on new supplies or equipment.

2. All sales of such property, when the estimated value is not expected to exceed one hundred thousand dollars ($100,000.00), may be sold by the purchasing agent in accordance with rules and regulations established by him; these sales need not follow the competitive bidding or public auction process and such property may be sold without newspaper advertisement and without observing the procedures prescribed by divisions 2 and 3 of this article, unless the purchasing agent determines that the public interest demands such procedure.

Section 1.32.3 - Methods of Procurement

(Revised July 1, 2019)

1. All county contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this article, unless otherwise authorized by law.

2. Professional services, whether for single or term contracts may, but need not, be procured by competitive negotiation when the aggregate or sum of all phases is not expected to exceed eighty thousand dollars ($80,000.00). Such small purchase procedures shall provide for competition wherever practicable. Professional services shall be procured by competitive negotiation where the cost of the professional service is expected to exceed eighty thousand dollars ($80,000.00).

3. Upon a written determination made in advance by the purchasing agent that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services in Section 1.47.2. The basis for this determination shall be documented in writing.

4. Upon a determination in writing by the purchasing agent that there is only one (1) source practicably available for that which is to be procured, a contract may be negotiated, and the county policy manual, awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination.

5. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The County shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the public bulletin board outside of Purchasing and may be listed on the County's website or in a newspaper of general circulation.

6. Construction shall be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances:

   a. The construction of highways and any draining, dredging, excavation, grading or similar work upon real property; upon a determination made in advance by the County and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination.

   b. By the County on a fixed price design-build basis or construction management bases as provided in §2.2-4378, et seq.

7. Upon a determination made in advance by the purchasing agent and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interest of the public, such items may be purchased at the auction, including online public auction. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auction.

8. The purchasing agent may provide for incentive contracting that offers a contractor whose bid is accepted, the opportunity to share in any cost savings realized by the locality when the projects costs are reduced by such contractor, without affecting project quality, during the construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings. Such provisions, including the percentage of cost sharing, shall be included in the language of the contract or may be added by change order with the agreement of both parties.

9. Public contracts may be awarded on a fixed price, cost reimbursement, a published list price plus or minus a guaranteed percentage, or any other method that best fits procurement in the opinion of the Purchasing Agent. Caution should be exercised that cost plus a percentage of cost provides incentives for the supplier to increase costs, so this should be avoided whenever reasonable.

Section 1.32.4 - Design Build and Construction Management

(Revised May 17, 2018, September 17, 2020)

Design-build or construction management contracts authorized.

A. The County may enter into a contract for construction on a fixed price or not-to-exceed price construction management or design-build basis but must comply with the requirements of this article.

B. Prior to making a determination as to the use of construction management or design-build for a specific construction project, the County shall have in its employ, or under contract, a licensed architect or engineer with professional competence appropriate to the project who shall (i) advise the County regarding the use of construction management or design-build for the project and (ii) assist the County with the preparation of the Request for Proposal and the evaluation of such proposals.

C. A written determination shall be made in advance by the County that competitive sealed bidding is not practicable or fiscally advantageous, and such writing shall document the basis for the determination to utilize construction management or design-build. The determination shall be included in the Request of Proposal and be maintained in the procurement file.

D. The County shall follow the procedures adopted by the Board of Supervisors which includes the following:

a. Construction management contracts may be utilized for projects where the project cost is expected to be more than $26 million; (hb890)

b. Construction management may be utilized on projects where the project cost is expected to be less than $26 million, provided that (i) the project is a complex project and (ii) the project procurement method is approved by the Board of Supervisors. The written approval by the Board of Supervisors shall be maintained in the procurement file;

c. Public notice of the Request for Proposal (Qualifications) is posted on the Commonwealth's central electronic procurement website, known as eVA, at least 30 days prior to the date set for receipt of qualification proposals;

d. The construction management contract is entered into no later than the completion of the schematic phase of design, unless prohibited by authorization of funding restrictions;

e. Prior construction management or design-build experience or previous experience with the Department's Bureau of Capital Outlay Management shall not be required as a prerequisite for award of a contract. However, in the selection of a contractor; the County may consider the experience of each contractor on comparable projects;

f. Construction management contracts shall require that (i) no more than 10 percent of the construction work, as measured by the cost of the work, be performed by the construction manager with its own forces and (ii) the remaining 90 percent of the construction manager, which the construction manager shall procure by publicly advertised, competitive sealed bidding to the maximum extent practicable;

g. The procedures all for a two-step competitive negotiation process; and

h. Price is a critical basis for award of the contract.

Procedures:

1. While competitive sealed bidding remains the preferred method of construction contracting, the County Administrator or designated Purchasing Agent may enter into a contract for construction based on either a firm fixed price or not-to-exceed price design build basis. The Design-Build process is governed by Sections 2.1-2406, 2.1-4303 and 2.14308 of the Code of Virginia which is incorporated into this policy and must be observed by County Staff wishing to use the Design-Build method.

2. Prior to the issuance of a Design/Build RFP, the County Administrator or his designee shall:

   a. Obtain the advice of a licensed architect or engineer with professional competence appropriate to the project. Such an advisor may either be an employee of the County or an architect/engineer hired specifically to provide the advice and guidance mandated by the Code of Virginia.

   b. Articulate in writing why a design-build or construction management approach is more advantageous than competitive sealed bidding for the project being contemplated;

   c. Obtain an estimate of the costs to repair, renovate, demolish or erect the project under consideration.

   d. Determine whether and explain why competitive sealed bidding is not practical or fiscally advantageous; and

   e. Define the pre-design, design phase, bid phase and/or construction phase services to be performed under the design-build contract,

   f. Include and define the requirements of the specific construction project relevant to site plans, floor plans, exterior elevations, basic building envelope materials, fire protection, structural, mechanical (HVAC) and electrical systems, and special telecommunications,

   g. Specify the criteria which will be used in evaluating the proposals,

   h. Request a firm fixed price or not-to-exceed price proposal based on a cost estimate prepared by a professional engineer or architect.

   i. Contain or incorporate by reference the applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of Offerors, and

3. Include such other requirements as the County Administrator or his designee deems appropriate for the construction project.

4. The RFP shall request of Offerors only such information as is appropriate for an objective evaluation of all Offerors pursuant to the specified criteria.

5. The County Administrator or his designee shall receive and consider comments concerning specifications or provisions in the RFP, prior to the time set for receipt of proposals.

6. Procurement of construction by the design-build method shall be a two-step competitive negotiation process. The first step, or the initial review of the proposals, shall be of a qualitative nature. This shall include review of preliminary design drawings, outline specifications, technical reports, calculations,

   permit requirements, vendors' management plan (includes organizational information, resumes of key personnel, Quality Assurance Plan, Safety Plan), schedule, and other data requested in response to the RFP.

7. Based upon the information submitted and any other relevant information which the County may obtain, a maximum of five (5) Offerors deemed to most closely meet the county's requirements shall be selected by the Review Committee based on the initial responses.

8. As the second step in the design-build process, the Review Committee shall hold discussions with each of the selected Offerors exercising care to discuss the same owner information with each Offeror.

9. Trade secrets or proprietary information submitted by a bidder, offeror, or contractor in connection with a procurement transaction or prequalification application submitted pursuant to subsection B of § 2.2-4317 shall not be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); however, the bidder, offeror, or contractor shall (i) invoke the protections of this section prior to or upon submission of the data or other materials, (ii) identify the data or other materials to be protected, and (iii) state the reasons why protection is necessary. A bidder, offeror, or contractor shall not designate as trade secrets or proprietary information (a) an entire bid, proposal, or prequalification application; (b) any portion of a bid, proposal, or prequalification application that does not contain trade secrets or proprietary information; or (c) line item prices or total bid, proposal, or prequalification application prices.

10. Upon completion of the discussions, the Review Committee shall determine whether any changes to proposals should be requested to correct errors or omissions or to clarify ambiguities, or to incorporate project improvements or additional details identified by the Review Board during its review. As required, Offerors may then submit revised technical proposals as well as modifications to their price proposals. The Review Committee will complete its evaluations of the revised proposals.

11. Following a complete review of the proposals, the Review Committee shall make its recommendation to the County Administrator or his designee based upon the criteria included in the RFP. While price shall be considered, it need not be the sole selection factor. Award shall be made to the fully qualified vendor who has been determined to offer best value in response to the RFP and whose price proposal is within the budget ceiling included in the County's operating and/or capital budgets.

12. The County shall submit information for post-project evaluation when requested by the Commonwealth of Virginia Design-Build/Construction Management Review Board ("Review Board").

13. The County Administrator or his designee may set forth such additional procedures, not inconsistent with the provisions of this section or the rules and regulations of the Review Board, and consistent with the procedures for the procurement of nonprofessional services through competitive negotiations, as deemed necessary and appropriate to affect the selection and evaluation of Offerors and the award of design-build and construction management contracts.

Reporting requirements:

1. The Department General Services must report by December 1 of each year to the Governor and the Chairmen of the House Committee on Appropriations, the House Committee on General Laws, the Senate

Committee on Finance, and the Senate Committee on General Laws and Technology the following information: (i) the number of projects reviewed pursuant to Articles 2 (§ 2.2-4380) and 3 (§ 2.2-4381) and (ii) for each project (a) the identity of the state public body or covered institution and a description of each such project, (b) the estimated cost of the project at the time of the Department's review, (c) the recommendation made by the Department concerning the proposed procurement method, and (d) the final procurement method used by the state public body or covered institution

2. The County is subject to the provisions of this chapter and shall report no later than November 1 of each year to the Director of the Division of Purchases and Supplies on all completed capital projects in excess of $2 million, which report shall include at a minimum (i) the procurement method utilized, (ii) the project budget, (iii) the actual project cost, (iv) the expected timeline, (v) the actual completion time, and (vi) any post-project issues.

3. The Department must consolidate received report data and submit the consolidated data to the Governor and Chairmen of the House Committee on Appropriations and the Senate Committee on Finance by December 1 of each year.

Section 1.32.5 - Contracts Authorized under the Public-Private Education Facilities and Infrastructure Act (PPEA) and Public-Private Transportation Act (PPTA)

The Public-Private Education Facilities and Infrastructure Act of 2002 (the "PPEA") and Public-Private Transportation Act (the "PPTA") allows responsible public entities the authority to create public-private partnerships for the development of a wide range of projects for public use if the public entity determines there is a need for the project and that private involvement may provide the project to the public in a timely or cost-effective fashion. In accordance with the PPEA and PPTA Guidelines (the "Guidelines") adopted by the Board of Supervisors on October 17, 2013 (as they may be amended from time-to-time), the County Administrator or his designee will follow the Guidelines to receive and evaluate proposals submitted pursuant to the PPEA and/or PPTA.

Section 1.32.6 - Alternative Method of Procurement; Reverse Auctioning

1. The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.

2. As used in this section, the term "reverse auctioning" means a procurement method wherein bidders are invited to bid on specified goods or nonprofessional services through real-time electronic bidding, with the award being made to the lowest responsive and responsible bidder. During the bidding process, bidders' prices are revealed, and bidders shall have the opportunity to modify their bid prices for the duration of the time period established for electronic bidding.

Section 1.33 - General Procedure

(Revised July 1, 2019)

1. The purpose of this article is to enunciate the public policies pertaining to governmental procurement from nongovernmental sources, to include governmental procurement which may or may not result in monetary consideration for either party. This article shall apply whether the consideration is monetary or nonmonetary and regardless of whether the county, the contractor, or some third party is providing the consideration.

2. All single or term contracts for goods and services other than professional services when the estimated cost is expected to exceed one hundred thousand dollars ($100,000) shall be purchased from the lowest responsive, responsible bidder, after due notice inviting bids.

3. Construction of improvements estimated to cost more than fifty thousand dollars ($50,000.00) shall be procured only by competitive sealed bidding. Transportation improvements estimated to cost more than twenty-five thousand dollars ($25,000.00) shall be procured only by competitive sealed bidding.

Section 1.33.1 - Open Market Procedure for Purchases of Two Hundred Thousand Dollars, or Less *(Revised September 17, 2020)*

1. All purchases of goods and services other than professional services, when the estimated value is not expected to exceed two hundred thousand dollars ($200,000.00) (hb452), may be made in the open market, without newspaper advertisement and without observing the procedures prescribed by divisions 2 and 3 of this article, unless the purchasing agent determines that the public interest demands such procedure. Purchases under this subsection that are expected to exceed five thousand dollars ($5,000.00) shall require, whenever possible, the informal solicitation of a minimum of four (4) bidders or offerors and shall be awarded to the lowest responsive, responsible bidder in accordance with the standards set forth in section 1.563. Nothing herein shall restrict the Purchasing Agent from using formal processes for procurements of less than $200,000.00.

2. Small purchases in an amount up to, but not exceeding five thousand dollars ($5,000.00) may be purchased directly by a department in accordance with rules and regulations established by the purchasing agent; these purchases need not follow the competitive bidding process. Maximum limits may be established for each department by the purchasing agent up to, but not exceeding, five thousand dollars ($5,000.00).

3. In making a purchase under this section, when bidding is required, the purchasing agent shall solicit bids by mail, electronic means, telephone, or in person from prospective vendors.

Section 1.33.2 - Competitive Bidding State-Aid Projects
(Revised July 1, 2019)

No contract for the construction of any building or for an addition to or improvement of an existing building by the county for which state funds of not more than fifty thousand dollars ($50,000.00) in the aggregate or for the sum of all phases of a contract or project either by appropriation, grant-in-aid or loan, are used or are to be used for all or part of the cost of construction shall be let except after competitive sealed bidding or after competitive negotiation as provided under Section §2.1-4303, Code of Virginia. The procedure for the advertising for bids and for letting of the contract shall conform to this article.

Competitive Bidding Federal Projects (Grants)

The County shall follow the requirements of 2 C.F.R. § 200.326 and 2 C.F.R Part 200, Appendix II, by inclusion of clauses as required by the Grantor. This may include Davis-Bacon requirements, Copeland Anti-Kickback Act, Contract Work Hours and Safety Standards Act, The Stafford Act, Clean Air Act and the Federal Water Pollution Control Act, Byrd Anti-Lobbing Amendment, Debarment and Suspension review, and/or other clauses as may be required.

Section 1.33.3 - Contracts or Purchases not to be Subdivided to Avoid Requirements of Article

No contract or purchase shall be subdivided to avoid the requirements of this article.

Section 1.33.4 - Certain Contracts and Expenditures Prohibited

No officer, department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure. Any contract, verbal or written, made in violation of this policy shall be null and void. Any officer or employee of this county who shall violate this section shall be guilty of a misdemeanor and, upon conviction, thereof, shall cease to hold his office or employment. Nothing contained in this section, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

Section 1.33.5 - Permitted Contracts with Certain Religious Organizations; Purpose; Limitations

1. It is the intent of the county, in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, to permit us to enter into contracts with faith-based organizations for the purposes described in this section on the same basis as any other nongovernmental source without impairing the religious character of such organization, and without diminishing the religious freedom of the beneficiaries of assistance provided under this section.

2. For the purposes of this section, "faith-based organization" means a religious organization that is or applies to be a contractor to provide goods or services for programs funded by the block grant provided pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193.

3. Isle of Wight County, in procuring goods or services, or in making disbursements pursuant to this section, shall not (i) discriminate against a faith-based organization on the basis of the organization's religious character or (ii) impose conditions that (a) restrict the religious character of the faith-based organization, except as provided in subsection F, or (b) impair, diminish, or discourage the exercise of religious freedom by the recipients of such goods, services, or disbursements.

4. We shall ensure that all invitations to bid, requests for proposals, contracts, and purchase orders prominently display a nondiscrimination statement indicating that the Isle of Wight County does not discriminate against faith-based organizations.

5. A faith-based organization contracting with Isle of Wight (i) shall not discriminate against any recipient of goods, services, or disbursements made pursuant to a contract authorized by this section on the basis of the recipient's religion, religious belief, refusal to participate in a religious practice, or on the basis of race, age, color, gender or national origin and (ii) shall be subject to the same rules as other organizations that contract with public bodies to account for the use of the funds provided; however, if the faith-based organization segregates public funds into separate accounts, only the accounts and programs funded with public funds shall be subject to audit by the public body. Nothing in clause (ii) shall be construed to supersede or otherwise override any other applicable state law.

6. Consistent with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, funds provided for expenditure pursuant to contracts with Isle of Wight County shall not be spent for religious worship, instruction, or proselytizing; however, this prohibition shall not apply to expenditures pursuant to contracts, if any, for the services of chaplains.

7. Nothing in this section shall be construed as barring or prohibiting a faith-based organization from any opportunity to make a bid or proposal or contract on the grounds that the faith-based organization has

exercised the right, as expressed in 42 U.S.C. (§ 2000 e-1 et seq.), to employ persons of a particular religion.

8. If an individual, who applies for or receives goods, services, or disbursements provided pursuant to a contract between Isle of Wight County and a faith-based organization, objects to the religious character of the faith-based organization from which the individual receives or would receive the goods, services, or disbursements, Isle of Wight County shall offer the individual, within a reasonable period of time after the date of his objection, access to equivalent goods, services, or disbursements from an alternative provider.

9. Isle of Wight County shall provide to each individual who applies for or receives goods, services, or disbursements provided pursuant to a contract between Isle of Wight County and a faith-based organization a notice in bold face type that states: "Neither county's selection of a charitable or faith-based provider of services nor the expenditure of funds under this contract is an endorsement of the provider's charitable or religious character, practices, or expression. No provider of services may discriminate against you on the basis of religion, a religious belief, or your refusal to actively participate in a religious practice. If you object to a particular provider because of its religious character, you may request assignment to a different provider. If you believe that your rights have been violated, please discuss the complaint with your provider or notify the appropriate person as indicated in this form."

Section 1.34 - Emergency Purchases

1. In case of an emergency which requires immediate purchase of supplies or contractual services, the purchasing agent shall have the authority to secure, by the open market procedure set forth in Section 1.33, at the lowest obtainable price, any supplies or contractual services, regardless of the amount of the expenditure. A full report of the circumstances of an emergency purchase so made shall be filed by the purchasing agent in the contract file.

2. The purchasing agent shall prescribe, by rules and regulations, the procedure under which emergency purchases by heads of departments may be made outside of normal county business hours.

Section 1.34.1 - Modification of Contract

1. No contract which has been approved by the County Board of Supervisors may be modified or changed by amendment, change order, or any other agreement without the prior approval of the County Board of Supervisors unless (i) such modifications, in the aggregate, do not increase the amount of the contract by more than twenty-five (25) percent of the original amount of the contract, or fifty thousand dollars ($50,000.00), whichever is greater, (ii) such changes are the result of unforeseen circumstances or changed conditions encountered during the progress of the performance of the contract, and (iii) such changes are directly related to the performance of the purpose of the contract. Extensions of time to perform a contract may be granted without prior approval of the county council provided such extensions involve no increase in cost to the county. In no event shall the aggregate of all modifications increase the cost of the contract beyond the amount appropriated for the project.

2. The County may extend the term of an existing contract for services to allow completion of any work undertaken but not completed during the original term of the contract.

Section 1.35 - Inspection and Testing of Supplies or Contractual Services

1. The purchasing agent shall inspect or supervise the inspection of all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract.

2. The purchasing agent shall have the authority to authorize departments having the staff and facilities for adequate inspection to inspect all deliveries made to such departments under rules and regulations which the purchasing agent shall prescribe.

3. The purchasing agent shall have the authority to require chemical and physical tests of samples, submitted with bids and samples of deliveries, which are necessary to determine the quality and conformance of such samples with the specifications. In the performance of such tests, the purchasing agent shall have the authority to make use of laboratory facilities of any department of the county government or any outside laboratory.

Section 1.36 - Discrimination Prohibited

1. In the solicitation or awarding of contracts, the county shall not discriminate against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment.

2. For the purposes of this section, "service disabled veteran" means a veteran who (i) served on active duty in the United States military ground, naval, or air service; (ii) was discharged or released under conditions other than dishonorable; and (iii) has a service connected disability rating fixed by the United States Department of Veterans Affairs.

Section 1.36.1 - Required Contract Provisions: Unauthorized Aliens; Employment Discrimination by Contractor Prohibited; Drug-Free Workplace to be Maintained by Contractor

(Revised September 17, 2020)

1. The county shall include in every contract, that the contractor does not, and shall not during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986, as amended. Amended` and every contractor with more than an average of 50 employees for the previous 12 months entering into a contract in excess of $50,000 to perform work or provide services pursuant to such contract shall comply with the provisions of Section 2.2-4308.2 "Employment Eligibility," as amended from time to time. This includes but is not limited to registration and participation in the E-Verify program to verify information and work authorization of its hired employees performing work pursuant to such public contract and requiring all subcontractors to provide an affidavit attesting that the subcontractor does not employ, contract with, or subcontract with, an unauthorized alien. The contractor shall maintain a copy of such affidavit for the duration of the contract. Failure to comply will lead to termination of this Contract, or if a subcontractor knowingly violates the statute, the subcontract must be terminated immediately. Any challenge to termination under this provision must be filed in the Circuit Court no later than 20 calendar days after the date of termination. If this contract is terminated for a violation of the statute by the Contractor, the Contractor may not be awarded a public contract for a period of 1 year after the date of termination.

2. The county shall include in every contract of over ten thousand dollars ($10,000.00) the provisions in subsections (1), (2), and (3) herein:

    a. During the performance of this contract, the contractor agrees as follows: The Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification

reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

b. The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.

c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

d. The contractor will include the provisions of the foregoing paragraphs a., b. and c. in every subcontract or purchase order of over ten thousand dollars ($10,000.00) so that the provisions will be binding upon each subcontractor or vendor.

e. During the performance of this contract, the contractor agrees to (i) provide a drugfree workplace for the contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over ten thousand dollars ($10,000.00), so that the provisions will be binding upon each subcontractor or vendor.

f. For the purposes of this subsection, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with this subsection, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

Section 1.36.2 - Public Inspection of Certain Records

1. Except as provided herein, all proceedings, records, contracts and other public records relating to procurement transactions shall be open to the inspection of any citizen, or any interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act (§ 2.1-3700 et seq., Code of Virginia, 1950, as amended).

2. Cost estimates relating to a proposed procurement transaction prepared by or for the county shall not be open to public inspection.

3. Any competitive sealed bidding bidder, upon request, shall be afforded the opportunity to inspect bid records within a reasonable time after the opening of all bids but prior to award, except in the event that the purchasing agent decides not to accept any of the bids and to reopen the contract. Otherwise, bid records shall be open to public inspection only after award of the contract.

4. Any competitive negotiation offeror, upon request, shall be afforded the opportunity to inspect proposal records within a reasonable time after the evaluation and negotiations of proposals are completed but prior to award, except in the event that the purchasing agent decides not to accept any of the proposals and to reopen the contract. Otherwise, proposal records shall be open to public inspection only after award of the contract.

5. Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.

6. Trade secrets or proprietary information submitted by a bidder, offeror or contractor in connection with a procurement transaction or prequalification application submitted pursuant to section 1.36.2 shall not be subject to public disclosure under the Virginia Freedom of Information Act; however, the bidder, offeror or contractor must invoke the protections of this section prior to or upon submission of the data or other materials, and must identify the data or other materials to be protected and state the reasons why protection is necessary. Information leading to the decision to award, including prices and other factors, shall be made public.

Section 1.36.3 - Exemptions

1. The provisions of divisions 1, 2, 3, 4 and 5 of this article, except for Section 1.33.4, shall not apply to contracts for the printing of ballots, statements of results or other materials essential to the conduct of an election. The provisions of division 6 of this article shall be applicable to such contracts.

2. The following transactions are hereby exempt from the provisions of divisions 1, 2, 3, 4 and 5 of this article, except for Section 1.33:

   a. Purchases on state contracts, from the state department of corrections and from the state purchasing department warehouse, or from the Sheriff's Association.
   b. Legal services, law books and supplies for the county attorney and the commonwealth's attorney, and expert witnesses and other services associated with actual or potential litigation and administrative proceedings.

   c. Purchases for water, sewer, electric, telephone and other utility services and motor vehicle license plates.

   d. Purchases for special police work that is certified to the Purchasing Agent, are needed for undercover police operations. Such non-descriptive writing shall be available for public inspection; however, a description of items bought that is detailed enough to disclose the nature of such operations, or put such operations at risk, is protected.

   e. Purchases of services or goods: (i) that are performed or produced by persons, or in schools or workshops, under the supervision of the Virginia Department for the Blind and Vision Impaired; or (ii) that are performed or produced by employment services organizations that offer transitional or supported employment services serving individuals with disabilities.

   f. In the administration of the public assistance program and the fuel assistance program, goods and personal services may be procured for direct use by the recipients of such programs without competitive sealed bidding or competitive negotiations if the procurement is made for an individual recipient. Contracts for the bulk procurement of goods or services for the use of recipients are not exempted from the requirements of this article.

   g. The county may enter into contracts without competitive sealed bidding or competitive negotiation for insurance if purchased through an association of which it is a member if the association was formed and is maintained for the purpose of promoting the interest and welfare of and developing close relationships with similar public bodies, provided such association has procured the

insurance by use of competitive principles and provided that the purchasing agent has made a determination in advance after reasonable notice to the public and set forth in writing that competitive sealed bidding and competitive negotiation are not fiscally advantageous to the public. The writing shall document the basis for this determination.

Section 1.37 - Purchase of Handguns by Retired Officers

1. The purchasing agent is authorized and directed to allow any full-time sworn law enforcement officer who retires after at least twenty-five (25) years of service to purchase the service handgun issued to him by the county at a cost of one dollar ($1.00) for the weapon.

2. Upon retirement of either a K-9 handler or a K-9 dog used in police work, the handler may request to purchase the dog for a fee set as fair and reasonable by the Sheriff. Nothing herein shall require the handler to purchase the animal or require the County to allow the sale.

Section 1.38 - Purchase of Boots or Helmet by Retired Firefighters

The purchasing agent is authorized and directed to allow:

1. Any full-time firefighter who retires after at least twenty-five (25) years of service to purchase the helmet and/or boots issued to the firefighter by the county at a cost of one dollar ($1.00) for the helmet and/or one dollar ($1.00) for the boots; and

2. Any full-time firefighter who retires after at least ten (10) years of service, but fewer than twenty-five (25), to purchase the helmet and/or boots issued to the firefighter by the county at the fair market value of the helmet and/or boots.

DIVISION 2. - COMPETITIVE BIDDING

Section 1.39 - Prequalification Generally; Prequalification for Construction

1. Prospective contractors may be prequalified for particular types of supplies, services, insurance or construction, and consideration of bids or proposals limited to prequalified contractors. Any prequalification procedure shall be established in writing and sufficiently in advance of its implementation to allow potential contractors a fair opportunity to complete the process.

2. Any prequalification of prospective contractors for construction shall be pursuant to a prequalification process for construction projects adopted by the purchasing agent.

The application form used in such process shall set forth the criteria upon which the qualifications of prospective contractors will be evaluated. The application form shall request of prospective contractors only such information as is appropriate for an objective evaluation of all prospective contractors pursuant to such criteria. Such form shall allow the prospective contractor seeking prequalification to request, by checking the appropriate box, that all information voluntarily submitted by the contractor pursuant to this subsection shall be considered a trade secret or proprietary information subject to the provisions of Section 1.36.2.

In all instances in which the purchasing agent requires prequalification of potential contractors for construction projects, advance notice shall be given of the deadline for the submission of prequalification applications. The deadline for submission shall be sufficiently in advance of the date set for the submission of bids for such construction so as to allow the procedures set forth in this section to be accomplished.

At least thirty (30) days prior to the date established for submission of bids or proposals under the procurement of the contract for which the prequalification applies, the purchasing agent shall advise in writing, each contractor that submitted an application, whether that contractor has been prequalified. In the event that a contractor is denied prequalification, the written notification to such contractor shall state the reasons for such denial of prequalification and the factual basis of such reasons.

A decision by the purchasing agent denying prequalification under the provisions of this subsection shall be final and conclusive unless the contractor appeals the decision as provided in Section 1.49. The purchasing agent may deny prequalification to any contractor only if he finds one (1) of the following:

1. The contractor does not have sufficient financial ability to perform the contract that would result from such procurement. If a bond is required to ensure performance of a contract, evidence that the contractor can acquire a surety bond from a corporation included on the United States Treasury list of acceptable surety corporations in the amount and type required by the public body shall be sufficient to establish the financial ability of such contractor to perform the contract resulting from such procurement;

2. The contractor does not have appropriate experience to perform the construction project in question;

3. The contractor or any officer, director or owner thereof has had judgments entered against him within the past ten (10) years for the breach of contracts for governmental or nongovernmental construction, including, but not limited to, design-build or construction management;

4. The contractor has been in substantial noncompliance with the terms and conditions of prior construction contracts with the county without good cause. If the county has not contracted with a contractor in any prior construction contracts, the purchasing agent may deny prequalification if the contractor has been in substantial noncompliance with the terms and conditions of comparable construction contracts with another public body without good cause. The purchasing agent may not utilize this provision to deny prequalification unless the facts underlying such substantial noncompliance were documented in writing in the prior construction project file and such information relating thereto given to the contractor at that time, with the opportunity to respond;

5. The contractor or any officer, director, owner, project Administrator, procurement Administrator or chief financial official thereof has been convicted within the past ten (10) years of a crime related to governmental or nongovernmental construction or contracting, including, but not limited to, a violation of the following portions of the Code of Virginia, 1950, as amended: (i) Article 6, (§ 2.1-4367 et seq.) of Title 2.2, (ii) the Virginia Governmental Frauds Act (§ 18.1-498.1 et seq.) of Title 18.2, (iii) Chapter 4.2 (§ 59.1-68.6 et seq.) of Title 59.1, or (iv) any substantially similar law of the United States or another state;

6. The contractor or any officer, director or owner thereof is currently debarred pursuant to an established debarment procedure from bidding or contracting by any public body, agency of another state or agency of the federal government; and

7. The contractor failed to provide to the purchasing agent in a timely manner any information requested by the purchasing agent relevant to subdivisions 1 through 6 of this subsection.

Section 1.39.1 - Use of Brand Names

Unless otherwise provided in the invitation to bid, the name of a certain brand, make or manufacturer does not restrict bidders to the specific brand, make or manufacturer named; it conveys the general style, type, character

and quality of the article desired; and any article which the purchasing agent in his sole discretion determines to be the equal of that specified, considering quality, workmanship, economy of operation, and suitability for the purpose intended, shall be accepted.

Section 1.40 - Notice Inviting Bids

1. The notice inviting bids referred to in Section 1.40 shall be posted on a public bulletin board at the office of purchasing, or published in a newspaper of general circulation, or both, and may be posted on a website normally used for such postings, at least ten (10) days prior to the date set for the receipt of bids. Such notice shall include a general description of the articles to be purchased, or sold, and shall state where bid forms and specifications may be secured and the time and place for opening bids. Such notice shall state the procedure for the withdrawal of a bid due to error and include a declaration that the County does not discriminate against faith-based organizations.

2. In addition to the notice referred to in subsection (a) above, the purchasing agent may solicit bids directly from vendors in the business of providing the commodity or service desired.

Section 1.40.1 - Pre-Bid Conferences

For complex equipment, supplies, repairs or construction projects, pre-bid conferences with prospective bidders may be called, when deemed necessary, by the purchasing agent.

Section 1.40.2 - Submission, Opening and Tabulation of Bids

Bids shall be submitted, sealed, to the purchasing agent and shall be identified as bids on the envelope. Such bids shall be opened in public at the time and place stated in the public notices, and a tabulation of all bids received shall be available for public inspection. Electronic bids may be received when sent to an email address with controlled access. They shall not be opened except by authorized staff, until the time and place described in the solicitation for public opening.

Section 1.40.3 - Bid Evaluation

Evaluation of bids shall be based upon the requirements set forth in the invitation, which may include special qualifications of potential contractors and any other criteria such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose, which are helpful in determining acceptability. The county may consider best value concepts when procuring goods and nonprofessional services, but not construction or professional services. The criteria, factors and basis for consideration of best value and the process for the consideration of best value shall be as stated in the procurement solicitation.

Section 1.40.4 - Withdrawal of Bid Due to Error

1. A bidder for a public construction contract, other than a contract for construction or maintenance of public highways, may withdraw his bid from consideration if the price bid was substantially lower than the other bids due solely to a mistake therein, provided the bid was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake, and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid sought to be withdrawn. The bidder shall give notice in writing of his claim of right to withdraw his bid within two (2) business days after the conclusion of the bid opening procedure and shall submit original work papers with such notice. Such mistake shall be proved only from the original work papers, documents and materials delivered as required herein. The work papers, documents, and

materials submitted by the bidder shall, at the bidder's request, be considered trade secrets or proprietary information subject to the conditions of Section 1-36.2.

2. A bidder for a non-construction contract may withdraw his bid from consideration in accordance with the procedures set forth in subsection (a) above.

3. No bid may be withdrawn under this section when the result would be the awarding of the contract on another bid of the same bidder or of another bidder in which the ownership of the withdrawing bidder is more than five (5) percent.

4. If a bid is withdrawn under the authority of this section, the lowest remaining bid shall be deemed to be the low bid.

5. No bidder who is permitted to withdraw a bid shall, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person or firm to which the contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn bid was submitted.

6. The purchasing agent shall notify the bidder in writing within five (5) business days of his decision regarding the bidder's request to withdraw its bid. If the purchasing agent denies the withdrawal of a bid under the provisions of this section, he shall state in such notice the reasons for his decision and award the contract to such bidder at the bid price, provided such bidder is a responsible and responsive bidder. At the same time that the notice is provided, the purchasing agent shall return all work papers and copies thereof that have been submitted by the bidder.

Section 1.41 - Bid Bonds

1. Except in cases of emergency, all bids or proposals for non-transportation-related construction contracts in excess of five hundred thousand dollars ($500,000.00) or transportation-related projects authorized under Article 2 (§ 33.1-208 et seq.) of Chapter 2 of Title 33.2 that are in excess of two hundred fifty thousand dollars ($250,000.00) and partially or wholly funded by the Commonwealth shall be accompanied by a bid bond from a surety company selected by the bidder which is legally authorized to do surety business in Virginia, as a guarantee that if the contract is awarded to such bidder, that bidder will enter into the contract for the work mentioned in the bid. The amount of the bid bond shall not exceed five (5%) percent of the amount bid.

2. No forfeiture under a bid bond shall exceed the lesser of (i) the difference between the bid for which the bond was written and the next low bid, or (ii) the face amount of the bid bond.

3. Nothing in this section shall preclude the purchasing agent from requiring bid bonds for construction contracts anticipated to be less than five hundred thousand dollars ($500,000.00) for non-transportation-related projects or two hundred fifty thousand dollars ($250,000.00) for transportation-related projects authorized under Article 2, (§ 33.1-208 et seq.) o Chapter 2 of Title 33.2, and partially or wholly funded by the Commonwealth.

Section 1.41.1 - Bonds for Other than Construction Contracts

1. At the discretion of the purchasing agent, bidders may be required to submit with their bid a bid bond, or a certified check, in an amount to be determined by the purchasing agent and specified in the invitation to bid, which shall be forfeited to the county as liquidated damages upon the bidder's failure to execute within ten (10) days a construction contract awarded to him or upon the bidder's failure to furnish any required

performance or payment bonds in connection with a contract awarded to him as specified in the request for bids.

2. The purchasing agent may require successful bidders to furnish a performance bond and a payment bond at the expense of the successful bidder, in amounts to be determined by the purchasing agent and specified in the invitation to bid, to ensure the satisfactory completion of the work for which a contract or purchase order is awarded.

Section 1.42 - Award of Contract to Lowest, Responsive, Responsible Bidder

The purchasing agent shall award contracts governed by this division to the lowest responsive, responsible bidder. When the terms and conditions for multiple awards are provided in the invitation for bids, awards may be made to more than one (1) bidder. In determining the lowest responsive, responsible bidder, in addition to price, the agent shall consider:

1. The ability, capacity and skill of the bidder to perform the contract or provide the service required.

2. Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference.

3. The character, integrity, reputation, judgment, experience and efficiency of the bidder.

4. The quality of performance of previous contracts or service.
5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.

6. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

7. The quality, availability and adaptability of the supplies or contractual services to the particular use required.

8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

9. The number and scope of conditions attached to the bid.

Section 1.42.1- Award of Contract to Other than Low Bidder

When the award of a contract under this division is not given to the lowest bidder, a full and complete statement of the reasons therefore shall be prepared by the purchasing agent and filed with the other records relating to the transaction.

Section 1.42.2 - Bidder Negotiation with Lowest Responsible

Unless canceled or rejected, a responsive bid from the lowest responsible bidder shall be accepted as submitted; except that if the bid from the lowest responsible bidder exceeds available funds, the purchasing agent may negotiate with the apparent low bidder to obtain a contract price within available funds.

Section 1.42.4 - Bid Deposits

When deemed necessary by the purchasing agent, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to return of the surety where the purchasing agent has required such. A successful bidder shall forfeit any surety required by the purchasing agent upon failure on his part to enter into

a contract and provide all required documents within ten (10) days after the award or as otherwise provided by the purchasing agent.

Section 1.43 - Cancellation, Rejection of Bids; Waiver of Informalities

1. An invitation to bid, a request for proposal, any other solicitation, and any and all bids or proposals, and parts thereof, may be modified, cancelled or rejected. The reasons for cancellation or rejection shall be made part of the contract file.

2. The purchasing agent may waive informalities in bids.

Section 1.43.1 - Tie Bids

In the case of a tie bid, after taking into consideration cash discounts for early payment, if any, preference shall be given to goods produced in Isle of Wight, goods or services or construction provided by Isle of Wight persons; otherwise to a Virginia person; if no such choices are available, then the tie shall be decided by lot.

Section 1.44 - Performance and Payment Bonds

1. Upon the award of any (i) public construction contract exceeding five hundred thousand dollars ($500,000.00) awarded to any prime contractor, or (ii) construction contract exceeding five hundred thousand dollars ($500,000.00) awarded to any prime contractor requiring the performance of labor or the furnishing of materials for buildings, structures or other improvements to real property owned by the county, such contractor shall furnish to the county the following bonds:

    a. A performance bond in the sum of the contract amount conditioned upon the faithful performance of the contract in strict conformity with the plans, specifications and conditions of the contract.

    b. A payment bond in the sum of the contract amount. Such bond shall be for the protection of claimants who have and fulfill contracts to supply labor or materials to the prime contractor to whom the contract was awarded, or to any subcontractors, in the prosecution of the work provided for in such contract, and shall be conditioned upon the prompt payment for all such material furnished or labor supplied or performed in the prosecution of the work. "Labor or materials" shall include public utility services and reasonable rentals of equipment, but only for periods when the equipment rented is actually used at the site.

2. Each of such bonds shall be executed by one (1) or more surety companies selected by the contractor which are legally authorized to do surety business in Virginia.

3. Such bonds shall be payable to the County of Isle of Wight. Each of the bonds shall be filed with the County of Isle of Wight, or a designated officer or official thereof.

4. Nothing in this section shall preclude the purchasing agent from requiring payment or performance bonds for construction contracts for one hundred thousand dollars ($100,000.00) or less.

5. Nothing in this section shall preclude such contractor from requiring each subcontractor to furnish a payment bond with surety thereon in the sum of the full amount of the contract with such subcontractor, conditioned upon the payment to all persons who have and fulfill contracts which are directly with the subcontractor for performing labor and furnishing materials in the prosecution of the work provided for in the subcontract.

Section 1.44.1 - Action on Performance Bond

No action against the surety on a performance bond shall be brought unless within one (1) year after (i) completion of the contract, including the expiration of all warranties and guarantees, or (ii) discovery of the defect or breach of warranty, if the action be for such.

Section 1.44.2 - Actions on Payment Bonds

1. Any claimant who has a direct contractual relationship with the contractor and who has performed labor or furnished material in accordance with the contract documents in the prosecution of the work provided in any contract for which a payment bond has been given, and who has not been paid in full therefore before the expiration of ninety (90) days after the day on which such claimant performed the last of such labor or furnished the last of such materials for which he claims payment, may bring an action on such payment bond to recover any amount due him for such labor or material, and may prosecute such action to final judgment and have execution on the judgment. The Obligee named in the bond need not be named a party to such action.

2. Any claimant who has a direct contractual relationship with any subcontractor from whom the contractor has not required a subcontractor payment bond under Section 1.565.2 but who has no contractual relationship, express or implied, with such contractor, may bring an action on the contractor's payment bond only if he has given written notice to such contractor within ninety (90) days from the day on which the claimant performed the last of the labor or furnished the last of the materials for which he claims payment, stating with substantial accuracy the amount claimed and the name of the person for whom the work was performed or to whom the material was furnished. Any claimant who has a direct contractual relationship with a subcontractor from whom the contractor has required a subcontractor payment bond under Section 1.44, but who has no contractual relationship, express or implied, with such contractor, may bring an action on the subcontractor's payment bond. Notice to the contractor shall be served by registered or certified mail, postage prepaid, in an envelope addressed to such contractor at any place where his office is regularly maintained for the transaction of business. Claims for sums withheld as retainage with respect to labor performed or materials furnished shall not be subject to the time limitations stated in this subsection.
3. Any action on a payment bond must be brought within one (1) year after the day on which the person bringing such action last performed labor or last furnished or supplied materials.

Section 1.44.3 - Alternative Forms of Security

1. In lieu of a bid, payment or performance bond, a bidder may furnish a certified check, cashier's check, or cash escrow in the face amount required for the bond.

2. If approved by the county attorney, a bidder may furnish a bank or savings and loan association's irrevocable letter of credit on certain designated funds in the face amount required for the bid bond. Approval shall be granted only upon a determination that the alternative form of security proffered affords protection to the county at least equivalent to a corporate surety's bond.

Section 1.44.4 - Construction Contract Provisions Barring Damages for Unreasonable Delays Declared Void

1. Any provision contained in any public contract for construction entered into on or after July 1, 1991, that purports to waive, release, or extinguish the rights of a contractor to recover costs or damages for unreasonable delay in performing such contract, either on his behalf or on behalf of his subcontractor if and to the extent such delay is caused by acts or omissions of the county, its agents or employees and due to causes within their control is against public policy and is void and unenforceable.

2. Subsection (a) shall not be construed to render void any provision of a public contract for construction that:

3. Allows the county to recover that portion of delay costs caused by the acts or omissions of the contractor, or its subcontractors, agents or employees;

   a. Requires notice of any delay by the party claiming the delay;

   b. Provides for liquidated damages for delay; or

   c. Provides for arbitration or any other procedure designed to settle contract disputes.

4. A contractor making a claim against the county for costs or damages due to the alleged delaying of the contractor in the performance of its work under any public contract for construction shall be liable to the county and shall pay it for a percentage of all costs incurred by the county in investigating, analyzing, negotiating, litigating and arbitrating the claim, which percentage shall be equal to the percentage of the contractor's total delay claim which is determined through litigation or arbitration to be false or to have no basis in law or in fact.

5. If the county denies a contractor's claim for costs or damages due to the alleged delaying of the contractor in the performance of work under any public contract for construction, it shall be liable to and shall pay such contractor a percentage of all costs incurred by the contractor to investigate, analyze, negotiate, litigate and arbitrate the claim. The percentage paid by the county shall be equal to the percentage of the contractor's total delay claim for which the county's denial is determined through litigation or arbitration to have been made in bad faith.

Section 1.45 - Retainage on Construction Contracts

1. In any public contract for construction which provides for progress payments in installments based upon an estimated percentage of completion, the contractor shall be paid at least ninety-five (95) percent of the earned sum when payment is due, with not more than five (5) percent being retained to assure faithful performance of the contract. All amounts withheld may be included in the final payment.

2. Any subcontract for a public project which provides for similar progress payments shall be subject to the same limitations.

Section 1.45.1- Deposit of Certain Retained Funds on Certain Contracts; Penalty for Failure to Timely Complete

1. Commencing January 1, 1990, the county, when contracting directly with contractors for public contracts of two hundred thousand dollars ($200,000.00), or more, for construction of highways, roads, streets, bridges, parking lots, demolition, clearing, grading, excavating, paving, pile driving, miscellaneous drainage structures, and the installation of water, gas, sewer lines and pumping stations where portions of the contract price are to be retained, shall include in the bid proposal an option for the contractor to use an escrow account procedure for utilization of the county's retainage funds by so indicating in the space provided in the proposal documents. In the event the contractor elects to use the escrow account procedure, the "escrow agreement" form included in the bid proposal and contract shall be executed and submitted to the county within fifteen (15) calendar days after notification. If the "escrow agreement" form is not submitted within the fifteen-day period, the contractor shall forfeit his rights to the use of the escrow account procedure.

2. In order to have retained funds paid to an escrow agent, the contractor, the escrow agent, and the surety shall execute an "escrow agreement" form. The contractor's escrow agent shall be a trust company, bank or savings institution with its principal office located in the Commonwealth. The "escrow agreement" and all regulations promulgated by the county entering into the contract shall be substantially the same as those used by the Commonwealth of Virginia Department of Transportation.

3. This section shall not apply to public contracts for construction for railroads, public transit systems, runways, dams, foundations, installation or maintenance of power systems for the generation and primary and secondary distribution of electric current ahead of the customer's meter, the installation or maintenance of telephone, telegraph or signal systems for public utilities and the construction or maintenance of solid waste or recycling facilities and treatment plants.

4. Any such public contract for construction with the county, which includes payment of interest on retained funds, may require a provision whereby the contractor, exclusive of reasonable circumstances beyond the control of the contractor stated in the contract, shall pay a specified penalty for each day exceeding the completion date stated in the contract.

5. Any subcontract for such public project which provides for similar progress payments shall be subject to the provisions of this section.

Section 1.45.2 - Multi-Term Contracts

1. Unless otherwise provided by law, a contract for goods, services or insurance may be entered into for any period of time deemed to be in the best interest of the county provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefore.

2. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be void.

DIVISION 3. - COMPETITIVE NEGOTIATION

Section 1.46 - Competitive Negotiation Generally

Competitive negotiation is a method of source selection which involves individual discussions between the county and the offeror on the basis of responses to the county's request for proposals. The source selection methods of competitive negotiation incorporates Sections 1.36.2, 1.39, 1.39.1 and 1.40, 1.54.4 and 1.57, in addition to the provisions of this division.

Section 1.46.1 - Request for Proposals

A request for proposals shall be in writing and indicate in general terms that which is sought to be procured, specifying the factors, and indicating whether a numerical scoring system will be used in evaluating the proposal, and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of the contractor. If a numerical scoring system will be used in the evaluation of proposals, the point values assigned to each of the evaluation criteria shall be included in the Request for Proposal or posted at the location designated for public posting of
procurement notices prior to the due date and time for receiving proposals

Section 1.46.2 - Public Notice

(Revised July 1, 2019)

Public notice shall be given at least ten (10) days prior to the date set for receipt of proposals, by posting on a public bulletin board at the office of purchasing, and on the General Service's central electronic procurement website, or other appropriate websites as desired. Public notice may also publish in a newspaper or newspapers of general circulation in the area in which the contract is to be performed. Public notice on the General Service website is required in instances where the County determines not to use newspaper advertisement. This is to ensure reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the request. In addition, proposals may be posted on a public website or solicited directly from potential contractors.

Section 1.46.3 - Receipt of Proposals

No proposals shall be handled to permit disclosure of the identity of any offeror or the contents of any proposal during the process of negotiation.

Section 1.46.4 - Evaluation Factors

The request for proposals shall state the relative importance of price and other evaluation factors. The request for proposal shall include the specifics of any particular scoring system that will be used.

Section 1.46.5 - Discussion with Responsible Offerors and Revision of Proposals

As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of the identity of competing offerors or of any information derived from proposals submitted by competing offerors.

Section 1.47 - Award

Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the county taking into consideration price and the evaluation factors set forth in the request for proposal. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made. When the terms and conditions for multiple awards are provided in the request for proposal, awards may be made to more than one (1) offeror.

Section 1.47.1 - Contracting for Professional Services

1. Competitive negotiation procedure. The purchasing agent shall engage in individual discussions with all offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence to provide the required services. Repetitive informal interviews shall be permissible. Such offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project as well as alternative concepts. The request for proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. These discussions may encompass nonbinding estimates of total project costs, including where appropriate, design, construction, and life-cycle costs. Methods to be utilized in arriving at price for services may also be discussed. Proprietary information from competing offerors shall not be disclosed to the public or to competitors. For architectural or engineering services, the public body shall not request or require offerors to list any exception to proposed contractual terms and conditions, unless such terms and conditions are required by statue, regulation, ordinance, or standards developed pursuant to § 2.2-

1132, until after the qualified offerors are ranked for negotiations. At the conclusion of discussions, outlined herein, on the basis of evaluation factors published in the request for proposals and all information developed in the selection process to this point, the purchasing agent shall select in the order of preference two (2) or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the county can be negotiated at a price considered fair and reasonable, and pursuant to contractual terms and conditions acceptable to the public body, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Should the purchasing agent determine in writing and in his sole discretion that only one (1) offeror is fully qualified, or that one (1) offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror. Once formally terminated, negotiations may not be reopened with any offeror.

2. Multiphase professional services contracts satisfactory and advantageous to the county for environmental, location, design and inspection work regarding construction infrastructure projects may be negotiated and awarded based on qualifications at a fair and reasonable price for the first phase only, when completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to entering any such contract, the county shall state the anticipated intended total scope of the project and determine in writing that the nature of the work is such that the best interests of the county require awarding the contract.

3. Contracting for multiple projects. A contract for architectural or professional engineering services relating to construction projects may be negotiated by the county, for multiple projects provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the request for proposals, and (iii) the contract term is limited to one (1) year or when the cumulative total project fees reach the maximum cost authorized in this paragraph, whichever occurs first. Such a contract may be renewable for four (4) additional one-year terms at the option of the county. Under such contract, (a) the fair and reasonable prices, as negotiated, shall be used in determining the cost of each project performed; (b) the sum of all projects performed in one (1) contract term shall not exceed seven hundred fifty thousand dollars ($750,000); and (c) the project fee of any single project shall not exceed one hundred fifty thousand dollars ($150,000.00), or five hundred thousand dollars ($500,000) per contract term. Any unused amounts from the first contract term shall not be carried forward to the additional term. Competitive negotiations for such contracts may result in awards to more than one (1) offeror provided (1) the request for proposals so states and (2) the county has established procedures for distributing multiple projects among the selected contractors during the contract term.

4. The County shall not procure architectural or engineering services through a job order contract.

Section 1.47.2 - Contracting for Other Than Professional Services

Selection shall be made of two (2) 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, including price if so stated in the request for proposal. In the case of a proposal for information technology, as defined in § 2.2-2006, a public body shall not require an offeror to state in a proposal any exception to any liability provisions contained in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be

considered but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the purchasing agent shall select the offeror which, in his opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions for multiple awards are provided in the request for proposal, awards may be made to more than one (1) offeror. Should the purchasing agent determine in writing and in his sole discretion that only one (1) offeror is fully qualified, or that one (1) offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.

DIVISION 4. - DEBARMENT

Section 1.48 - Authority to Debar or Suspend

After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the purchasing agent is authorized to debar a person for cause from consideration for award of contracts. The debarment shall not be for a period of more than three (3) years. The purchasing agent is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity which might lead to debarment. The suspension shall not be for a period of more than three (3) months. The causes for debarment include:

1. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract, or in the performance of such contract or subcontract;

2. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects responsibility as a county contractor;
3. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

4. Violation of contract provisions, as set forth below, of a character which is regarded by the purchasing agent to be so serious as to justify debarment action:

    a. Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

    b. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one (1) or more contracts; provided, that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment; or

5. Any other cause the purchasing agent determines to be so serious and compelling as to affect responsibility as a county contractor, including debarment by another governmental entity for any cause mentioned in this section, or for violation of the ethical standards set forth in division 6 of this article.

Section 1.48.1 - Decision to Debar or Suspend

If the purchasing agent shall debar or suspend a person, the purchasing agent shall issue a written decision to debar or suspend. The decision shall state the reasons for the action taken and inform the debarred or suspended person involved of his rights concerning judicial or administrative review.

Section 1.48.2 - Notice of Decision

A copy of the decision required by Section 1.48.2 of this division shall be mailed or otherwise furnished

immediately to the debarred or suspended person.

Section 1.48.3 - Finality of Decision

A decision under Section 1.48.3 of this division shall be final and conclusive, unless the debarred or suspended person within ten (10) days after receipt of the decision appeals to the purchasing agent pursuant to Section 1.49.

DIVISION 5. - APPEALS AND REMEDIES FOR BID PROTESTS

Section 1.49 - Ineligibility of Bidder, Offeror or Contractor

1. Any bidder, offeror or contractor, other than one (1) who has been debarred pursuant to Division 4 of this article, refused permission to, or disqualified from participating in public contracts shall be notified in writing. Such notice shall state the reasons for the action taken. This decision shall be final unless the bidder, offeror or contractor appeals within thirty (30) days of receipt thereof by invoking the administrative appeal procedure established by the purchasing agent, if any or in the alternative by instituting legal action as provided in Section 1.50.1 of this division.

2. If, upon appeal, it is determined that the action taken was arbitrary or capricious, or not in accordance with the Constitution of Virginia, statutes or regulations, the sole relief shall be restoration of eligibility.

Section 1.49.1 - Appeal of Denial or Withdrawal of Bid

1. A decision denying withdrawal of bid shall be final and conclusive unless the bidder appeals the decision within ten (10) days after receipt of the decision by invoking the administrative procedures established by the purchasing agent, if any, or in the alternative by instituting legal action as provided in Section 1.50.1 of this division.

2. If no bid bond was posted, a bidder refused withdrawal of a bid under the provisions of Section 1.40.4 prior to appealing shall deliver to the purchasing agent a certified check or cash bond in the amount of the difference between the bid and the next lowest bid. Such security shall be released only upon a final determination that the bidder was entitled to withdraw the bid.

3. If, upon appeal, it is determined that the decision refusing withdrawal of the bid was arbitrary or capricious, the sole relief shall be withdrawal of the bid.

Section 1.49.2 - Determination of Non-Responsibility

1. Following public opening and announcement of bids received on an invitation to bid, the purchasing agent shall evaluate the bids. At the same time the purchasing agent shall determine whether the apparent low bidder is responsible. If the purchasing agent so determines, then he may proceed with an award in accordance with the provisions of Section 1.42. If the purchasing agent determines that the apparent low bidder is not responsible, he shall proceed as follows:

    a. Prior to the issuance of a written determination of non-responsibility, the purchasing agent shall (i) notify the apparent low bidder in writing of the results of the evaluation, (ii) disclose the factual support for the determination, and (iii) allow the apparent low bidder an opportunity to inspect any documents which relate to the determination, if so requested by the bidder within five (5) business days after receipt of the notice.

    b. Within ten (10) business days after receipt of the notice, the bidder may submit rebuttal information challenging the evaluation. The purchasing agent shall issue his written determination of responsibility based on all information in his possession, including any rebuttal information, within

five (5) business days of the date he received such rebuttal information. At the same time, the purchasing agent shall notify the bidder in writing of his determination.

c. Such notice shall state the basis for the determination, which shall be final unless the bidder appeals the decision within ten (10) days by invoking the administrative procedures as provided in Section 1.49.2, or in the alternative by instituting legal action as provided in Section 1.50.1

d. The provisions of this subsection shall not apply to procurements involving the prequalification of bidders and the rights of any potential bidders under such prequalification to appeal a decision that such bidders are not responsible.

2. If, upon appeal pursuant to Section 1.50.1 or Section 1.49.2, it is determined that the decision of the purchasing agent was arbitrary or capricious, and the award of the contract in question has not been made, the sole relief shall be a finding that the bidder is a responsible bidder for the contract in question. If it is determined that the decision of the purchasing agent was arbitrary or capricious, the relief shall be as set forth in Section 1.50.

3. A bidder contesting a determination that he is not a responsible bidder for a particular contract shall proceed under this section and may not protest the award or proposed award under Section 1.49.3 of this division.

4. Nothing contained in this section shall be construed to require the county when procuring by competitive negotiation to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous.

Section 1.49.3 - Protest of Award or Decision to Award

1. Any bidder or offeror may protest the award or decision to award a contract by submitting such protest in writing to the purchasing agent no later than ten (10) days after the award or the announcement of the decision to award, whichever occurs first. No protest shall lie for a claim that the selected bidder or offeror is not a responsible bidder or offeror. The written protest shall include the basis for the protest and the relief sought. The purchasing agent shall issue a decision in writing within ten (10) days stating the reasons for the action taken. This decision shall be final unless the bidder or offeror appeals within ten (10) days of the written decision by invoking the administrative procedures established by the purchasing agent, if any, or in the alternative by instituting legal action as provided in Section 1.50.1 of this division.

2. If prior to an award it is determined that the decision to award is arbitrary or capricious, then the sole relief shall be a finding to that effect. The awarding authority (county council or purchasing agent) shall cancel the proposed award or revise it to comply with the law. If, after an award, it is determined that an award of a contract was arbitrary or capricious, then the sole relief shall be as hereinafter provided. Where the award has been made but performance has not begun, the performance of the contract may be enjoined. Where the award has been made and performance has begun, the awarding authority (county council or purchasing agent) may declare the contract void upon a finding that this action is in the best interest of the public. Where a contract is declared void, the performing contractor shall be compensated for the cost of performance up to the time of such declaration. In no event shall the performing contractor be entitled to lost profits. A decision to award shall be deemed to be arbitrary and capricious if it is not in accordance with the Constitution of Virginia, applicable law or regulation, or the terms and conditions of the invitation to bid or request for proposal. Nothing in this subsection shall be construed to permit a bidder to challenge the validity of the terms and conditions of the invitation to bid or request for proposal.

3. Where the awarding authority (county council or purchasing agent) determines, after a hearing held by it, or its designee, following reasonable notice to all bidders, that there is probable cause to believe that a decision to award was based on fraud or corruption or on an act in violation of the ethics in public contracting as set forth in Division 6 of this article, the county council or the purchasing agent, as the case may be, shall not award the contract to the offending bidder.

Section 1.49.4 - Effect of Appeal Upon Contract

Pending final determination of a protest or appeal, the validity of a contract awarded and accepted in good faith in accordance with this chapter shall not be affected by the fact that a protest or appeal has been filed.

Section 1.49.5 - Stay of Award During Protest

An award need not be delayed for the period allowed a bidder or offeror to protest, but in the event of a timely protest, as provided in Section 1.49.3, or the filing of a timely legal action as provided in Section 1.50.1, no further action to award the contract shall be taken unless there is a written determination by the purchasing agent that proceeding without delay is necessary to protect the public interest or unless the bid or offer would expire.

Section 1.50 - Contractual Disputes

a. Contractual claims, whether for money or other relief, shall be submitted in writing no later than sixty (60) days after final payment; however, written notice of the contractor's intention to file such claim shall have been given at the time of the occurrence or beginning of the work upon which the claim is based. Nothing herein shall preclude a contract from requiring submission of an invoice for final payment within a certain time after completion and acceptance of the work or acceptance of the goods. Pendency of claims shall not delay payment of amounts agreed due in the final payment.

b. A procedure for consideration of contractual claims may be included in each contract. Such procedure, which may be incorporated into the contract by reference, shall establish a time limit for a final decision in writing by the purchasing agent.

c. A contractor may not invoke the administrative procedures established by the purchasing agent, if any, or institute legal action as provided in Section 1.62.1 of this division, prior to receipt of the decision on the claim, unless the purchasing agent fails to render such decision within the time specified in the contract.

d. The decision of the purchasing agent shall be final and conclusive unless the contractor appeals within six (6) months of the date of the final decision on the claim by the purchasing agent by invoking the administrative procedures established by the purchasing agent, if any, or in the alternative by instituting legal action as provided in Section 1.62.1 of this division.

Section 1.50.1 - Legal Actions

a. A bidder or offeror, actual or prospective, who is refused permission, or is disqualified from participation in bidding or competitive negotiations, or who is determined not to be a responsible bidder or offeror for a particular contract, may bring an action in the circuit court for the County of Isle of Wight challenging that decision, which shall be reversed only if the petitioner establishes that the decision was arbitrary or capricious, or, in the case of denial of prequalification, that the decision to deny prequalification was not based upon the criteria for denial of prequalification as set forth in Section 1.39.

b. A bidder denied withdrawal of a bid under Section 1.40.4 of this Code may bring an action in the circuit court for the County of Isle of Wight challenging that decision, which shall be reversed only if the bidder establishes that the decision was clearly erroneous.

c. A bidder, offeror or contractor may bring an action in the circuit court for the County of Isle of Wight challenging a proposed award or the award of a contract, which shall be reversed only if the petitioner establishes that the proposed award or the award is not an honest exercise of discretion, but rather is arbitrary or capricious or not in accordance with the Constitution of Virginia, applicable law or regulation, or the terms and conditions of the invitation to bid or request for proposal. In the event the apparent low bidder, having been previously determined by the purchasing agent to be not responsible, is found by the court to be responsible, the court may direct the award of the contract to such bidder in accordance with the requirements of this section and the invitation to bid or request for proposal. The provisions of Section 1.49.3(b) shall apply to any such award.

d. If injunctive relief is granted, the court, upon request of the county, shall require the posting of reasonable security to protect the county.

e. A contractor shall bring an action involving a contract dispute with the county in the circuit court for the County of Isle of Wight.

f. A bidder, offeror or contractor need not utilize the administrative procedures of section 1.50.2 of this Code; but if those procedures are invoked by the bidder, offeror or contractor, the procedures shall be exhausted prior to instituting legal action concerning the same procurement transaction unless the county agrees otherwise.

g. Nothing herein shall be construed to prevent the county from instituting legal action against a contractor.

Section 1.50.2 - Administrative Appeals Procedure

a. The purchasing agent shall establish an administrative procedure for hearing protests of a decision to award or an award, appeals from refusals to allow withdrawal of bids, appeals from disqualifications and determinations of non-responsibility, actions of debarment or suspension, and appeals from decisions on disputes arising during the performance of a contract, or any of these. Such administrative procedure shall provide for a hearing before a disinterested person or panel, the opportunity to present pertinent information and the issuance of a written decision containing findings of fact. The disinterested person shall not be an employee of the county and no member of the panel shall be an employee of the county. The findings of fact shall be final and conclusive and shall not be set aside unless the same are fraudulent, arbitrary or capricious, or as grossly erroneous as to imply bad faith, or in the case of denial of prequalification, such findings were not based upon the criteria for denial of prequalification as set forth in Section 1.39. No determination on an issue of law shall be final if appropriate legal action is instituted in a timely manner.

b. Any party to the administrative procedure, including the county, shall be entitled to institute judicial review if such action is brought within thirty (30) days of receipt of the written decision.

DIVISION 6. - ETHICS IN PUBLIC CONTRACTING

Section 1.51 - Purpose

The provisions of this division supplement, but do not supersede, other provisions of law, including, but not limited to, the State and Local Government Conflict of Interests Act (§2.1-3100 et seq.), the Virginia Governmental Frauds Act (§18.1-498.1 et seq.), and Articles 2 and 3 of Chapter 10 of Title 18.2 of the Code of Virginia, 1950, as amended. The provisions of this division apply notwithstanding the fact that the conduct described may not constitute a violation of the State and Local Government Conflict of Interests Act.

Section 1.52 - Definitions

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless a different meaning clearly appears from the context:

1. County employee shall mean any person employed by the county, including elected officials or appointed members of governing bodies.

2. Immediate family shall mean a spouse, children, parents, brothers and sisters, or any person living in the same household as the employee.

3. Official responsibility shall mean administrative or operating authority, whether intermediate or final, to initiate, approve, disapprove, or otherwise affect a procurement transaction, or any claim resulting therefrom.

4. Pecuniary interest arising from the procurement shall mean a personal interest in a contract as defined in the State and Local Government Conflict of Interests Act (§ 2.1- 3100 et seq., Code of Virginia).

5. Procurement transaction shall mean all functions that pertain to the obtaining of any goods, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

6. Nominal value. So small, slight or the like, in comparison to what might properly be expected, as scarcely to be entitled to the name, but in no case to be more than twenty dollars ($20.00).

Section 1.53 - Proscribed Participation by Public Employees in Procurement Transaction

Except as may be specifically allowed by of Section §2.1-3112, subdivisions A2 and A3, Code of Virginia, 1950, as amended, no county employee having official responsibility for a procurement transaction shall participate in that transaction on behalf of the county when the employee knows that:

1. The employee is contemporaneously employed by a bidder, offeror or contractor involved in the procurement transaction; or
2. The employee, the employee's partner, or any member of the employee's immediate family holds a position with a bidder, offeror or contractor such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest of more than five (5) percent; or

3. The employee, the employee's partner, or any member of the employee's immediate family has a pecuniary interest arising from the procurement transaction; or

4. The employee, the employee's partner, or any member of the employee's immediate family is negotiating, or has an arrangement concerning, prospective employment with a bidder, offeror or contractor.

Section 1.54 - Solicitation or Acceptance of Gifts

No county employee having official responsibility for a procurement transaction shall solicit, demand, accept or agree to accept from a bidder, offeror, contractor or subcontractor any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal or minimal value, present or promised, unless consideration of substantially equal or greater value is exchanged. The county may recover the value of anything conveyed in violation of this section.

Section 1.55 - Disclosure of Subsequent Employment

No county employee or former county employee having official responsibility for procurement transactions shall accept employment with any bidder, offeror or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one (1) year from the cessation of employment by the county unless the employee or former employee provides written notification to the county council prior to commencement of employment by that bidder, offeror or contractor.

Section 1.56 - Gifts by Bidders, Offerors, Contractors or Subcontractors

No bidder, offeror, contractor or subcontractor shall confer upon any county employee having official responsibility for a procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is exchanged.

Section 1.57 - Kickbacks

a. No contractor or subcontractor shall demand or receive from any of his suppliers or his subcontractors, as an inducement for the award of a subcontractor or order, any payment, loan, subscription, advance, deposit of money, services or anything, present or promised, unless consideration of substantially equal or greater value is exchanged.

b. No subcontractor or supplier shall make, or offer to make, kickbacks as described in this section.

c. No person shall demand or receive any payment, loan, subscription, advance, and a deposit of money, or services, or anything of value, in return for an agreement not to compete on a county contract.

d. If a subcontractor or supplier makes a kickback or other prohibited payment as described in this section, the amount thereof shall be conclusively presumed to have been included in the price of the subcontract or order and ultimately borne by the county and will be recoverable from both the maker and recipient. Recovery from one (1) offending party shall not preclude recovery from other offending parties.

Section 1.58 - Purchase of Building Materials, etc., from Architect or Engineer Prohibited

a. No building materials supplies or equipment for any building or structure constructed by or for the county shall be sold by or purchased from any person employed as an independent contractor by the public body to furnish architectural or engineering services, but not construction, for such building or structure or from any partnership, association or corporation in which such architect or engineer has a personal interest as defined in Section §2.1-3101, Code of Virginia, 1950, as amended.

b. No building materials, supplies or equipment for any building or structure constructed by or for the county shall be sold by or purchased from any person which has provided or is currently providing design services specifying a sole source for such materials, supplies or equipment to be used in such building or structure to the independent contractor employed by the county to furnish architectural or engineering services in which such person has a personal interest as defined in Section §2.1-3101, Code of Virginia, 1950, as amended.

c. The provisions of subsections (a) and (b) shall not apply in cases of emergency.

Section 1.59 - Penalty for Violation

Willful violation of any provision of this division shall constitute a class I misdemeanor. Upon conviction, any county employee, in addition to any other fine or penalty provided by law, shall forfeit his employment.

DIVISION 7. - Purchasing Card (Pcard) Policy

Section 1.61 - Purpose

The purpose of this policy is to provide guidelines and procedures to govern the County of Isle of Wight's Purchasing Card (Pcard) Program. The Pcard Program has been established to provide County departments and agencies with an efficient means of purchasing goods and services. The Pcard Program and policy is intended to:

- Reduce the volume of accounts payable transactions and associated administrative costs by consolidating multiple vendor payments while providing departments a time-saving convenience.
- Provides a convenient method for small purchases and to facilitate e-commerce, including Internet purchases and/or payments.
- Ensure that procurement of goods and services with purchasing cards is accomplished in accordance with the County's Purchasing Policy to carry out the program.
- Facilitate good management practices and proper tracking of expenditures.
- Ensure that appropriate internal controls are established to prevent fraud and unauthorized purchases.
- Provides excellent value through rebates earned by making purchases on Pcards.

The County of Isle of Wight (County) utilizes an electronic Purchasing Card (Pcard) Program that provides the County the opportunity to streamline procedures for procuring small dollar goods and services. All purchases must comply with the County's Pcard Policy and Purchasing guidelines. Purchases shall *only be made for official County business*. Personal use of the Pcard is prohibited and can result in employee discipline up to and including termination of employment from the County.

Pcard services are obtained through participation in the State-wide contract administered by the Virginia Department of Accounts (DOA), in conjunction with the Virginia Department of General Services, Division of Purchases and Supply (DGS/DPS). Bank of America is the County's provider for the Pcard Program.

Section 1.62 - Applicability

These procedures apply to all cardholders, their supervisors, and those authorized to use or administer cards. The Director of Budget & Finance has overall responsibility for the Pcard program and has established this policy for its utilization. The Director of Budget & Finance appoints the Pcard Administrator and designated backup, who administer the Pcard Program.

Definitions:

Approving Official: The Department Head or his/or her designee authorized to approve purchases and code transactions to departmental line items.

Cardholder: The Cardholder shall make purchases and process transactions in accordance with this policy. Purchases and returns should be recorded on a Pcard log in a timely manner. The transactions shall be reconciled to the bank statement and processed using the Bank of America online system. All documentation shall be submitted to their Cardholder Manager each cycle. An electronic format is preferred.

Proxy Reconciler: In some departments administrative personnel are tasked to represent the actual Cardholder during reconciliation processes. This usually occurs when the cardholder does not have access to a computer to input data. The Proxy Cardholder can perform those tasks normally assigned to the Cardholder. A Proxy Cardholder may not have the role of Cardholder Manager for the same Cardholder.

Cardholder Manager: The Cardholder Manager (usually cardholder's immediate supervisor) shall ensure all

purchases under his/her approval authority are in compliance with this policy and are accurate and necessary to conduct County business by reviewing the Cardholders' receipts, log, and statement. The Cardholder Manager shall utilize the Bank of America online system (Works) each cycle to sign-off on the approved transactions.
Department Head: The Department Head is responsible for all Pcard activity in their department and shall appoint Cardholder Managers. The Department Head or designee shall analyze each Cardholder's usage and spending limits to ensure appropriate purchasing authority. The Department Head shall minimize credit exposure by limiting the number of cards to essential personnel who frequently purchase goods or services, establishing reasonable credit limits, and coordinating appropriate MCC restrictions (Accommodations, Car Rentals, Oil/Gas, Restaurant/Food, and Travel) through the Pcard Administrator.

Purchasing Card Administrator: The County employee in Purchasing assigned by the Director of Budget & Finance to administer the Purchasing Card Program.
Purchasing Card Issuer: The financial institution issuing the purchasing cards, Bank of America.

Program Manager: An additional employee that may be assigned by Department Head to be responsible for fiscal oversight of his/her department's purchase card program. Program managers shall not be cardholders.

Section 1.63 - Assignment of the Purchasing Card (Pcard)

- Pcards will be issued to individual employees who frequently purchase goods or services at the discretion of the Director of Budget & Finance. Each Pcard displays the County's name, individual's name, the County's Federal Identification Number, the Pcard account number, and card expiration date. The Department Head must make all requests for Pcards.
- The Department Head must submit a completed request form and the cardholder agreement to the Pcard Administrator for processing. Upon receipt of the request and the cardholder agreement, the Pcard Administrator will request a Pcard from the Bank of American. Card orders take approximately five business days to be issued by the Bank of America.
- When the Pcard Administrator receives a purchasing card from the issuing card company, the cardholder will be required to complete training administered by the Purchasing Agent and Pcard Administrator and personally take receipt of the Pcard. The cardholder will be given a copy of the Purchasing Card Policy and required to provide signature affirming their understanding and intended compliance of all requirements. The Pcard Administrator will notify the requesting department upon issuance of all Pcards.
- Pcards shall be secured by the Cardholder at all times. Purchases are only to be made by the cardholder whose name is on the card. Under no circumstances shall a Pcard be shared with another County employee. The account number shall not be faxed, mailed or emailed to any vendor. The card number and expiration date may be provided verbally to trusted vendors. Web orders shall only be made on a secure website that starts with https://. Cardholders should not make photocopies of the Pcard.

Mandatory Training

Prior to the issuing of a Pcard, and annually thereafter, all Cardholders and Cardholder Managers shall successfully complete training by the Director of Budget & Finance and the Pcard Administrator. The training class is classroom based. Cardholders that violate the County's Pcard Policy will be required to attend an additional training class in order to maintain the Pcard privileges.

Section 1.64 - Cardholder Spending Limits for Small Purchases

(Revised July 1, 2019)

The Delegation of Authority that has been provided to each cardholder sets the maximum dollar amount for each single purchase (Single Transaction Limit) and a credit limit for all purchases made with a purchasing card within a given billing cycle (30-Day Limit). Individual cardholder limits are established upon issuance of the Pcard based on

recommendations provided by the Department Head and approved by the Pcard Administrator.

Regardless of the individual Pcard limits, no purchase transaction shall exceed established procurement threshold ($5,000) as provided by the County's Purchasing Manual and Policy.

In case of a declared emergency made by the Board of Supervisors, Governor, or President, or when normal electronic systems are not operational, or have been suspended, the County Administrator may declare that Pcard limits be raised temporally until normal operations are restored, at which time limits will be re-lowered back to normal levels. Other, one-time, local emergencies declared in writing by a department head, may be considered by the County Administrator, or Purchasing Agent to qualify for a one-time increase of Pcard limits if the nature of the emergency justifies special action.

Section 1.65 - Use of Purchasing Card

Use of the Pcard must meet the following conditions:

- The Pcard is to be used only for County purchases and travel expenses that meet a public purpose as outlined in County policy or as determined by the County Administrator.
- No other person is authorized to use the Cardholder's Pcard.
- Cardholders must obtain a customer copy of the charge slip and the detailed receipt or all purchases made using the Pcard. The charge slip, and detailed receipt will become the accounting documents. The business purpose with item description must be documented on all receipts. These records are to be scanned and attached to the transaction in Works.
- It is recommended that all purchases be entered into a log or other records to use in reconciliation of the statement. Attach receipts and records to this document. All receipts and records of transactions should be scanned and provided to the Approving Official, Cardholder Manager, Program Manager, if applicable, and Pcard Administrator.
- Visa automatically charges a 1% fee for all international transactions. This is in addition to currency conversion fees.

Section 1.65.1 - Documentation for Purchases below $5,000

- Telephone Orders - When a detailed charge receipt is not provided with the order, the cardholder shall provide a written explanation that it was a telephone purchase and provide a description of the item(s), date of purchase, amount and merchant name which will serve as the charge receipt. When merchandise is received the receipt or packing slip should be scanned and attached to the Pcard transaction when closing the monthly statement.
- Internet Orders - Most sites provide order confirmations/receipts either on-line or via e-mail. These receipts should be printed as the supporting documentation for the purchase. The cardholder shall submit documentation giving an explanation that it was an Internet purchase and provide a description of the item(s), date of purchase, and amount which will serve as the charge receipt. This documentation shall be scanned and attached with the monthly statement in Works.
- Meals - Detailed receipts are required for all meals in accordance with the County's Travel Policy. The business purpose and attendees must be documented on all business meal receipts. This shall be scanned and provided to the Pcard Administrator with the monthly statement.

Section 1.65.2 - Documentation, Reconciliation and Payment Procedures

- Missing Documentation: If for some reason (other than for telephone and Internet orders as described above) the cardholder does not have detailed documentation of the transaction he/she must prepare a written explanation. The explanation must include a description of the item(s), date of purchase, amount, merchant's

name, and why there is no supporting documentation. Instances of frequent abuse of this provision (as determined by the Pcard Administrator) may result in cancellation of the purchasing card.

- Cash Advances Prohibited: All cash advances using the Pcard are prohibited. This includes cash advances through cash back, bank tellers or automated teller machines, and gift certificates.
- Taxes: Cardholders are responsible for knowing the County's tax-exempt status and must make every attempt to avoid paying unnecessary taxes.
- The County is exempt from Virginia Sales and Use Tax. The County is typically exempt from other states' sales tax when the order is placed by telephone or Internet. However, the County is not exempt from other states' sales tax when the purchase is made in that state. The County is also exempt from some federal excise taxes, such as the excise tax on tires, fuel, and firearms. The County is not exempt from all taxes. The County is subject to Meals and Lodging taxes, for example.

Section 1.65.3 - Payment and Invoice Procedures

- Departments are required to use the Bank of America's purchasing card accountability system. All Cardholders will be required to complete training on the Bank of America's purchasing card accountability system prior to receiving their Pcard. The Pcard Administrator is also available to provide additional technical assistance as needed.
- The payment processing date due to the Purchasing Department is the 25th of each month to facilitate a timely compliance review prior to the scheduled automatic draft payment date for all purchases made by cardholders at the end of each billing cycle. Charges that have been reviewed, accepted, and properly coded by the appropriate Approving Official in the on-line Pcard system will be expensed accordingly in the financial system. Charges that have not been noted as compliant in Bank of America System will be recorded in the financial system as an advance to the cardholder. Instances of frequent abuse to this provision may result in cancellation of the Pcard.
- Each department must provide to the Pcard Administrator the names of Approving Officials and the accounts each will be responsible for reviewing and maintaining within the on-line purchasing card system at the time of card issuance. The cardholder must provide all detailed receipt(s) (sales drafts) received at the time of purchase in addition to written documentation of any telephone orders or other purchases for which detailed receipts were not provided to the Approving Official. Noncompliance may result in denial of future use of Pcards. Charges not reviewed by the date established and posted to the financial system as an advance to the cardholder may become a future payroll deduction to cover charges, if not cleared.
- The Cardholder reviews charges, notes any errors, assigns accounting codes to each item, completes the comment field (required), and forwards to the Cardholder Manager and/or Approving Official for documented approval of purchases. The Approving Official may also assign accounting codes to each item that is purchased by the Cardholder and will accept a charge in the on-line purchasing card accounting system when required documentation has been received from the cardholder in a timely manner. The Approving Official will scan the corresponding receipts and forward this information to the Pcard Administrator by the 25th of each month. Certification of all purchases is required by each cardholder, with verification performed by an Approving Official. A charge will remain as not reviewed in the on-line purchasing card system when the required documentation has not been received from the cardholder by the fifth of the following month.
- It is the cardholder's responsibility to provide his/her Approving Official with the detailed receipt(s) for each billing cycle if travel or extended leave is scheduled at the time the charges are to be reviewed in the on-line purchasing card system. At any time, should the Approving Official not receive all the detailed receipts, it will be his/her responsibility to contact cardholders and obtain the necessary documents.

If a cardholder does not have any transactions on his/her Pcard for a particular billing cycle, no charges will appear in the one-line purchasing card system (unless adjustments for previously billed transactions are processed during that cycle.

Program Manager's assigned by the Department Head may review all transactions.

Section 1.65.4 - Approval

Approving Officials are required to review each cardholder transaction, and the merchant who made the sale to assure that items were for Official Use. If for any reason the Approving Official questions the purchase(s), it is his/her responsibility to resolve the issue with the cardholder. If he/she cannot be satisfied that the purchase was necessary and for Official Use, then the cardholder must provide either a Credit Voucher proving that the items have been returned for credit, or a personal check for the full amount of that purchase. Use of a County Pcard for purchases other than Official Use is considered misuse, even when the expense is reimbursed. The Approving Official is required to report instances of purchases other than of Official Use to the department's Cardholder Manager, program Manager, if applicable, the Cardholder's immediate supervisor, the Department Head, and Purchasing Card Administrator immediately for corrective action.

The cardholder is accountable for the activity on the Pcard. Improper use of the Pcard can be considered misappropriation of County funds, which may result in disciplinary action, up to, and including termination.

Section 1.65.5 - Disputes

- If items purchased with the Pcard are found defective or the repair or services faulty, the cardholder has the responsibility to return item(s) to the merchant for replacement or to receive a credit on the purchase. CASH REFUNDS WILL NOT BE PERMITTED. If the merchant refuses to replace or correct the faulty item, then the purchase of this item will be considered to be in DISPUTE.
- Disputed charges should be handled by the cardholder in accordance with Bank of America's system. The Pcard Administrator may be contacted for the necessary information as required by Bank of America to properly dispute charges. The Pcard Administrator will monitor outstanding disputed items to ensure cardholders are obtaining appropriate resolution. Bank of America will notify the cardholder of the action taken on disputed items.

It is essential that the timeframes and documentation requirements established by Bank of America be followed to protect the cardholder's rights in dispute.

Section 1.66 - Failure to Comply with Policies and Procedures

If a cardholder fails to comply with the applicable policies and these procedures, the card will be immediately blocked. Unauthorized use of a Pcard may result in disciplinary measures and other actions, consistent with law. Pcard Violations include:

- Purchase of items for personal use.
- Purchase of items in violation of the County's policies.
- Use of credit card for cash advances.
- Use of the credit card to split purchases into more than one transaction to circumvent the delegated purchasing authority dollar thresholds as defined in the County Purchasing Policy.
- Failure to return the credit card when an employee is reassigned, terminated or upon request.
- Repeated failure to provide required documentation.
- The cardholder shall never use the card to circumvent or divert the rules of the Virginia Public Procurement Act or the County of Isle of Wight Procurement Manual Policies and Procedures.

Section 1.66.1 - Purchase Restrictions

(Revised July 1, 2019)

The Pcard shall not be used to purchase the following:

- Alcohol

- Cash Advance
- Gift Cards
- Items under County Contract
- Transactions over Cardholder's single transaction limit
- Purchases potentially resulting in future obligations
- Repetitive purchases (we should combine to set up contracts)
- Maintenance agreements; annual repairs; or lease agreements
- Purchases not for official County business

Efforts should be made to avoid the use of Pcards for grant purchases. Except for business reasons or economic benefit should be reviewed with the Finance Office.

Department Heads, Approving Officials, and their designees should immediately contact the Pcard Administrator and Director of Budget & Finance to report violations that are discovered. The Director of Budget & Finance and Pcard Administrator shall immediately report all instances of noncompliance and misuse to the County Administrator for appropriate disposition.

Disciplinary action, including, but not limited to termination of employment, may be taken against the Cardholder for failure to comply with this policy.

All Pcards are restricted from the following transactions:
- Drinking Places;
- Wires;
- Money Orders;
- Pawn Shops;
- Manual Cash Disbursements;
- Automated Cash Disbursements;
- Quasi Cash – Member Financial Institution;
- Non-Financial Institutions;
- Dating/Escort Services;
- Massage Parlors;
- Betting/Casino Gambling;
- Fine/Government Administrative Entities;
- Bail and Bond Payments;
- Sweepstakes;
- Food Stamps.

The Director of Budget & Finance, Department Heads or their Designees may request additional Merchant Category Codes (MCC's) restriction to individual cards which can include Accommodations, Car Rentals, Oil/Gas, Restaurant/Food, and Travel. These limitations enable specific controls on cardholders and minimize errors, restricting the employee to specific procurement functions.

Section 1.67 - Requests for Changes to Purchasing Cards

All requests for new cardholders or changes to current cardholders shall be made to the Pcard Administrator who will process the requested changes. All requests for Pcards and Pcard limit increases must be approved by the Department Head or his designated representative and by the Pcard Administrator.

Section 1.68 - Semi-Annual Inventory of Purchasing Cards

On a semi-annual basis, the Pcard Administrator will provide a list of Pcards issued to individuals for each department to the Department Head. Departments Heads shall conduct a physical inventory of the Pcards and provide a report to the Pcard Administrator of the results of the inventory.

Section 1.69 - Lost or Stolen Purchasing Cards

Should any cardholder lose or have their Pcard stolen, it is the responsibility of the cardholder to immediately notify Bank of America, Cardholder Manager and/or Approving Official, and the Pcard Administrator of the loss. The telephone number of Bank of America is available from the Pcard Administrator. A list of Bank of America contact numbers is also attached to this policy.

In addition to notifying Bank of America, their Cardholder Manager and/or Approving Official, of *lost or stolen* Pcard **WITHIN ONE WORKDAY** after discovery of the loss or theft of the card. The Cardholder Manager and/or Approving Official or their designee will be required to notify the Pcard Administrator **WITHIN 2 WORKDAYS**. Complete information on the loss, the date the loss was discovered, the location where the loss occurred, if known, the last transactions that the cardholder had made prior to the loss, and any other necessary information shall be provided to the Pcard Administrator.

Upon determination that the card will no longer be needed, or when the Cardholder will be out on leave for more than two weeks, the Cardholder shall surrender their Pcard and un-reconciled receipts and/or statements to their Cardholder Manager. The Cardholder Manager shall immediately notify the Pcard Administrator.

Section 1.69.1 - Termination or Transfer

If an employee leaves their position with the County, or is terminated, the Approving Official and/or Cardholder Manager shall collect and return the Pcard to the Pcard Administrator. The Pcard Administrator will notify Bank of America and destroy the card.

If a cardholder transfers to another department within the County, the Pcard shall be returned to the Pcard Administrator by the Approving Official and/or Cardholder Manager. Should the employee require a Pcard to perform the duties of their new position, their new Department Head must submit a new Pcard Request Form to the Pcard Administrator.

In the event the Approving Official is not able to collect the Pcard when an individual leaves, the Pcard Administrator should be contacted immediately by telephone and written notification to ensure the purchasing card is voided. The Pcard Administrator will notify Bank of America to cancel the Pcard to prevent any transactions upon employment separation or termination of the former employee.

Section 1.70 - Public Records

All documents related to the Pcard shall be fully disclosed as a public record to the extent provided for by the Virginia Freedom of Information Act (FOIA).

DIVISION 8 – SURPLUS PROPERTY DISPOSAL POLICY

Section 1.71 - Surplus Property Disposal

It is the intent of this section of the County's Procurement Policy entitled **SURPLUS PROPERTY DISPOSAL** to protect County assets by actively seeking the most effective means available to dispose of all materials, supplies, equipment, or other personal property that are considered excess, obsolete, unusable, or extensively damaged in order to maximize the useful life of each of the County's assets. Personal property, as outlined in this procedures policy, shall include any excess obsolete, salvageable, or non-salvageable, Capital or Non-Capital

property which is sold, replaced through the budget process, transferred or loaned to another department or Department, discarded, scrapped, traded in, or otherwise removed from service by any other means of disposal. Disposal of surplus property does not apply to real estate.

Section 1.71.1 - Department Responsibility

Department directors shall be responsible for the maintenance, care, custody and control of County property assigned to their department. Further, except as otherwise set forth herein, written authorization from the General Services Department shall be obtained prior to the disposition of any surplus property. This does not include the disposition of salvageable or non-salvageable equipment, materials, and/or supplies purchased using small dollar procurement procedures; this property may be disposed of at the discretion of the department director.

Section 1.71.2 - Authority

Unless otherwise directed by County Board of Supervisors or the County Administrator, the General Services Director or designee, or other authorized staff of the General Services Department, shall have the sole authority to dispose of surplus property using the method of disposal deemed to be most cost effective to the County.

The General Services Director or designee shall report final disposition to the Director of Budget & Finance.

Section 1.71.3 - Reporting of Surplus Property

Surplus Property Asset Forms shall be submitted to the Department of Budget & Finance for the disposition of any surplus property acquired at the purchase price of $5,000.00 or above, regardless of the method of disposal. These purchases are considered Capital Assets and are assigned an asset number by the Department of Finance.

A copy of the Surplus Property Asset Form shall be maintained in Budget & Finance and in the owner department inventory files.

Section 1.72 - Methods of Disposal

The General Services Department may use any of the following methods to dispose of surplus property:

A. Public Auction
   1. Public auction to be held at the Auctioneer's site or at a specified location within the County.
   2. Public auction to be held utilizing an approved on-line auction site.

B. Sales
   1. Formal Sealed Bid - The property is sold using the formal sealed bid process for competitive bids. Surplus property sold using this method must be posted publicly on a Bid Board maintained by the General Services Department and advertised in a newspaper having general circulation in the County.
   2. Request for Quotation - The property is sold using quotations as governed by small dollar procedures.
   3. Direct sales by posting items on bulletin board or website with an established price on first-come basis.
   4. In the event that no offer is received in response to methods (1) and (2), the General Services Director or designee may accept any subsequent offer to purchase said surplus property deemed to be in the County's best interest.

C. Transfer of Surplus property, whether capital or non-capital assets, may be transferred as follows:
   1. Transfer of property among divisions within the same department. A department director may transfer surplus property from one division to another division within their department. Whenever

a Capital Asset is transferred to another division within the same department, the department director shall submit a *Surplus Asset Form* to the Department of Budget & Finance showing that the transfer has taken place.

2. Transfer of property among different departments within the County. A department director may transfer surplus property from one department to another department within the County. Whenever a Capital Asset is transferred to another department within the County, the department director shall submit a *Surplus Asset Form* to the Department of Budget & Finance showing that the transfer has taken place.
3. Transfer of property to another public entity prior to placing an asset on the open market for sale, the General Services Department may transfer it to another public entity for a negotiated price or, with written justification, at no cost. The transfer of property to another public entity will be the sole responsibility of the Department of Budget & Finance.

D. Trade-in - Departments shall not use trade-in allowances to offset the cost of a new or replacement asset unless stated in the procurement process; however, the General Services Department may negotiate a trade-in allowance. In the event a trade-in is authorized by the General Services Department, the department will be charged for the gross cost of the item, and the trade-in allowance will be credited to the County's appropriate fund.

E. Donations - At the discretion of the General Services Director or designee, any surplus property which remains unsold may be donated to any non-profit or historical organization, which includes old and used books from the Library donated for resale and monies returned to Library. With approval of the County Administrator, surplus property may be donated directly to the organization without using other methods of disposal.

F. Loan - The temporary use of a surplus asset may be granted to a department other than the owner department or, with written permission by the General Services Director or designee, to another public entity or non-profit organization.

G. Cannibalization - At the discretion of the department head of the owner department, obsolete, worn-out, inactive, or uneconomical operating equipment may be used for parts for the repair of other equipment.

H. Scrap - Should no additional offers for purchase be received or requests made for donation of surplus property, the General Services Designee may declare the asset void of any value to the County and notify the department to dispose of the property as scrap at an appropriate landfill facility.

Section 1.72.1 - Damaged Surplus Property – Subject of Insurance Claim

When damage to an asset is the subject of an insurance claim, the General Services Department and Risk Management Division will coordinate the disposal of the asset.

Section 1.72.02 - Proceeds from Surplus Property Disposition

Proceeds from the disposition of surplus property shall be returned to the County's General Fund and not to the owner department's account code. Exceptions to this procedure include the following:

- Asset Forfeiture Vehicles/Equipment
- Vehicles/equipment seized by the order of court through Federal and State Assets Forfeiture Program.
- Library book sales.

Section 1.73 - Purchase of Surplus Property by County Employees and Elected Officials

Virginia Code §2.2-3109 prohibits any elected official or employee from getting a financial benefit based on non-

public information that the employee has because of the employee's job if that information is not public knowledge.

No County employee, whether permanent or temporary, shall convert to personal use any surplus property, with or without salvage value.

No County employee, nor any member of their immediate family, may purchase surplus property. Surplus property may not be purchased by a County employee through a third party.

No elected official, nor any member of their immediate family, may purchase surplus property.

ARTICLE II - Capital Improvements Plan (CIP) Development Process

(Adopted September 18, 2014)

Section 2.0 - Intent/Purpose

The purpose of this policy is to establish a formal process and guidelines for the development of the County's Capital Improvements Plan (CIP). The CIP serves as a planning tool for the Board of Supervisors and provides a mechanism for the planning and financing of major non-recurring needs. The CIP shall be developed annually to plan for proposed public improvements to be constructed and major equipment to be purchased during the next 10 years. The CIP is intended to accomplish the following objectives:

- To build the facilities required to support the County's public service responsibilities.
- To improve financial planning by comparing needs with resources, estimating future bond issues and debt service, and identifying tax rate implications.
- To establish priorities among projects so that limited available funds are used to the best advantage.
- To plan public facility construction and major equipment purchases and coordinate timing with public needs.
- To support the physical development objectives contained in approved County plans.

Section 2.1 - Eligible Projects

The types of expenditures that will be included in the CIP must be distinguished from expenditures that will remain part of the Operating Budget. Generally, the classification of assets as capital versus operating can be determined by two criteria:

a. Cost: Only those projects that are major and **exceed $50,000** shall be included in the CIP. However, this shall not exclude replacement of items less than $50,000 when included as a part of a larger project.

b. Useful Life: Only those projects that have a long service life estimated at five (5) years or more. Expenditure items that are made annually, such as salaries, office supplies, personal computers and software, office furniture, routine maintenance and service contracts, or similar "soft" or non-durable purchases are not appropriate to include in the capital program.

To classify an item as either a capital or operating expenditure, the cost and useful life criteria should be applied simultaneously.

Section 2.2 - CIP Development Process

- The CIP Development Process will begin in September of each year to address in detail the five-year plan and additional five-year horizon for needed County capital improvements.

- The County Administrator will send out a CIP Request Package and instructions to solicit CIP project

requests from county departments and Isle of Wight County Schools for the next 10 years.

- The County Administrator will review the CIP requests and develop a recommended CIP with the input of departments. Once completed, the County Administrator's recommended CIP will be forwarded to the Planning Commission.

- The Planning Commission will review the County Administrator's recommended CIP, direct any edits, and forward the document to the Board of Supervisors.

- The Board of Supervisors will review the Planning Commission recommended CIP, hold a public hearing, make any necessary edits and adopt the CIP.

- The first year of the adopted CIP, subject to funding availability, will be incorporated into the County Administrator's Proposed Annual Operating and Capital Budget.

ARTICLE III - Non-Profit Funding Requests

(Adopted January 16, 2014)

Section 3.0 - Intent/Purpose

The purpose of this policy is to establish a formal process and guidelines for nonprofit organizations to make funding requests to the County for the provision of services that will benefit citizens of Isle of Wight County.

Section 3.1 - General

The County Administrator is authorized to accept funding requests as part of the annual operating budget development process. The County Administrator will establish, each year, an application package and due date for nonprofit organizations that wish to be considered for funding as part of the County's annual operating budget. Applications will be considered from established 501(c)(3) nonprofit organizations that provide services to the citizens of Isle of Wight County that are more comprehensive in nature or would not otherwise be made available by the County Government.

Section 3.2 - Application Process

a. An application package will be made available for download by interested nonprofit organizations on the County's website and upon request from the County Administrator's Office.

b. As part of the application package, applicants will be required to submit the following information:
   - 501(c)(3) IRS Determination Letter
   - List of Current Board of Directors to include residential status
   - Current Year's Adopted Operating Budget
   - Most Recent Audited Financial Statements and Audit Report
   - Other relevant service statistics as deemed appropriate

c. In order to be considered for funding, all application forms and required attachments must be delivered to the County Administrator's Office before the established due date and time.

Section 3.3 - Evaluation Criteria

For **Nonprofit Organizations Other Than Volunteer Fire & Rescue Organizations** all applications will be reviewed and evaluated based on the following criteria:

Evaluation Criteria	Total Eligible Points
Nature of service provided aligns with local government purpose	25
Demonstrated prudent financial management including prepared budget plans and operations absent of material audit findings	20
Capacity of the organization/feasibility of the project, program, or service	15
Percent of local contribution requested to the percentage of the local customer base to be served	15
County contribution leverages a multiplied funding match in services to Isle of Wight County residents	10
Achievement of prior year goals and objectives supported by County funding assistance	10
Board membership representation proportionate to Isle of Wight County resident base	5
GRAND TOTAL	**100**

Evaluation Criteria for **Volunteer Fire & Rescue Organizations** **(Reserved)**

Section 3.4 - Award of Funds to Nonprofit Organizations

Upon the evaluation of applications submitted by nonprofit organizations, the County Administrator will include the recommended funding level for each applicant in the proposed annual operating budget. The Board of Supervisors will make the final determination of funding through the adoption of the annual operating budget. Funding disbursements to nonprofit organizations will be made based on the amount of funds awarded including:

1. Up to $20,000 – Funds will be disbursed via a lump sum payment no less than 45 days after the start of the fiscal year or July 1

2. $20,000 or more – Funds will be disbursed via quarterly payments with the first installment no less than 45 days after the start of the fiscal year or July 1

Section 3.5 - Progress Reports

The County Administrator will develop a progress report for use by nonprofit organizations that are awarded funds from the County. These reports will be due on a semi-annual basis to the County Administrator in order to demonstrate how County funds were used to provide services to the citizens of Isle of Wight County.

ARTICLE IV - Financial Policies

(*Adopted March 20, 2014, Revised August 18, 2016, November 17, 2016, July 1, 2019, August 8, 2019)*

Purpose

The County of Isle of Wight (the "County") and its governing body, the County Board of Supervisors (the "Board of Supervisors"), is responsible to the County's citizens to carefully account for all public funds, to manage County finances wisely and to plan for the adequate funding of services desired by the public, including the provision and maintenance of facilities. The following financial policies and guidelines establish the framework for the County's overall fiscal planning and management.

Section 1.1 - *Policy Goals*

This fiscal policy is a statement of the guidelines and goals that will influence and guide the financial management practices of the County. A fiscal policy that is adopted, adhered to, and regularly reviewed is recognized as the cornerstone of sound financial management. Effective fiscal policy:

- Contributes significantly to the County's ability to insulate itself from fiscal crisis,
- Enhances short term and long term financial credit ability by helping to achieve the highest credit and bond ratings possible,
- Promotes long term financial stability by establishing clear and consistent guidelines,
- Promotes the view of linking long term financial planning with day to day operations, and
- Provides the Board of Supervisors and the citizens a framework for measuring the fiscal impact of government services against established fiscal parameters and guidelines.

Section 1.2 - Policy Implementation and Coordination

The County Board of Supervisors has assigned the County Administrator as the Executive Agent of County and has authorized him or his designee to implement this policy.

Section 1.3 - Review and Revision

These polices will be reviewed for appropriateness and comparability with Tier 1 & 2 strongly rated jurisdictions every three years or more frequently if a need for review is identified.

REVENUES

Section 2.1 - Revenue Diversification

The County will strive to maintain diversified and stable revenue streams to protect the government from problematic fluctuations in any single revenue source and provide stability to ongoing services.

Current revenues are expected to fund current expenditures and a diversified and stable revenue system will be pursued to protect programs.

Section 2.2 - Fees and Charges

(Revised August 18, 2016)

All fees established by the County for licenses, permits, fines, services, applications and other miscellaneous charges **shall be set to recover all or a portion of the County's expense in providing the attendant service**. These fees shall be reviewed annually with the development of the annual operating budget.

Fees and Charges as set forth herein shall be waived for the following projects:

- Projects performed by county staff on county property, or County administered projects provided that permit fees are not included in the bid award.
- Projects funded by the Community Development Block Grant Program, or other County administered grant programs, provided that permit fees are not included in the bid award.
- Repair and rehabilitation of properties damages by natural disasters to include but not necessarily limited to flood, hurricanes, tornadoes or similar occurrences.

- Construction, repair, and rehabilitation of handicapped accessible ramps for disabled individuals.

Section 2.3 - Revenue Collections

The County will *strive to achieve an overall property tax collection rate of 100%* to ensure all citizen service recipients contribute to the costs of public services they receive.

Section 2.4 - Use of Fund Balance

The County's General Fund equity balance will be utilized to *provide sufficient working capital* in anticipation of current budgeted revenues and to *finance unforeseen emergencies* without borrowing. Absent extraordinary circumstances, the General Fund equity of the County (Unassigned Fund Balance) *should not be used to finance current operations*.

Section 2.5 - Restricted Revenue

Restricted revenue (such as Medicaid or Grant funds) shall only be used for the purpose intended and in a fiscally responsible manner.

Section 2.6 - Uncollectible Accounts

(July 1, 2019)

The County's General Billing process sends notices to individuals or businesses when County Departments determine a non-tax debt is due to the County. This debt can be the result of user fees or other assessments being collected by a county department. The Department will make every effort possible to collect all amounts that it is owed prior to collection efforts that are initiated by the County Treasurer's Office. However, over the normal course of business, certain amounts due to the County are deemed to be uncollectible and are required to be written off as bad debts.

Accounts determined to be uncollectible will be written off at least annually via the following guidelines.
An account is determined to be uncollectible if it meets the following criteria:

1. The debt does not qualify for collection by the Treasurer (i.e. Safe Harbor EMS Billings).
2. The collection efforts of the Treasurer's Office have been unsuccessful, and the debt is at least 3 years old and has had no payment activity within the last 12 months.
3. The account owner has filed a bankruptcy and the debt is discharged in bankruptcy.
4. The County Attorney determines the debt is not collectible.

Prior to write off, all liens and/or judgements must have been processed and applied in accordance with applicable statutory authority.

Procedure

Transactions to write off uncollectible accounts are handled through a journal entry. Supporting documentation for a write-off will at a minimum include a listing of aged accounts, dates of services, original charge amount and the balance being written off. This listing will be attached to the annual memo to be reviewed and signed by the Department Head and the Director of Finance. The County Administrator will approve the annual write off of uncollectible accounts.

For accounting and financial reporting purposes, write-offs of uncollectible receivables are to be made against the appropriate allowance or revenue accounts. Adjustments to the allowance accounts can be done monthly, quarterly or at a minimum annually by June 30 of each fiscal year.

BUDGET

Section 3.1 - Balanced Budget

The provisions of the Code of Virginia shall control the preparation, consideration, adoption and execution of the budget of the County. In addition, the *budget is to be balanced with planned expenditures equal to estimated revenues*.

The County will annually adopt and execute a budget for such funds as may be required by law or by *sound financial practices and generally accepted accounting principles*. The budget shall control the levy of taxes and the expenditure of money for all County purposes during the ensuing fiscal year. The County budget shall be balanced within all available operating revenues, including the fund balance, and adopted by the County Board of Supervisors.

Section 3.2 - Use of Current Revenues to Support Current Expenditures

Ongoing and stable revenues will be used to support ongoing operating costs.

Section 3.3 - Use of One-time Revenue and One-time Expenditure Savings

The use of one-time revenues and one-time expenditure savings will be used for non-recurring expenditures.

Section 3.4 - Review of Fees and Charges

Fees established by the County for licenses, permits, fines, services, applications and other miscellaneous charges *shall be set to recover all or a portion of the County's expense in providing the attendant service and reviewed annually* with the development of the annual operating budget.

Section 3.5 - Revenue and Expenditure Projections

The County will *prepare and annually update a long range (5 year) financial forecast model* utilizing trend indicators and projections of annual operating revenues, expenditures, capital improvements and related debt service and operating costs, and fund balance levels to be provided to the Board with the presentation of the Annual Capital Improvements Plan presented for adoption.

Section 3.6 - Budget Performance Monitoring

The Finance Department will maintain ongoing contact with the departmental fiscal officers during the year of the budget execution. Expenditure and revenue projections should be *developed quarterly and reviewed* with Departmental Directors, the County Administrator, and the County Board of Supervisors. The County Administrator through the Finance Department will exercise appropriate fiscal management as necessary to live within the limits of the adopted budget.

Section 3.7 - Maintenance of Capital Assets

The budget should *provide sufficient funds for regular repair and maintenance of capital assets*.

Section 3.8 - Fund Balance Levels

The County will employ sound financial management principles to include the establishment of an unassigned general fund balance *sufficient to maintain required working capital and provide a reserve for unanticipated expenditures or emergencies, revenue shortfalls, and other non-recurring uses*. The ratio of Unassigned General Fund balance as a percentage of Budgeted General Fund Expenditures indicates the ability of the County to cope with unexpected financial problems or emergencies. The larger the Unassigned General Fund balance, the greater the County's ability to cope with financial emergencies and fluctuations in revenue cycles. The County has established a *target rate of 15% at the close of each fiscal year as computed for the upcoming budget year*.

Once the unassigned general fund balance target is achieved by the County, it is intended to be maintained for the

upcoming fiscal year from prior year surpluses and budgeted additions as available before any other needs are addressed. In the event Unassigned Fund Balance is required to be drawn below the 15% target rate due to an emergency (such as a natural disaster) or due to severe economic circumstances, the County will develop a plan to restore the Unassigned General Fund Balance over the ensuing two fiscal years.

Compliance with fund balance policy will be reviewed and reported to County Board of Supervisors annually in conjunction with the development of the operating budget and with any significant budget amendments made during the fiscal year.

Section 3.9 - Funding Flow

The County considers restricted revenue sources to be spent when an expenditure is incurred for purposes for which restricted and unrestricted revenue sources are available unless prohibited by legal documents or contracts.

CAPITAL IMPROVEMENT PLANNING

Section 4.1 - Capital Improvement Plan

In order to prepare and plan for upcoming capital needs, comply with debt ratio targets, schedule debt issuance, and systematically improve capital infrastructure, the County will *annually prepare and adopt a minimum five-year Capital Improvement Plan.*

The adopted Capital Improvement Plan will *include major capital improvements reasonably anticipated and identify estimated revenue sources and annual operational costs* for facilities to include anticipated debt service requirements to support the capital investments contemplated.
Capital improvements *do not include routine maintenance or replacement of existing capital assets*.

Section 4.2 - Pay-As-You-Go Capital Improvement Funding

The County will develop a five-year escalation plan to accomplish an annual allocation of an amount equal to 3% of the General Fund departmental expenditures (excluding transfers out, grants, fund balance and reserve allocations, debt service, and respective flow-through expenditures) to “pay-as-you-go” capital improvements annually.

The escalation plan will begin with the FY 15’ adopted budget and shall be increased annually for the ensuing five (5) year period until the 3% target is achieved.

DEBT

The County Board of Supervisors generally follows the guidelines listed below in making financial decisions on debt issuance. Adherence to these guidelines allows the County to plan for the necessary financing of capital projects while maintaining credit worthiness. In addition, continued adherence to these policies will ensure the County’s strong financial position.

The County shall use an objective analytical approach to determine whether it can afford new or additional general-purpose debt. This process shall use the County’s *standards of affordability*. These standards include the measures of *debt service payments as a percent of current expenditures and debt as a percent of taxable real estate value*.

Section 5.1 - Revenue Anticipation Notes (RANS)

The County does not intend to issue tax or revenue anticipation notes (RANS) to fund government operations but rather to manage cash in a fashion that will prevent any borrowing to meet working capital needs.

The County may issue *RANS in an extreme emergency* beyond the County's control or ability to forecast when the revenue source will be received subsequent to the timing of funds needed. Such issuances will be for a *period not to exceed a one year*.

Section 5.2 - Bond Anticipation Notes (BANS)

The County may issue Bond Anticipation Notes (BANS) in expectation of the issuance of General Obligation or Revenue Bonds when cash is required in order to initiate or continue a capital project or when long-term markets do not appear appropriate but have a clear potential for improvement within the designated BAN time frame.

The County *will not issue Bond Anticipation Notes (BANS) for a period beyond five years*. If the County issues a bond anticipation note for a capital project, the BAN will be converted to a long-term bond or redeemed at its expiration.

Section 5.3 - Letters of Credit

The County may enter into a letter-of-credit (LOC) agreement when such an agreement is deemed prudent and advantageous. The County will prepare and distribute a request for proposals to qualified banks which includes terms and conditions that are acceptable to the County.

Section 5.4 - Lease Purchase Obligations

Lease purchase and master lease obligations, including certificates of participation or lease revenue bonds, shall be considered as an alternative to long-term vendor leases. Such debt shall be subject to annual appropriation.

Section 5.5 - Public Private Partnerships

The County recognizes the value of developing public-private partnerships. As such, public- private partnership financings that require the County to provide capital or credit enhancement to a project will be considered in light of the following:

- The project is multi-faceted requiring coordinated and/or accelerated development;
- The project is non-traditional with mixed use of public and private components;
- The project calls for the bundling of design, construction and operation phases; or
- There is an urgent need to construct multiple facilities or other public infrastructure simultaneously to keep pace with a rapidly growing population.
- The project has undergone a rigorous cost-benefit analysis by County Staff (or agents employed by the County for such purpose). If the project ultimately requires County credit enhancement, such obligations will be evaluated as if debt by the County.

Section 5.6 - Compliance with Legal Requirements

Pursuant to the Constitution of Virginia (the Constitution), the County is authorized to issue bonds secured by a pledge of its full faith and credit and unlimited taxing power. There is no requirement that the issuance of general obligation bonds be subject to the approval of voters of the County at referendum. The issuance of general obligation bonds is subject to a constitutional limitation of ten percent (10%) of the assessed value of taxable real property.

Section 5.7 - Debt Ratio Policy Limitations	Ceiling
Debt as a Percentage of Assessed Value	**4%**

This ratio indicates the relationship between the County's debt and the total taxable value of real and personal property in the County. It is an important indicator of the County's ability to repay debt, because property taxes are the source of the County's revenues used to repay debt. A small ratio is an

indication that the County will be better able to withstand possible future economic downturns and continue to meet its debt obligations.

Debt as a Percentage of General Government Expenditures **12%**

This ratio is a measure of the County's ability to repay debt without hampering other County services. A smaller ratio indicates a lesser burden on the County's operating budget. The numerator shall include debt that is not self-supporting from a user fee or designated revenue stream. A self-supporting revenue stream is defined as a revenue stream that provides coverage of all debt service obligations without general fund support (to include tax assessment districts and funds supported by committed state revenues in support of such debt).

Any long-term financing lease obligations which may be subject to annual appropriation by the County will also be included in the calculations of tax-supported debt service. General governmental expenditures are expenditures reported in the County's governmental funds (excluding the General Fund Contribution to Schools and the Capital Projects Fund) and expenditures reported in the School Operating and Food Service Funds.

Compliance with the above debt policy ratios will be calculated each fiscal year in conjunction with the budget development process and provided to Board of Supervisors with the proposed annual budget.

Section 5.8 - Long Term Debt Policy

The County will use debt financing for capital improvement projects and unusual equipment purchases under the following circumstances:

A. When the project is included in the County's capital improvement program and/or is generally in conformance with the County's Comprehensive Plan.
B. When the project is not included in the County's Capital Improvement Program, but it is an emerging critical need whose timing was not anticipated in the Capital Improvement Program, or it is a project mandated immediately by state or federal requirements.
C. When the project's useful life, or the projected service life of the equipment, will be equal to or exceed the term of the financing.
D. When there are designated revenues sufficient to service the debt, whether from project revenues, other specified and reserved resources, or infrastructure cost sharing revenues.

The following criteria will be used to evaluate funding options for capital improvements:

A. Factors that favor pay-as-you-go:
    1. Current revenues and adequate fund balances are available.
    2. Project phasing is feasible.
    3. Increased levels would adversely affect the County's credit rating.
    4. Expenditures are considered to be routine and recurring in nature and not appropriate for debt financing per best financial practices.
    5. Financial market conditions are unstable or present difficulties in marketing the sale of long-term financing investments.

B. Factors that favor long-term financing:
    1. Revenues available for debt service are considered sufficient and reliable so that long- term financing can be marketed with the highest possible credit rating.

2. The project for which financing is being considered is of the type that will allow the County to maintain the highest possible credit rating.
3. Market conditions present favorable interest rates and demand for municipal financings.
4. A project is mandated by state or federal requirements and current revenues and fund balances are insufficient to pay project costs.
5. The project is considered to be most appropriate for amortization of costs over the assets period of life per best financial practices.
6. A project is immediately required to meet or relieve County needs.

There are many different types of long-term debt instruments available. Depending on the specific circumstances, the County will consider using the following types of financing instruments:

- General Obligation Bonds
- General Obligation Bonds sold to Virginia Public School Authority for School Capital Projects
- Revenue Bonds
- Certificates of Participation
- Lease Revenue Bonds
- Selected State Pooled-Borrowing Programs for Utility Revenue Bonds, Including Those of the Virginia Resources Authority

Section 5.9 - Bond Structure

The County shall establish all terms and conditions relating to the issuance of bonds and will invest all bond proceeds pursuant to the terms of the County's Investment Policy. Unless otherwise authorized by the County, the following shall serve as guidelines:

1. *Term.* All capital improvements financed through the issuance of debt will be financed for a period not to exceed the useful life of the improvements, but in no event will the term exceed thirty (30) years.
2. *Capitalized Interest.* From time to time certain financings may require the use of capitalized interest from the issuance date until the County has beneficial use and/or occupancy of the financed project. Interest shall not be funded (capitalized) beyond three years or a shorter period if further restricted by law. Interest earnings may, at the County's discretion, be applied to extend the term of capitalized interest but in no event beyond the term allowed by law.
3. *Debt Service Structure.* Debt issuance shall be planned to achieve relatively equal payment of principal (declining debt service) while matching debt service to the useful life of facilities. The County shall avoid the use of bullet or balloon maturities except in those instances where these maturities serve to make existing overall debt service level or remove peaks in annual projected debt service payments. The County may elect a less rapid or other debt service structure, such as level debt service at its discretion.
4. *Call Provisions.* In general, the County's debt will include an early redemption (or "call") feature, which is no later than 10 years from the date of delivery of the bonds. The County will avoid the sale of non-callable bonds absent careful, documented evaluation by the County in conjunction with its financial advisor with respect to the value of the call option.
5. *Original Issue Discount.* An original issue discount will be permitted if the County determines that such discount results in a lower true interest cost on the bonds and that the use of an original issue discount will not adversely affect the project funding.
6. *Deep Discount Bonds.* Deep discount bonds may provide a lower cost of borrowing in certain markets. The County will carefully consider their value and effect on any future refinancing as a result of the lower-than-market coupon associated with deep discount bonds.
7. *Derivative Structures.* Alternative, non-traditional financing structures such as derivatives are becoming more common in the municipal market. Structured properly these products may provide a means for the County to achieve its goals in a cost effective manner. The County will consider the use of derivatives as

a hedge against future interest rate risk or to create "synthetic" fixed rate or variable rate debt, when appropriate. The County will not use derivative structures for speculative or investment purposes. The County will consider the use of derivative structures when it is able to gain a comparative borrowing advantage, and is able to quantify and understand potential risks. Prior to the use of such structures, the County will consider the adoption of a comprehensive Swap and Derivative Management Plan that is consistent and does not conflict in principle with this governing policy. Prior to use of a derivative structure, the County will provide written communication to County Board of Supervisors describing potential risks associated with each proposed derivative structure.

Section 5.10 - Variable Rate Debt

To maintain a predictable debt service burden, the County may give preference to debt that carries a fixed interest rate. The County, however, may consider variable rate debt. The percentage of variable rate debt outstanding (excluding debt which has been converted to synthetic fixed rate debt) should not exceed 20% of the County's total outstanding debt and will take into consideration the amount and investment strategy of the County's operating cash. The County will consider issuing variable rate debt to:

a. Match Asset and Liabilities: By issuing variable rate debt the County matches variable interest rates to its short-term investment assets.

b. Potentially Lower Debt Service Costs: Historically variable interest rates are less than fixed rate cost of capital.

c. Add Flexibility and Diversity to the County's Debt Structure: Variable rate bonds are traditionally callable every 30 days and can generally be refunded on a fixed rate basis to take advantage of low fixed rates and open up variable rate capacity for higher rate environments.

In determining its use of variable rate debt, the County will utilize an analysis from the County's Financial Advisor evaluating and quantifying the risks and returns involved in the variable rate financing.

Section 5.11 - Refinanced Outstanding Debt

The Director of Finance with assistance from the County's Financial Advisor will have the responsibility to analyze outstanding bond issues for refunding opportunities. The County will consider the following issues when analyzing possible refunding opportunities:

1. *Refunding Policy* - Except for restructurings discussed below, the County establishes a minimum aggregate present value savings threshold of 3% of the refunding bond principal amount. The present value savings will be net of all costs related to the refinancing. Debt service savings may be taken in equal amounts over time or on an upfront or deferred basis, at the County's discretion.

2. *Restructuring* - The County should refund debt when it is in the best financial interest of the County to do so. Such refunding will be limited to restructuring to meet unanticipated revenue expectations, achieve costs savings, mitigate irregular debt service payments, release reserve funds or remove unduly restrictive bond covenants.

3. *Term of Refunding Issues* - The County should refund bonds within the term of the originally issued debt. However, the County may consider maturity extension, when necessary to achieve a desired outcome, provided that such extension is legally permissible. The County may also consider shortening the term of the originally issued debt to realize greater savings. The remaining useful life of the financed facility or equipment and the concept of inter-generational equity should guide this decision.

4. *Escrow Structuring* - The County should utilize the least costly securities available in structuring refunding escrows. In the case of open market securities, a certificate will be provided by a third party agent stating that the securities were procured through an arms-length, competitive bid process, and that the price paid for the securities was reasonable within Federal guidelines. Under no circumstances shall an underwriter, agent or financial advisor sell escrow securities to the County from its own account.

5. *Arbitrage* - The County should take all necessary steps to optimize escrows and to avoid negative arbitrage in its refundings. Any resulting positive arbitrage will be rebated as necessary according to Federal guidelines.

Section 5.12 - Methods of Issuance

The County will determine the method of issuance on a case-by-case basis.

1. *Competitive Sale* - In a competitive sale, the County's bonds shall be awarded to the bidder providing the lowest true interest cost as long as the bid adheres to the requirements set forth in the official note of sale.

2. *Negotiated Sale* - The County recognizes that some securities are best sold through negotiation. In its consideration of a negotiated sale, the County shall assess the following circumstances:
   a. Bonds issued as variable rate demand obligations
   b. A structure which may require a strong pre-marketing effort such as a complex transaction or a "story" bond
   c. Size of the issue which may limit the number of potential bidders
   d. Market volatility is such that the County would be better served by flexibility in timing a sale in a changing interest rate environment

3. *Private Placement* - From time to time the County may elect to privately place its debt. Such placement shall be considered if other methods are not viable or if such placements provide other tangible benefits to the County.

Section 5.13 - Bond Insurance

The County may purchase bond insurance when such purchase is deemed prudent and advantageous. Use of bond insurance shall be based on such insurance being less costly than the present value of the difference between the interest on insured bonds versus uninsured bonds.

In the case of a competitive sale, the County may permit bidders for its bonds to purchase bond insurance if such insurance will enhance the market reception and lower the interest rate on the County's bonds. The County will submit an application for pre-qualification for insurance to facilitate bidders' ability to purchase bond insurance. The winning bidder in a competitive sale will bear any associated cost with such enhancement.

In the instance of a negotiated sale, the County will solicit quotes for bond insurance from interested providers. The County will select a provider whose bid is most cost effective and whose terms and conditions governing the guarantee are satisfactory to the County.

Section 5.14 - Use of Special Districts

The County may consider using special districts such as Tax Increment Financing Districts, Community Development Authorities and special taxing districts to finance projects that:

- Strengthen the employment and economic base of the County;
- Increase property values and tax revenues;

- Reduce poverty;
- Create economic stability;
- Facilitate economic self-sufficiency; or
- Assist in implementing the County's economic development strategies.

Before using such districts, the County will consider the fiscal impact, the market feasibility and credit implications of the project or district.

Section 5.15 - Debt Service Reserves

If necessary, the County may establish a reserve fund funded from bond proceeds, subject to federal tax regulations and in accordance with the requirements of credit enhancement providers and/or rating agencies. The County may purchase reserve equivalents (i.e., a reserve fund surety or letter of credit) when such purchase is deemed prudent and advantageous. Such equivalents shall be evaluated in comparison to cash funding of reserves on a net present value basis.

Section 5.16 - Underwriter Selection

Senior Manager Selection - The County shall select a senior manager for any proposed negotiated sales. The selection criteria shall include but not be limited to the following:

- The firm's ability and experience in managing transactions similar to that contemplated by the County
- Prior knowledge and experience with the County
- The firm's ability and willingness to risk capital and demonstration of such risk and capital availability
- Quality and experience of personnel assigned to the County's engagement
- Financing plan presented
- Underwriting fees

Co-Manager Selection - Co-managers may be selected on the same basis as the senior manager. In addition to their qualifications, co-managers appointed to specific transactions will be a function of transaction size and the necessity to ensure maximum distribution of the County's bonds.

Selling Groups - The County may establish selling groups in certain transactions. To the extent that selling groups are used, the Director of Finance at his or her discretion, may make appointments to selling groups from within the pool of underwriters or from outside the pool, as the transaction dictates.

Underwriter's Counsel - In any negotiated sale of County debt in which legal counsel is required to represent the underwriter, the appointment will be made by the Senior Manager.

Underwriter's Discount - The Director of Finance with assistance from the County's financial advisor will evaluate the proposed underwriter's discount against comparable issues in the market. If there are multiple underwriters in the transaction, the Director of Finance will determine the allocation of underwriting liability and management fees.

The allocation of fees will be determined prior to the sale date; a cap on management fee, expenses and underwriter's counsel will be established and communicated to all parties by the Director of Finance. The senior manager shall submit an itemized list of expenses charged to members of the underwriting group. Any additional expenses must be substantiated.

Evaluation of Underwriter Performance - The County will evaluate each bond sale after completion to assess the following: costs of issuance including underwriters' compensation, pricing of the bonds in terms of the overall

interest cost and on a maturity-by-maturity basis, and the distribution of bonds and sales credits.

Following each sale, the Director of Finance shall provide a report to the County Administrator and County Board of Supervisors on the results of the sale.

Syndicate Policies - For each negotiated transaction, the Director of Finance will prepare syndicate policies that will describe the designation policies governing the upcoming sale. The Director of Finance shall ensure receipt of each member's acknowledgement of the syndicate policies for the upcoming sale prior to the sale date.

Designation Policies - To encourage the pre-marketing efforts of each member of the underwriting team, orders for the County's bonds will be net designated, unless otherwise expressly stated. The County shall require the senior manager to:

- Equitably allocate bonds to other managers and the selling group
- Comply with MSRB regulations governing the priority of orders and allocations
- Within 10 working days after the sale date, submit to the Director of Finance a detail of orders, allocations and other relevant information pertaining to the County's sale.

Section 5.17 - Consultants

Financial Advisor - The County shall select a financial advisor (or advisors) to assist in its debt issuance and debt administration processes. Selection of the County's financial advisor(s) shall be based on, but not limited to, the following criteria:

- Experience in providing consulting services to entities similar to the County
- Knowledge and experience in structuring and analyzing bond issues
- Experience and reputation of assigned personnel
- Fees and expenses

Conflicts of Interest - The County requires that its consultants and advisors provide objective advice and analysis, maintain the confidentiality of County financial plans, and be free from any conflicts on interest.

Bond Counsel - County debt will include a written opinion by legal counsel affirming that the County is authorized to issue the proposed debt, that the County has met all legal requirements necessary for issuance, and a determination of the proposed debt's federal income tax status. The approving opinion and other documents relating to the issuance of debt will be prepared by counsel with extensive experience in public finance and tax issues. The Bond Counsel will be selected by the County.

Disclosure by Financing Team Members - All financing team members will be required to provide full and complete disclosure, relative to potential conflicts of interest arising from agreements with other financing team members and outside parties. The extent of disclosure may vary depending on the nature of the transaction. However, in general terms, no agreements shall be permitted which could compromise the firm's ability to provide independent advice which is solely in the County's best interests or which could reasonably be perceived as a conflict of interest.

Section 5.18 - County Financial Disclosure

The County is committed to full and complete financial disclosure, and to cooperating fully with rating agencies, institutional and individual investors, County departments, and the general public to share clear, comprehensive, and accurate financial information. The County is committed to meeting secondary market disclosure requirements on a timely and comprehensive basis.

DEBT POST-ISSUANCE COMPLIANCE

Section 6.1 - Purpose

This Post-Issuance Compliance Policy is designed to monitor the post-issuance compliance of tax- favored obligations (the "Obligations") issued by the County of Isle of Wight, Virginia (the "County") and the use of the property financed or refinanced thereby (the "Financed Property") with (a) the applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations promulgated thereunder (the "Treasury Regulations") and (b) certain securities law-related contractual obligations of the County to make continuing disclosure (the "Continuing Disclosure Requirements").

This Policy documents existing practices and describes various procedures and systems designed to identify on a timely basis fact relevant to demonstrating compliance with the post-issuance requirements so that the Obligations will maintain their federal tax status and the County will continue to be able to contract with investment banking firms to underwrite its Obligations. The County recognizes that compliance with applicable provisions of the Code and Treasury Regulations and the Continuing Disclosure Requirements is an on-going process, necessary during the entire term of the Obligations and beyond and is an integral component of the County's debt management. Accordingly, the analysis of those facts and implementation of this Policy will require on-going monitoring and may entail consultation by the County's Department of Finance staff (the "Finance Staff") with the County's bond counsel and financial advisor beyond the scope of their initial engagements with respect to the issuance of particular Obligations.

This Policy also sets forth procedures for ensuring and documenting the County's compliance with the other financial covenants contained in the documents pursuant to which the County issues and sells its Obligations.

The specific post-issuance compliance procedures addressed in this Policy are not intended to be exhaustive, and additional procedures may be identified in or added by the indentures, loan or financing agreements and Continuing Disclosure Agreements entered into by the County or the non-arbitrage certificate, federal tax compliance agreement or similar document prepared for each separate issue of Obligations (a "Tax Certificate") or by Finance Staff in consultation with the County's bond counsel and financial advisor.

[*] For purposes of the Policy, tax-favored obligations shall include (a) obligations the interest on which is excludable from gross income for federal income tax purposes pursuant to Code Section 103, and (b) obligations the interest on which is not excludable from gross income for federal income tax purposes, but which the Code otherwise requires to satisfy requirements applicable to tax-exempt obligations. Examples of obligations described in clause (b) include "Build America Bonds" issued under Code Section 54AA and obligations issued to "conduit issuers" of Obligations for the County's benefit, such as the Virginia Resources Authority, the Virginia Public School Authority and the Industrial Development Authority of the County of Isle of Wight.

Section 6.2 - General Policy and Procedures

Compliance Officer

a. The compliance officer responsible for implementing this Policy on behalf of the County will be the County's Finance Director (the "Compliance Officer"). The Compliance Officer may designate other personnel from the Finance Staff and, with the consent of the County Administrator, from other County departments as may be necessary to carry out this Policy.

b. At such time as a new Compliance Officer is designated, the County or the departing Compliance Officer will ensure that the successor is fully briefed as to the status of each outstanding issue of Obligations and the records relating to such Obligations, and that the successor receives training and consultation with the County's bond counsel and financial advisor as to the duties of the Compliance Officer under this Policy.

General Responsibilities of Compliance Officer

a. The Compliance Officer shall maintain and, not less frequently than annually, reconcile a schedule of all outstanding debt of the County, including all outstanding Obligations (the "Outstanding Debt Schedule").

b. The Compliance Officer shall maintain a calendar (the "Compliance Calendar") of the principal and interest payment dates and the due dates of all required certifications, reports, filings and other actions with respect to each outstanding issue of Obligations. The Compliance Officer shall review and update the Compliance Calendar at least annually to reflect any changes in due dates, the addition or deletion of required actions, and new issues of Obligations.

Intake Procedures for Each Issue of Obligations

a. By not later than 90 days after the issue date of each separate issue of Obligations, the Compliance Officer shall:
   1. Obtain from the County's bond counsel and store a closing binder and/or CD or other electronic copy of the relevant and customary transaction documents, which shall at a minimum include a complete copy of the executed Tax Certificate and, if applicable, the Continuing Disclosure Agreement ("CDA").

   2. Confirm that the County's bond counsel has timely filed each applicable information report (e.g., IRS Form 8038-G or 8038-B) for such issue with the IRS, the Commonwealth or other applicable federal or state entity.

b. By not later than the June 30 next succeeding the issue date of each separate issue of Obligations, the Compliance Officer shall:
   1. Add such Obligations to, and otherwise reconcile, the Outstanding Debt Schedule.

   2. Add to the Compliance Calendar the applicable due dates for and other pertinent information about such Obligations.

Compliance Checklist

a. The Compliance Officer shall conduct periodic reviews, at least annually on or about June 30 of each year, or more often as may be necessary, to determine that each issue of Obligations remains in compliance with all post-issuance compliance procedures, including without limitation those set forth in this Policy. The Compliance Officer shall refer to the Post-Issuance Compliance Checklist (the "Compliance Checklist") in conducting each such review, which Compliance Checklist is attached hereto as *Attachment A*.

b. At least annually, the Compliance Officer shall request the County's bond counsel to review and propose updates to the Compliance Checklist and this Policy with the goal of ensuring that the Compliance Checklist and this Policy reflect the current provisions of the Code and Treasury Regulations and the securities laws.

Section 6.3 - Post-Issuance Tax Compliance

Arbitrage - The Compliance Officer shall:

a. On not less than a quarterly basis, prepare schedules to track the uses of the proceeds of each issue of new-money Obligations and draw the proceeds out of the appropriate project accounts to pay the qualifying costs of the Financed Property or to reimburse the County for its payment of such costs.

b. Obtain a computation of the yield on each issue of Obligations from the County's financial advisor or other relevant third party (for example, the underwriter of such obligations, the State Non Arbitrage Program

("SNAP"), or other outside arbitrage rebate specialist) and maintain a system for tracking investment earnings.

c. Maintain a procedure for the allocation of sale and investment proceeds of each issue of new-money obligations and other available funds to expenditures to pay or reimburse the costs of the applicable Financed Property, including the reimbursement of pre-issuance expenditures. The Compliance Officer shall allocate such proceeds and other amounts by the use of any reasonable, consistently applied accounting method and in accordance with the Tax Certificate for the particular issue of Obligations. The Compliance Officer shall make consistent allocations with respect to such proceeds and other amounts and expenditures for purposes of (i) Code Section 141 (relating to the private activity bond tests), and (ii) Code Section 148 of the Code (relating to the arbitrage yield restriction and rebate requirements), to the extent applicable. The Compliance Officer shall at all times maintain books and records sufficient to establish the accounting method chosen for the particular Obligations and will, unless otherwise provided in a particular Tax Certificate, account in writing in such books and records for the allocation of the proceeds and other amounts to each expenditure by the date not later than 18 months after the later of (i) the expenditure is paid or (ii) the date the respective Financed Property is placed in service; provided, however, that such accounting must be made in any event by the date 60 days after the fifth anniversary of the issue date of the Obligations or, if earlier, the date 60 days after the retirement of the Obligations. The County acknowledges that the Treasury Regulations provide if the County fails to maintain books and records sufficient to establish the accounting method for an issue of Obligations and the allocation of the proceeds of that issue, the allocation and accounting rules of Code Sections 141 and 148 will be applied using the specific tracing method.

d. Monitor compliance with the applicable "temporary period" (as defined in the Code and Treasury Regulations) exceptions for the expenditure of proceeds of the issue and provide for yield restriction on the investment of such proceeds if such exceptions are not satisfied.

e. Coordinate with the bond counsel, financial advisor and the County Treasurer to ensure that investments acquired with proceeds of each issue of Obligations are purchased at fair market value. For the purposes of this Policy, "fair market value" means the price at which a willing buyer would purchase an investment from a willing seller in a bona fide, arm's- length transaction. Fair market value generally is determined on the date on which a contract to purchase or sell an investment becomes binding (that is, the trade date rather than the settlement date). An investment that is not of a type traded on an established securities market (within the meaning of Code Section 1273) is rebuttably presumed to be acquired or disposed of for a price that is not equal to its fair market value. Such presumption may be overcome as provided in the Treasury Regulations for certificates of deposit, guaranteed investment contracts and open-market defeasance investments. The fair market value of a United States Treasury obligation that is purchased directly from the United States Treasury (for example, a United States Treasury Obligation of the State and Local Government Series ("SLGS") is its purchase price.

f. Coordinate with bond counsel, financial advisor and the County Treasurer to avoid formal or informal creation of funds reasonably expected to be used to pay debt service on an issue of Obligations without determining in advance whether such funds must be invested at a restricted yield.

g. Consult with bond counsel and financial advisor prior to engaging in any post-issuance credit enhancement transactions (for example, the procurement or modification of bond insurance policies or letters of credit) or hedging transactions (for example, the procurement or modification of interest rate swaps or caps) to ensure that such transactions comply with the applicable provisions of federal tax law and the County's general debt management policies.

h. Coordinate with bond counsel and financial advisor to identify situations in which compliance with applicable yield restrictions depends upon later investments (for example, refunding escrow funds requiring reinvestments in zero percent SLGS) and monitor the implementation of any such restrictions.

i. Coordinate with the bond counsel and financial advisor to monitor compliance with the six-month, 18-month or 2-year spending exceptions to the rebate requirement, as applicable.

j. Coordinate with SNAP or other outside arbitrage rebate specialist to arrange, as applicable, for timely computation of rebate liability and, if rebate is due, for timely filing of IRS Form 8038-T and to arrange payment of such rebate liability.

k. Arrange for timely computation and payment of "yield reduction payments" (as such term is defined in the Code and Treasury Regulations), if applicable.

l. In the case of any issue of refunding Obligations, (i) coordinate with the County's bond counsel, financial advisor, the bond trustee, if any, and any escrow agent to arrange for the purchase of the refunding escrow securities, (ii) obtain a computation of the yield on such escrow securities from an outside arbitrage rebate specialist and (iii) monitor compliance with applicable yield restrictions.

Private Business Use Restrictions - The Compliance Officer shall:

a. Maintain records determining and tracking which specific issues of Obligations financed or refinanced which Financed Property and in what amounts.

b. Maintain records, which should be consistent with those used for arbitrage purposes as described in Section 1.C., to allocate the sale and investment proceeds of each issue of new-money Obligations and other available funds to expenditures to acquire, construct or renovate the Financed Property, including the reimbursement of pre-issuance expenditures.

c. Monitor any Private Business Use of Financed Property to ensure compliance with applicable percentage limitations. "Private Business Use" is defined in *Attachment B* hereto.

d. Consult with bond counsel as to any possible Private Business Use of Financed Property.

e. Obtain annually, certifications from all department directors (including the appropriate officer or officers of Isle of Wight Public Schools) who are responsible for the expenditure of the proceeds of each issue of Obligations and/or the administration of Financed Property to help ensure that the proceeds have been expended for appropriate tax-exempt governmental purposes and any Private Business Use of Financed Property is within the applicable limits under the Code and the Treasury Regulations. See *Attachment C* for examples of such certification.

f. All leases, management agreements and other arrangements affecting Financed Property that are to be entered into by the County and a Nongovernmental Person (as defined in **Attachment B**) will be routed to the Compliance Officer. The Compliance Officer will review such agreements and consult with bond counsel to determine whether and to what extent Private Business Use of Financed Property will result and whether remedial actions under the Treasury Regulations or other IRS procedures are warranted.

Reissuance - The Compliance Officer shall:

a. Consult with bond counsel regarding any post-issuance change to any terms of an issue of Obligations which could potentially be treated as a reissuance for federal tax purposes.

b. Confirm with bond counsel whether any "remedial action" in connection with a "change in use" (as such terms are defined in the Code and Treasury Regulations) would be treated as a reissuance for federal tax purposes, and if so, confirm the filing of any new IRS Form 8038-G.

c. Confirm with bond counsel whether the reissuance will trigger the need to perform a final arbitrage rebate computation on the reissued Obligations.

Section 6.4 - Continuing Disclosure Requirements and Other Covenants

The Compliance Officer shall:

a. Maintain a checklist of the Continuing Disclosure Requirements for each series of Obligations to comply with the County's continuing disclosure obligations and the provisions of Rule 15c2-12 promulgated by the Securities and Exchange Commission in the applicable CDA (or similar agreement). See *Attachment D* for this checklist.

b. Identify issues for which the County is obligated to provide continuing disclosure but may not pay debt service on the related debt obligations (i.e., Industrial Development Authority bonds).

c. Annually provide the financial information and operating data described in *Attachment D* within the time frame specified in each CDA (or similar agreement) to the Municipal Securities Rulemaking Board ("MSRB"), in an electronic format as prescribed by the MSRB.

d. Monitor the issuances of the County for any of the items listed as Event Disclosures in *Attachment D*. In the event that any of the listed events occur the Compliance Officer will provide to the MSRB in a timely manner and in a format as prescribed by in the CDA.

e. Monitor compliance with reporting or disclosure covenants specified in the financing documents of an issue of Obligations (e.g., no default certificates, annual financial reports). These covenants, and the issuances they are applicable to are listed in *Attachment D* as "Other Covenants."

f. Monitor events in the County and the financial markets to determine whether to make voluntary disclosures to MSRB. Voluntary disclosures can be made to MSRB if information might be considered useful to potential investors or if the County wants to provide additional information related to an issue of Obligations and the Financed Property related thereto.

g. Monitor press releases and other informal disclosures made by County officials that relate to Financed Property or Obligations to ensure that such information (i) does not misstate or omit a material fact and (ii) is not misleading. The Compliance Officer may file a press release as a voluntary disclosure. The Compliance Officer should meet not less than annually with the County's media relations staff (and other departments that publish information) to ensure compliance with federal securities anti-fraud rules.

h. When preparing for a new issue of Obligations, the Compliance Officer should meet with the personnel in each department responsible for providing information disclosed in the County's offering materials (i.e., the Official Statement) and coordinate the review of the existing disclosure as well as updating of the disclosure and determining whether any additional information should be included. Information should be added to the existing disclosure if such information is material (meaning that investors would want to know about it) or its omission would cause the existing disclosure to be misleading.

Section 6.5 - Record Retention

The Compliance Officer shall:

a. Maintain sufficient records to ensure that each issue of Obligations remains in compliance with the applicable federal tax requirements, Continuing Disclosure Requirements and Other Covenants for the life of such issue.

b. Comply with federal and state law provisions imposing specific recordkeeping requirements.

c. Generally, maintain the following:

1. Basic records relating to each issue of Obligations (e.g., bound bond transcripts, supplemental indenture, loan agreement, the CDA, the Tax Certificate and the bond counsel opinion);
2. Documentation evidencing expenditure and allocation of proceeds of the issue;
3. Documentation regarding the types of the Financed Property financed or refinanced by the issue, including, but not limited to, whether such property includes land, buildings or equipment, economic life calculations and information regarding depreciation. This property will be tracked in the financial system of the County as Capital Assets. The funding source of the property will be noted in the financial system and on all supporting documentation as tax-exempt financing, with documentation in the file that will show what individual issuance (s) financed the property;
4. Documentation evidencing use of Financed Property by Nongovernmental Persons and Governmental Persons (as defined in *Attachment B*) (for example, copies of leases, management contracts and research agreements);
5. Documentation evidencing all sources of payment or security for the issue;
6. All Rebate amount Certificates, supporting documentation, rebate and yield reduction calculations and payments, and forms 8038-T;
7. Documentation pertaining to any investment of proceeds of the issue (including the purchase and sale of securities, SLGs subscriptions, yield calculations for each class of investments, actual investment income received by the investment of proceeds, guaranteed investment contracts, and rebate calculations);
8. Copies of each filing made by the County pursuant to the Continuing Disclosure Requirements; and
9. Documentation evidencing the County's compliance with the Other Covenants.

Record Retention Duration and Format

a. Keep all material records for so long as the issue is outstanding, plus three years after the final maturity or redemption of such issue and any bonds issued to refund such issue in whole or in part.

b. Electronic media will be the preferred method for storage of all documents and other records related to Obligations and compliance with the Policy maintained by Finance Staff under the direction of the Finance Director. In maintaining such electronic storage, the Finance Director will ensure compliance with applicable IRS requirements, such as those contained in IRS Revenue Procedure 97-22.

ATTACHMENT A

POST-ISSUANCE COMPLIANCE CHECKLIST

Name of Issue:_____

Issue Date:_____

Review Date:_____

- General Procedure
  - If different persons are responsible for different aspects of post-issuance compliance for this issue of Obligations, for example the investment of the proceeds and the expenditure of bond proceeds on projects, has the Compliance Officer coordinated record-keeping and review?
  - Has this issue of Obligations been entered on the Outstanding Debt Schedule? Is the information current?
  - Has the County obtained, and does it still have the closing transcript for this issue of Obligations assembled by the County's bond counsel?
  - Has the Compliance Calendar been updated to reflect the due dates and other pertinent information for this issue of Obligations?

- Record Retention

  General Recordkeeping
  - Is the County maintaining copies of the following?
    - Federal tax or information returns
    - Audited financial statements
    - Trustee or paying agent statements regarding the bond financing
    - Records of investment of bond proceeds and earnings
    - Correspondence related to the bond financing
    - Reports of any IRS examinations of your entity or bond financings
    - Investment contracts
    - Credit enhancement transactions
    - Financial derivatives
    - Bidding of financial products

  Expenditures and Assets
  - Is the County maintaining copies of the following?
    - Records documenting the allocation of proceeds and other available amounts to expenditures for Financed Property and bond issuance costs, including requisitions, draw schedules, draw requests, invoices, bills and cancelled checks
    - Contracts entered into for the construction, renovation or purchase of Financed Property
    - Records of expenditure reimbursements incurred prior to issuing the Obligations
    - Asset list or schedule of all Financed Property
    - Depreciation schedules for depreciable Financed Property
    - Records documenting all purchases and sales of Financed Property

  Private Business Use (related to Financed Property)
  - Is the County maintaining copies of the following?
    - Management and other service agreements
    - Research contracts
    - Naming rights contracts
    - Ownership documentation (e.g. deeds, mortgages)
    - Leases
    - Subleases
    - Leasehold improvement contracts
    - Joint venture arrangements
    - Limited liability corporation arrangements
    - Partnership arrangements
  - Has the County obtained Department Director Certificates for all of the Financed Property?

Arbitrage—does the County have documentary evidence that it has

- Chosen and followed an accounting method with respect to the sale and investment proceeds of the issue of Obligations and the investment and expenditure of such proceeds?
- Obtained computation of "yield" of the issue and established and followed procedures to track investment returns and arbitrage rebate and yield reduction payment liability?
- Established procedures for allocation of proceeds and other available amounts to expenditures for Financed Property, including reimbursement of pre-issuance expenditures?
- Monitored compliance with "temporary period" expectations for expenditure of proceeds, typically three years for new money Obligations, and provided for yield restriction or yield reduction payments if the expectations are not satisfied?
- Ensured that investments acquired with proceeds are purchased at fair market value, including through the use of bidding procedures under regulatory safe harbors?
- Avoided formal or informal creation of funds reasonably expected to be used to pay debt service on Obligations without determining in advance whether such funds must be invested at restricted yield?
- Consulted with bond counsel and financial advisor before engaging in post- issuance credit enhancement transactions or hedging transactions?
- Ensured compliance with applicable yield restrictions dependent upon later investments?
- Monitored compliance with 6-month, 18-month, or 2-year spending exceptions to rebate requirement, if applicable?
    - Arranged for the timely computation of rebate and yield reduction payment liability (normally at five-year intervals) and, if payable, for the timely filing of Form 8038-T and payment of such liability?

Reissuance—does the County have documentary evidence that it has

- Identified any post-issuance changes to terms of the Obligations which could be treated as a current refunding of "old" Obligations by "new" Obligations, which is often referred to as a "reissuance?"
- Confirmed whether any "remedial action" in connection with a "change of use" must be treated as a "reissuance?"

Remedial Action—does the County have documentary evidence that it has monitored the use of the proceeds of this issue of Obligations and the use of the Financed Property and, if there is or will be Private Business Use or unqualified use, that the County has or will undertake remedial action under the applicable provisions of the Code and Treasury Regulations, including, without limitation, redemption or defeasance of the Obligations or the expenditure of any disposition proceeds on other qualifying projects?

ATTACHMENT B

DEFINITIONS OF PRIVATE BUSINESS USE AND RELATED TERMS

Federal Government - the government of the United States or any of its agencies or instrumentalities, including any entity with statutory authority to borrow from the United States.

General Public Use - use of Financed Property as a member of the general public. Use by a Nongovernmental Person in a Trade or Business is treated as General Public Use only if the property is intended to be available and in fact is reasonably available for use on the same basis by natural persons not engaged in a Trade or Business. Use under arrangements that convey priority rights or other preferential benefits is not use on the same basis as the general public.

Governmental Person - any Person that is a state or local governmental unit (or any instrumentality thereof).

Nongovernmental Person - any Person that is not a Governmental Person. For all purposes hereof, the Federal Government is a Nongovernmental Person.

Person - means any natural person, firm, joint venture, association, partnership, business trust, corporation, Limited Liability Company, corporation or partnership, or any other entity (including a federal, state or local governmental entity).

Private Business Use - use of the Proceeds directly or indirectly in a Trade or Business carried on by a Nongovernmental Person other than General Public Use. For all purposes hereof, a Private Business Use of Financed Property is treated as a Private Business Use of the Proceeds that provided the Financed Property. Both actual and beneficial use by a Nongovernmental Person may be treated as Private Business Use under Code Section 141. In most cases, however, Private Business Use results from a Nongovernmental Person having special legal entitlements to use the Financed Property under an arrangement with the County. Examples of the types of special legal entitlements resulting in Private Business Use of Proceeds include ownership for federal tax purposes of Financed Property by a Nongovernmental Person and actual or beneficial use of Financed Property by a Nongovernmental Person pursuant to a lease, a Service Contract, an incentive payment contract or certain other arrangements such as a take-or-pay or other output-type contract. Any arrangement that is properly characterized as a lease for federal income tax purposes is treated as a lease for purposes of the Private Business Use analysis. An arrangement that is referred to as a management contract or a Service Contract may nevertheless be treated as a lease, and in determining whether such a contract is properly characterized as a lease, it is necessary to consider all of the facts and circumstances, including (i) the degree of control over the property that is exercised by a Nongovernmental Person, and (ii) whether a Nongovernmental Person bears risk of loss of the Financed Property. Private Business Use of Financed Property that is not available for General Public Use may also be established on the basis of a special economic benefit to one or more Nongovernmental Persons even if such Nongovernmental Persons do not have a special legal entitlement to the use of the Financed Property. In determining whether special economic benefit gives rise to Private Business Use, it is necessary to consider all of the facts and circumstances, including one or more of the following factors: (i) whether the Financed Property is functionally related or physically proximate to property used in the Trade or Business of a Nongovernmental Person, (ii) whether only a small number of Nongovernmental Persons receive the economic benefit, and (iii) whether the cost of the Financed Property is treated as depreciable by the Nongovernmental Person.

Revenue Procedure 97-13 - means Revenue Procedure 97-13, as modified by Revenue Procedure 2001-39, copies of which are attached hereto as Annex 1.

Service Contract - a contract under which a Nongovernmental Person will provide services involving all, a portion or any function of Financed Property. For example, a Service Contract includes a contract for the provision of management services for all or any portion of the Financed Property. Contracts for services that are solely incidental to the primary governmental function or functions of the Financed Property (for example, contracts for janitorial, office equipment repair, billing, or similar services) are not included in this definition. Additional contracts not included in this definition are (i) a contract to provide for services by a Nongovernmental Person if the only compensation is the reimbursement of the Nongovernmental Person for actual and direct expenses paid by the Nongovernmental Person to unrelated parties, (ii) a contract to provide for the operations by a Nongovernmental Person of a facility or system of facilities that consists predominately of public utility property (within the meaning of Section 168(i)(10) of the Code), if the only compensation is the reimbursement of actual and direct expenses of the Nongovernmental Person and reasonable administrative overhead expenses of the Nongovernmental Person and (iii) a contract that satisfies the requirements of Revenue Procedure 97-13.

Trade or Business - any activity carried on by a Person, except for a natural person. "Trade or Business" for a natural person means any activity carried on by such natural person that constitutes a "trade or business" within the meaning of Code Section 162.

ATTACHMENT C

FORMS OF DEPARTMENT DIRECTOR CERTIFICATES
COUNTY OF ISLE OF WIGHT, VIRGINIA

FORM 1 - ANNUAL TAX CERTIFICATION OF DEPARTMENT DIRECTOR

I am the [_____] of the Department of_____(the "Department") of the County of Isle of Wight (the "County"). I understand that the County finances the acquisition, construction and equipping of most of its land, building, equipment and vehicles, including those used and/or administered by the Department (the "Department Property"), with the proceeds of tax-exempt bonds.

I understand that the County has been advised that, in order for its tax-exempt bonds to maintain their status, the County must comply on a continuing basis with a number of provisions in the Internal Revenue Code. One such provision is the "private business use test," which is designed to limit the transfer of the benefits of tax-exempt bond financing to nongovernmental persons. The private business use test restricts any use of tax-exempt bond-financed property by nongovernmental persons on a basis other than the basis on which the property may be used by the general public.

The County Board has adopted a Post-Issuance Compliance Policy requiring, among other things, that the director of each County Department certify annually regarding the extent and nature of any private business use of the property used and/or administered by the Department. The County Attorney, chief legal counsel, has employed bond counsel to advise the County's Department of Finance and the County Attorney whether any such use presents a threat to the tax status of any of the County's tax-exempt bonds.

Certain terms used in this certificate are defined in the attached Appendix A.

I hereby certify that, during the County's fiscal year ended_____, 20 , and through the date of this certificate (the "Covered Period"):

1. No portion of the Department Property was titled to or owned by any nongovernmental person and there are no current plans to transfer the title to or ownership of any Department Property to any nongovernmental person. Yes___ No____
   If no, please describe and include any pertinent agreements or documents: _____.

2. No portion of the Department Property is or will be treated by any nongovernmental person as depreciable for federal income tax purposes. Yes ___ No ____
   If no, please describe and include any pertinent agreements or documents: _____.

3. No portion of the Department Property is being used by a nongovernmental person pursuant to a lease, in incentive payment contract or take-or-pay or other output-type contract. Yes ___ No ___
   If no, please describe and include any pertinent agreements or documents: _____.

4. No portion or function of any of the Department Property is being used pursuant to or is otherwise subject to a management contract. Yes ___ No ____
   If no, please describe and include any pertinent agreements or documents: _____.

5. No portion of the Department Property is being used for research pursuant to an agreement by a nongovernmental person to sponsor such research. Yes ___ No ___
   If no, please describe and include any pertinent agreements or documents: _____.

6. No nongovernmental person is using any of the Department Property or any product or output there of (for example, treated water) or service provided thereby (for example, the use of a meeting room in a library or exercise room equipment in a community center) other than pursuant to generally applicable and uniformly applied fees and charges? Yes ___ No ___
If no, please describe and include any pertinent agreements or documents: _____.

7. There are no arrangements or agreements pursuant to which a nongovernmental person-
   a. Has priority or other preferential rights to the use or capacity of any Department Property;
   b. Has the right to control or benefit from rates, fees or charges imposed by the county for the use of any Department Property; or
   c. Has the right to a term of use of any Department Property, including all renewal options, for a period of time more than 200 days.

   Yes ___ No___
   If no, please describe and include any pertinent agreements or documents: _____.

Date: _____
By: _____
Printed Name: _____
Title: _____

ATTACHMENT C
FORM 1 - APPENDIX A

The term "management contract" means a contract under which a nongovernmental person will provide services involving all, a portion or any function of the Department Property. For example, a management contract includes a contract for the provision of management services for all or any portion of the Department Property.

The term "nongovernmental person" means any person other than the County or other state or local governmental unit. The federal government and its agencies and instrumentalities are nongovernmental units.

The term "person" means any natural person, firm, joint venture, association, partnership, business trust, corporation, Limited Liability Company, corporation or partnership, or any other entity (including a federal, state or local governmental entity).

Rates, fees and charges may be treated as "generally applicable and uniformly applied" even if different rates apply to different classes of users, such as volume purchasers, if the differences in the rates, fees and charges are customary and reasonable.

FORMS OF DEPARTMENT DIRECTOR CERTIFICATES COUNTY OF ISLE OF WIGHT, VIRGINIA

FORM 2 - ANNUAL TAX CERTIFICATION OF DEPARTMENT DIRECTOR [ISLE OF WIGHT PUBLIC SCHOOLS]

I am the Executive Director of Finance for Isle of Wight Public Schools. I understand that the County finances the acquisition, construction and equipping of most of its land, building, equipment and vehicles, including those used and/or administered by the Isle of Wight County School Board with the proceeds of tax-exempt bonds.

I understand that the County has been advised that, in order for its tax-exempt bonds to maintain their status, the

County must comply on a continuing basis with a number of provisions in the Internal Revenue Code. One such provision is the "private business use test," which is designed to limit the transfer of the benefits of tax-exempt bond financing to nongovernmental persons. The private business use test restricts any use of tax-exempt bond-financed property by nongovernmental persons on a basis other than the basis on which the property may be used by the general public.

The County Board has adopted a Post-Issuance Compliance Policy requiring, among other things that the Executive Director of Finance for Isle of Wight Public Schools certify annually regarding the extent and nature of any private business use of the property used and/or administered by the Isle of Wight County School Board. The County Attorney, chief legal counsel, pursuant to the County Charter has employed bond counsel to advise the County's Department of Finance and the County Attorney whether any such use presents a threat to the tax status of any of the County's tax-exempt bonds.

Certain terms used in this certificate are defined in the attached Appendix A.

I hereby certify that, during the County's fiscal year ended_____, 20 , and through the date of this certificate (the "Covered Period"):

1. No portion of School Board Property was titled to or owned by any nongovernmental person and there are no current plans to transfer the title to or ownership of any School Board Property to any nongovernmental person. Yes ____ No____
   If no, please describe and include any pertinent agreements or documents:_____.

2. No portion of School Board Property is or will be treated by any nongovernmental person as depreciable for federal income tax purposes. Yes ____ No ____
   If no, please describe and include any pertinent agreements or documents: _____.

3. No portion of School Board Property is being used by a nongovernmental person pursuant to a lease, an incentive payment contract or a take-or-pay or other output-type contract. Yes ____ No ____
   If no, please describe and include any pertinent agreements or documents: _____.

4. No portion or function of any of School Board Property is being used pursuant to or is otherwise subject to a management contract. Yes ____ No ____
   If no, please describe and include any pertinent agreements or documents: _____.

5. No portion of School Board Property is being used for research pursuant to an agreement by a nongovernmental person to sponsor such research. Yes ____ No ____
   If no, please describe and include any pertinent agreements or documents: _____.

6. No nongovernmental person is using any School Board Property or any product or output thereof (for example, treated water) or service provided thereby (for example, the use of a meeting room in a library or exercise equipment in a community center) other than pursuant to generally applicable and uniformly applied rates, fees and charges? Yes ____ No ____
   If no, please describe and include any pertinent agreements or documents: _____.

7. There are no arrangements or agreements pursuant to which a nongovernmental person—
   a. Has priority or other preferential rights to the use or capacity of any School Board Property;
   b. Has the right to control or benefit from rates, fees or charges imposed by the County for the use of any School Board Property; or

c. Has the right to a term of use of any School Board Property, including all renewal options, for a period of more than 200 days.

Yes ____ No ____

If no, please describe and include any pertinent agreements or documents: _____.

Date: _____

By: _____

Printed Name: _____

Title: _____

ATTACHMENT C
FORM 2 - APPENDIX A

Management contract - a contract under which a nongovernmental person will provide services involving all, a portion or any function of School Board Property. For example, a management contract includes a contract for the provision of management services for all or any portion of School Board Property.

Nongovernmental person - any person other than the County or other state or local governmental unit. The federal government and its agencies and instrumentalities are nongovernmental units.

Person - any natural person, firm, joint venture, association, partnership, business trust, corporation, Limited Liability Company, corporation or partnership, or any other entity (including a federal, state or local governmental entity).

Rates, fees and charges may be treated as "generally applicable and uniformly applied" even if different rates apply to different classes of users, such as volume purchasers, if the differences in the rates, fees and charges are customary and reasonable.

ATTACHMENT D
CONTINUING DISCLOSURE CHECKLIST

Disclosure Requirements	Document Reference	Reporting Deadline	Affected Obligations	Responsible Party
1. Rule 15c2-12 Requirements				
(a) Annual Financial Information	Continuing Disclosure Agreement	240 days from end of fiscal year		
(i) Annual Report / financial statements (i.e., CAFR)				
(ii) specified operating data (see attached form letter)				
(b) Event Disclosures for Obligations issued before December 1, 2010, *only if material*	Continuing Disclosure Agreement	Promptly after becoming aware		
(i) principal and interest payment delinquencies				
(ii) non-payment related defaults				
(iii) unscheduled draws on debt service reserves reflecting financial difficulties				
(iv) unscheduled draws on credit enhancements reflecting financial difficulties				
(v) substitution of credit or liquidity providers, or their failure to perform				
(vi) adverse tax opinions or events affecting the tax-favored status of the security				
(vii) modifications to the rights of security holders				
(viii) bond calls				
(ix) defeasances				

Disclosure Requirements	Document Reference	Reporting Deadline	Affected Obligations	Responsible Party
(x) release, substitution or sale of property securing repayment of the securities				
(xi) ratings changes				
(c) Event Disclosures for Obligations issued after December 1, 2010	Continuing Disclosure Agreement	Timely after becoming aware, not less than 10 business days		
(i) principal and interest payment delinquencies				
(ii) non-payment related defaults, *if materials*				
(iii) unscheduled draws on debt service reserves reflecting financial difficulties				
(iv) unscheduled draws on credit enhancements reflecting financial difficulties				
(v) substitution of credit or liquidity providers, or their failure to perform				
(vi) adverse tax opinions, the issuance by the IRS of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security or other material events affecting the tax status of the security				
(vii) modifications to the rights of security holders, *if material*				
(viii) bond calls				
(ix) defeasances				

Disclosure Requirements	Document Reference	Reporting Deadline	Affected Obligations	Responsible Party
(x) release, substitution or sale of property securing repayment of the securities, *if material*				
(xi) ratings changes				
(xii) bankruptcy, insolvency, receivership or similar event of the County				
(xiii) the merger, consolidation or acquisition involving the County or the sale of all or substantially all of the assets of the County, other than in the ordinary course or the entry into a definitive agreement to do any of the foregoing, *if material*				
(xiv) appointment of a successor or additional trustee or the change of name of a trustee, *if material*				
2. Voluntary Disclosure of any facts related to the County or outstanding Obligations	N/A			
3. Informal Disclosure by press release or otherwise				
4. Additional Disclosure Requirements				
(a) VRA-held Obligations	Financing Agreement with VRA (add other agreements as necessary)			
(i) Financial Records		As required under the applicable Indenture		
(ii) Certificate of no Default		180 days after end of fiscal year		
(iii) Notice of additional bonds		Prior to issuance of additional bonds		

Disclosure Requirements	Document Reference	Reporting Deadline	Affected Obligations	Responsible Party
		under the applicable Indenture		
(iv) Annual Financial Reporting as specified in 1(a) above **[only if VRA requires it]**		7 months after end of fiscal year		
(v) Event Disclosures as specified in 1(b) or 1(c) above **[disclosure made to VRA]**		promptly		
(b) Indenture-secured Obligations (e.g., Water and Sewer Bonds	Master Indenture of Trust **[*add additional documents as necessary]**			
(i) Annual budget		On or before the start of the fiscal year		
(ii) Annual financial reporting		180 days after the end of the fiscal year		
(c) Other contractual reporting requirements				
[To be added as necessary]				

Utility Fund Financial Policies

Section 7.1 – Independence

The Utility Fund will seek to become financially independent from the General Fund by:

a. Funding to the highest extent possible from Utility Enterprise Fund revenues thereby diminishing the financial support from the General Fund.

b. Issuing to the highest extent possible self-supporting debt payable solely from the Utility Enterprise Fund.

Section 7.2 - Unrestricted Cash and Long-Term Investments Balance

The County will establish policy for the Utility Fund to achieve adequate cash reserves to provide for operating expenses upon achieving financial independence from the County General Fund.

Section 7.3 - Amortization

The Utility Fund will continue to amortize bond issues so the useful life of the project being financed is not exceeded.

Section 7.4 - Debt Service Coverage Ratio

The County will establish policy for the Utility Fund to provide Net Revenues at an appropriate coverage ratio upon achieving financial independence from the County General Fund.

Section 7.5 - Asset Replacement and System Extension

The County will establish policy for the Utility Fund to provide for funds to be set aside for replacement and/or extension of all Utility system assets such that new assets will not be 100 percent debt financed upon achieving financial independence from the County General Fund.

Glossary

Arbitrage - The difference between the interest paid on the tax-exempt securities and the interest earned by investing the security proceeds in higher-yielding taxable securities. IRS regulations govern arbitrage on the proceeds from issuance of municipal securities.

Balloon Maturity - A later maturity within an issue of bonds which contains a disproportionately large percentage of the principal amount of the original issue.

Bond Anticipation Notes (BANs) - Notes which are paid from the proceeds of the issuance of long-term bonds. Typically issued for capital projects.

Bullet Maturity - A maturity for which there are no principal and/or sinking fund payments prior to the state maturity date.

Call Provisions - The terms of the bond giving the issuer the right to redeem all or a portion of a bond prior to its stated date of maturity at a specific price, usually at or above par.

Capitalized Interest - A portion of the proceeds of a bond issue which is set aside to pay interest on the same bond issue for a specific period of time. Interest is commonly capitalized for the construction period of the project.

Commercial Paper - Very short-term, unsecured promissory notes issued in either registered or bearer form, and usually backed by a line of credit with a bank.

Community Development Authority (CDA) - A Community Development Authority (CDA) is a separate authority that may be used to foster growth and development in a special taxing district. A CDA can issue debt for public purpose infrastructure paid for with tax revenues generated within the special taxing district. Public purpose infrastructure includes, but is not limited to: Roads, bridges, sidewalks, traffic signals, Parking facilities; Storm water management systems; Parks and recreational facilities; Fire Stations and equipment; and Schools and related structures. Generally, a CDA can be formed by County Board of Supervisors at the request of 51% or more of the landowners within the proposed district. Under state law, the District's special tax rate cannot exceed $0.25 per $100 of assessed value.

Competitive Sale - A sale/auction of securities by an issuer in which underwriters or syndicates of underwriters submit sealed bids to purchase the securities. Contrast to a negotiated sale.

Continuing Disclosure - The principle that accurate and complete information material to the transaction which potential investors would be likely to consider material in making investment decisions with respect to the securities be made available on an ongoing basis.

Credit Enhancement - Credit support purchased by the issuer to raise the credit rating of the issue. The most common credit enhancements consist of bond issuance, direct or standby letters of credit, and lines of credit.

Debt Service Reserve Fund - The fund in which moneys are placed which may be used to pay debt service if pledged revenues are insufficient to satisfy the debt service requirements.

Deep Discount Bonds - Bonds which are priced for sale at a substantial discount from their face or par value.

Derivatives - A financial product whose value is derived from some underlying asset value.

Designation Policies - Outline how an investor's order is filled when a maturity is oversubscribed when there is an underwriting syndicate. The senior managing underwriter and issuer decide how the bonds will be allocated among the syndicate. There are three primary classifications of order which form the designation policy: Group Net orders; Net Designated orders and Member orders.

Escrow - A fund established to hold moneys pledged and to be used to pay debt service on an outstanding issue.

Expenses - Compensates senior managers for out-of-pocket expenses including: underwriters counsel, DTC charges, travel, syndicate expenses, dealer fees, overtime expenses, communication expenses, computer time and postage.

General Obligations - Bonds issued by the County secured by the County's pledge of its full faith and credit and unlimited taxing power.

*Hedge***.** - A transaction that reduces the interest rate risk of an underlying security.

Intergenerational Equity - Equity or fairness principal that those that benefit from a capital improvement should pay for it.

Interest Rate Swap - The exchange of a fixed interest rate and a floating interest rate between counterparties.

Letters of Credit - A bank credit facility wherein the bank agrees to lend a specified amount of funds for a limited term.

Management Fee - The fixed percentage of the gross spread which is paid to the managing underwriter for the structuring phase of a transaction.

Members - Underwriters in a syndicate other than the senior underwriter.

Negotiated Sale - A method of sale in which the issuer chooses one underwriter to negotiate terms pursuant to which such underwriter will purchase and market the bonds.

Original Issue Discount - The amount by which the original par amount of an issue exceeds its public offering price at the time it is originally offered to an investor.

Pay-As-You-Go - An issuer elects to finance a project with existing cash flow as opposed to issuing debt obligations.

Present Value - The current value of a future cash flow.

Private Placement - The original placement of an issue with one or more investors as opposed to being publicly offered or sold.

Rebate - A requirement imposed by Tax Reform Act of 1986 whereby the issuer of tax-exempt bonds must pay the IRS an amount equal to its profit earned from investment of tax-exempt bond proceeds at rates exceeding the tax-exempt borrowing rate. The tax-exempt borrowing rate (or "bond yield") is calculated pursuant to the IRS code together with all income earned on the accumulated profit pending payment.

Revenue (Limited Liability) Bonds - Bonds issued by the County secured by a specific revenue pledge of rates, rents or fees.

Selling Groups - The group of securities dealers who participate in an offering not as underwriters but rather who receive securities less the selling concession from the managing underwriter for distribution at the public offering price.

Syndicate Policies - The contractual obligations placed on the underwriting group relating to distribution, price limitations and market transactions.

Tax Increment Financing District (TIF) - A Tax Increment Financing District (TIF) district is a public financing technique primarily used to foster economic development projects. Upon creation of a TIF district, a base year and base assessment is established and over time incremental increases in the TIF district's real estate assessments and associated real estate tax revenues accrue to the TIF district and may be used to pay debt service.

Underwriter - A dealer that purchases new issues of municipal securities from the Issuer and resells them to investors.

Underwriter's Discount - The difference between the price at which bonds are bought by the Underwriter from the Issuer and the price at which they are reoffered to investors.

Variable Rate Debt - An interest rate on a security which changes at intervals according to an index or a formula or other standard of measurement as stated in the bond contract.

ARTICLE V - Fixed Assets

(Adopted June 5, 2003; Revised July 3, 2003)

Section 5.0 - Introduction and Purpose

The County's property control program is structured to serve several functions. It is a perpetual inventory system which provides County officials with information required to control the use and location of County property, determine replacement schedules, serves as a basis to determine property to be covered for insurance purposes, and provides information for the County's financial records.

It is the responsibility of each department to ensure that all property and equipment under their control is properly accounted for in the County's Fixed Asset listing. The department director controlling the asset shall be responsible for securing personal property assigned to their department and may be held responsible for any lost or missing County assets.

Section 5.1 - Definition of Fixed Assets

a. Capitalizable Fixed Assets - Defined as any asset or group of assets acquired by the County that has a useful life in excess of two years and a fair market value or acquisition cost of at least $5,000.00 when received. Examples include land, buildings, easements, vehicles, machinery, etc. Specific determinations shall be referred to the Budget and Finance Department.

b. Controllable Fixed Assets - Defined as any asset acquired by the County requiring tracking and security from theft with a useful life of less than two years and a fair market value or acquisition cost of less than $5,000.00 when received. Examples include computers, cellular phones, radios, weapons, cameras, video equipment, and power tools. Specific determinations relating to the categorization of specific items shall be referred to the Budget and Finance Department.

Section 5.2 - Controllable Assets

Controllable assets are not subject to depreciation and are expensed in the fiscal period acquired. Controllable assets are typically sensitive in nature and are easily converted to cash. These assets may be required to have an inventory control sticker and shall be listed in the County's controllable fixed asset listing. Controllable assets shall be secured in a manner dependent on its operational use and /or susceptibility to loss or theft. Specific determinations relating to the categorization of specific items shall be referred to the Budget and Finance Department.

Section 5.3 - Valuation

a. Valuation of Fixed Assets

Valuation of fixed assets will be at original cost, which includes list price, minus any cash discounts plus shipping and installation costs. (For example, list price of $8,500 less 10% cash discount plus $50 shipping and installation = $7,700 fixed asset value.) Valuation of a donated asset shall be the fair market value of the asset at the date of acquisition.

b. Valuation of Group Assets

Group assets are those assets which individually are less than the capitalizable threshold but collectively value above said threshold. The following two criteria shall be used in making such a determination:

1. The expected economic useful service life of the entire group of assets and;
2. The materiality of the total purchase price or acquisition cost of the group of assets involved.

Valuation of group assets will be made on a case-by-case basis at the discretion of the Finance Director upon approval by the County Administrator.

Section 5.4 - Depreciation

Fixed Assets can be depreciable or non-depreciable. Land is not subject to depreciation. The straight-line depreciation method shall be used on all depreciable fixed assets according to generally accepted accounting principles. A composite life table developed by American Appraisal Associates shall be used as the basis in the determination of an asset's useful life. The useful life of a particular asset may be adjusted based on the County's experience as deemed appropriate.

AMERICAN APPRAISAL COMPOSITE ASSET LIFE TABLE			
ASSET CLASSIFICATION	**ASSET LIFE (YEARS)**	**ASSET CLASSIFICATION**	**ASSET LIFE (YEARS)**
Athletic Equipment	10	Grounds/Agricultural Equipment	15
Appliances/Food Service Equipment	15	Lab/Science/Engineering Equipment	10
Audio Visual Equipment	10	Land	N/A
Books Multi Media Materials	5	Land Improvements	20
Business Machines	10	Law Enforcement Equipment	10
Communications Equipment	10	Licensed Vehicles - General	8
Computer Software	5	Licensed Vehicles - Law Enforcement	5
Contractors/Construction Equipment	10	Machinery and Tools	15
Computer Equipment	5	Musical Instruments	10
Computers	5	Outdoor Recreation Equipment	20
Monitors	5	Stage and Auditorium	20
Printers	5	Buildings	50
Fine Arts and Antiques	N/A	Portable Classrooms	25
Fire Department Equipment	12	Custodial Equipment	15
Furniture and Accessories	20	Copiers	5

Section 5.5 - Recording of Fixed Assets

All asset records shall be kept current. Fixed assets shall be entered into the fixed asset accounting system on a monthly basis.

The acquiring department shall complete a Fixed Asset Addition Form for all capitalizable and controllable assets acquired and, where appropriate, submit said form with the request for payment to the Budget and Finance Department for processing.

The Budget and Finance Department shall process all Fixed Asset Addition Forms in a timely manner. Budget and Finance shall review all charges to property line items (equipment, vehicle, etc.) subsequent to each payable cycle and note any expenditures that meet the fixed asset classification definitions above. This information shall be reconciled to the Fixed Asset Addition Forms submitted by Departments. Asset information will be entered to the fixed asset system monthly.

Each capitalizable and controllable asset (where appropriate) will be assigned a fixed asset number. These numbers shall have corresponding tags and shall be affixed to the assets. The Budget and Finance Department shall be responsible for issuing asset tag numbers and ensuring said tags are initially affixed to the acquired property where applicable.

Department's shall be responsible for monitoring the department's property listing as provided by the Department of Budget and Finance quarterly for accuracy and completeness and for ensuring asset tag numbers are attached to equipment where required. It is the department's responsibility to ensure that fixed asset records remain current and accurate.

Section 5.6 - Placement Locations for Fixed Asset Tags

To assist in locating property tags affixed to assets, tags shall be affixed in identical locations on similar items. Tags shall be placed on the front main body of the asset and should be clearly visible where possible and in a location that is not subject to disturbance or dislocation.

Section 5.7 - Disposing of Fixed Assets

When a fixed asset is no longer of use to a department or becomes obsolete requiring disposal, a Fixed Asset Disposal Form shall be completed and forwarded to the Budget and Finance Department for asset transfer to another department or surplus processing.

Section 5.8 - Audit of Fixed Assets

The inventory of fixed assets shall be subject to audit internally by the Budget and Finance Department and externally by independent auditors hired for the annual fiscal yearend audit.

ARTICLE VI - Applications for Tax Exempt Status Designation for Real and Personal Property

(Adopted September 17, 2015)

Section 6.0 - Purpose

This policy sets forth the procedural process and guidelines for qualifying nonprofit organizations to request exemption from real and personal property taxation in Isle of Wight County. The policy is intended to promote the efficient and timely management of applications and documentation of responsible parties required to facilitate tax exemption requests to the Board of Supervisors.

Section §58.1-3651 of the *Code of Virginia*, 1950, as amended, governs the requirements for entities seeking to have tax-exempt status granted to real or personal property owned by that entity. This section grants the Board of Supervisors the authority to designate as tax exempt that real and personal property owned by organizations which use it exclusively for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. In order to receive the tax-exempt status designation, the entity must comply with the procedural requirements contained in Section §58.1-3651, including a public hearing, to receive citizen comment on the request.

If the Board of Supervisors adopts the ordinance for exempt status, the exemption is valid for the next July 1st tax year and all future years unless revoked in accordance with the provision of §58.1-3605.

Section 6.1 - Submission Requirements

An application for tax exemption must be submitted to the Commissioner of the Revenue by the requesting organization along with a check made payable to Treasurer, Isle of Wight County, Virginia for the cost of the required public hearing announcements in order to be considered by the County for exemption from real and/or personal property taxes. The public hearing notices shall be advertised in accordance with County Policy. The cost of the public hearing announcements shall be specified in the Fee Schedule of the fiscal year operating budget.

All information required as part of the application must be provided in order for the tax exemption request to be considered by the Board of Supervisors. In accordance with Section §58.1-3651, before adopting an ordinance granting tax-exemption, the Board of Supervisors is required to consider the following questions:

1. Whether the organization is exempt from taxation pursuant to Section 501(c) of the Internal Revenue Code of 1954.

2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to the applicant for use on the property.

3. Whether any director or officer of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director or officer actually renders.

4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants.

5. Whether the organization provides services for the common good of the public; specific consideration will be given to the level of services provided for the common good of the public to citizens of Isle of Wight County. The organization should have been providing services in Isle of Wight County for a minimum of three (3) years. At least a minimum of 50% of the organization services should be provided to citizens of Isle of Wight County.

6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office.

7. Whether the organization has rules, regulations, policies, or practices that discriminate on the basis of religious conviction, race, color, sex, or national origin.

8. The revenue impact to the locality and its taxpayers of exempting the property. The information is generally answered by the Commissioner of the Revenue's office. The County shall assess the County service requirements for the facility requested to be exempted and the financial impact of any exempted tax burden shift to the taxpaying citizens and businesses.

9. Any other criteria, facts and circumstances that the Board of Supervisors deems pertinent to the adoption of such ordinance.

Section 6.2 - Application Review and Public Hearing Requirements

The Commissioner of the Revenue's office shall:

a. Accept applications as well as the cost of advertising the public hearings and transmit said funds for deposit to the Treasurer's Office.

b. Process the application within 45 business days of receipt to review the application for completion and accuracy and request any additional information required to process the application.

c. Complete the following sections of the attached "Evaluation Summary Form":
   1. Application Routing Number
   2. Date Application Received by the Commissioner of the Revenue
   3. Organization Name
   4. Property Address
   5. Assessed Value
   6. Parcel Map#
   7. Tax I.D. #

d. Forward the application and all supporting documentation to the County Administrator's Office for agenda placement and consideration by the Board of Supervisors.

The County Administrator's Office shall:

a. Schedule a public hearing for action by the Board of Supervisors within 45 business days of receipt of the application for tax exemption and "Evaluation Summary Form" from the Commissioner of the Revenue.

b. Place the advertisement for public hearing in a newspaper of general circulation in accordance with State Code and Chapter 8, Article 5, of the County Policy Manual, and retain the newspaper certification of same for the permanent record. The notice of public hearing must contain the assessed value of the real or personal property of the organization along with the amount of taxes that were, or would be, assessed against such property. The public hearing cannot be held until at least 5 days after the publication of the notice of public hearing.

c. Prepare and submit an agenda item and related authorizing ordinance for placement on the Board of Supervisors agenda. The ordinance must include a statement regarding the specific use on which the exemption is based, as well as a statement that continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is designated through a triennial application process as more specifically set forth in Section 6.3 below.

d. Review and complete the "Evaluation Summary Form" including the Criteria Evaluated section for attachment to the agenda item.

e. Notify the applicant in writing of the public hearing date.

f. Notify in writing the applicant of any action or inaction by the Board of Supervisors to include a copy of any ordinance adopted after the public hearing.

g. Finalize the documentation of the "Evaluation Summary Form" and acquire appropriate processing signatures of any actions authorized by the Board of Supervisors.

h. Retain the permanent record of the application information and Board of Supervisors action taken for review by the public and/or auditors in compliance with record retention requirements to include scanning all file contents to an appropriately titled file for future reference.

Section 6.3 - Triennial Application for Exemption; Removal by Local Governing Body

In accordance with §58.1-3605 of the Code of Virginia, organizations receiving exemption from real and/or personal property taxation by the Isle of Wight Board of Supervisors shall be required to file triennially an application as a requirement for retention of the exempt status of the property. Such application shall show the ownership and usage of such property and shall be filed within sixty days preceding the tax year for which such exemption, or the retention thereof, is sought. The requirement to file a triennial application to maintain exempt status shall be written into the ordinance designating an organization as exempt from real and/or personal property taxes.

The Board of Supervisors may submit to the General Assembly a list of those organizations whose property is designated as tax exempt under §58.1-3650.1 et seq. which the local governing body wants to remove from its exempt property list. Legislation including such a list must be introduced no later than the first calendar day of any session of the General Assembly unless requested by the Governor.

Procedure for Applying for Exempt Status of a Non-Profit Organization

a. Pursuant to subsection 6(a)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any county, city, or town may, by designation or classification, exempt from real or personal property taxes, or both, by ordinance adopted by the local governing body, the real or personal property, or both, owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. The ordinance shall state the specific use on which the exemption is based, and continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated. No exemption shall be provided to any organization that has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin.

b. Any ordinance exempting property by designation pursuant to subsection A above shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The Board of Supervisors shall publish a notice of the public hearing once in the Smithfield Times and The Tidewater News newspapers. The notice shall include the assessed value of the real and tangible personal property for which an exemption is requested as well as the property taxes assessed against such property. The public hearing shall not be held until at least five days after the notice is published in the newspaper. The local governing body shall collect the cost of publication from the organization requesting the property tax exemption.

Before adopting any such ordinance, the Board of Supervisors shall consider the following questions:

1. Whether the organization is exempt from taxation pursuant to §501 (c) of the Internal Revenue Code of 1954;

2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization, for use on such property;

3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;

4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants;

5. Whether the organization provides services for the common good of the public; specific consideration will be given to the level of services provided for the common good of the public to citizens of Isle of Wight County. At least a minimum of 50% of the organization services should be provided to citizens of Isle of Wight County. The organization should have been providing services in Isle of Wight County for a minimum of three years.

6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;

7. Whether the organization has rules, regulations, policies, or practices that discriminate on the basis of religious conviction, race, color, sex, or national origin.

8. The revenue impact to the locality and its taxpayers of exempting the property; The County shall

assess the County service requirements for the facility requested to be exempted and the financial impact of any exempted tax burden shift to the taxpaying citizens and businesses.

c. Exemptions of property from taxation under this article shall be strictly construed in accordance with Article X, Section 6 (f) of the Constitution of Virginia.

d. "Nothing in this section or in any ordinance adopted pursuant to this section shall affect the validity of either a classification exemption or a designation exemption granted by the General Assembly prior to January 1, 2003, pursuant to Article 2 (§58.1-3606 et seq.), 3 (§58.1-3609 et seq.) or 4 (§58.1-3650 et seq.) of the Code of Virginia or this chapter. An exemption granted pursuant to Article 4 (§58.1-3650 et seq.) of the Code of Virginia or this chapter may be revoked in accordance with the provisions of §58.1-3605.

e. Triennial Application for Exemption; Removal by Local Governing Body

In accordance with §58.1-3605 of the Code of Virginia, organizations receiving exemption from real and/or personal property taxation by the Isle of Wight Board of Supervisors shall be required to file triennially an application as a requirement for retention of the exempt status of the property. Such application shall show the ownership and usage of such property and shall be filed within sixty days preceding the tax year for which such exemption, or the retention thereof, is sought.

The requirement to file a triennial application to maintain exempt status shall be written into the ordinance designating an organization as exempt from real and/or personal property taxes.

The Board of Supervisors may submit to the General Assembly a list of those organizations whose property is designated as tax exempt under §58.1-3650.1 et seq. which the local governing body wants to remove from its exempt property list. Legislation including such a list must be introduced no later than the first calendar day of any session of the General Assembly unless requested by the Governor.

f. Application Submission

1. Applications are available in the Commissioner of the Revenue's Office located at 17090 Monument Circle, Suite 113. Please attach all required documents.

2. Return the completed application to the Commissioner of the Revenue's Office, 17090 Monument Circle, Suite 113, Isle of Wight, Virginia 23397 along with a check for the cost of the public hearing advertisements, as specified in the fee schedule of the fiscal year operating budget, and made payable to Treasurer, Isle of Wight County, Virginia.

3. Within 45 business days of receipt of the application, the Commissioner of the Revenue's Office will review the application for completion and notify the organization if additional information is needed then forward it, with any additional information pertinent to the application, to the County Administrator's Office for action of the Board of Supervisors within 45 days after receipt from the Commissioner of the Revenue's Office.

4. The County Administrator's Office will coordinate the placement of the public hearing advertisements in accordance with County Policy. The advertisements will state the date, time, and location of the meeting. ***It is highly recommended that the person(s) completing the application attend the Public Hearing. If such individual(s) cannot be present, the organization should send an authorized representative.***

5. Upon conclusion of the Public Hearing, a prepared ordinance will be introduced for consideration

by the Board of Supervisors. If the Board of Supervisors adopts the ordinance for exempt status, the exemption is valid for the next July 1st tax year and all future years unless revoked in accordance with the provision of *Code of Virginia* §58.1-3605.

6. If the Board of Supervisors does not approve the request for exempt status, the organization will be required to continue to file a tangible personal property return and/or continue paying taxes related to real and/or personal property assessments.

7. To be considered for each July 1, ***the application must be received by the Commissioner of the Revenue's Office by April 1***.

8. Approval of the application will provide for exemption for real and personal property tax.

Application for Exemption from Real Estate or Personal Property Taxes for Religious, Charitable, Patriotic, Historical, Benevolent, Cultural, or Public Park and Playground Use

1. Name of Organization: _____

2. Property currently owned by: _____

3. Name of Authorized Agent and Title: _____

4. Mailing Address: _____

5. Contact Number for Authorized Agent: _____

6. Property Location (include parcel map number and street address): _____

7. Description of organization's activities and the services provided to the public. Include in this section any charges for services or receipts of in-kind contributions or gifts: _____
_____

8. Provide basis for application: _____

9. Specific activities conducted on premises: _____

10. Specific activities on premises NOT a part of organization: _____

11. If a residence, indicate occupant's relationship to the organization: _____

12. Organization receiving rent or income from property: _____

13. Date property will be occupied for Tax Exempt purposes: _____

14. In addition, please attach supporting documentation related to the following:

a. A copy of the determination from the IRS regarding tax-exempt status pursuant to §501(c) of the Internal Revenue Code of 1954.

b. A statement signed by an officer indicating whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to the organization for use on its property. A copy of the organization's current alcoholic beverage license issued by the Virginia Alcoholic Beverage Control Board. If no license is held, check here _

c. A copy of the organization's most current compensation schedule in order to determine if any director, officer, or employee is paid compensation in excess of a reasonable allowance.

d. A copy of the Internal Revenue Service form 990, 990EZ, or 990PF together with any schedules and attachments most recently filed with the IRS for the previous calendar year or an explanation why such form was not filed.

e. A statement from the organization clearly indicating whether the property is to be used for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes as set forth in Article X, Section 6 (a)(6) of the Constitution of Virginia.

f. A list of names and addresses of the current officers and directors of the organization.

g. A copy of all fictitious names certificated, if any, filed by the organization with either the State Corporation Commission or the Isle of Wight County Circuit Court.

h. Copies of current financial statements, including a list of the individuals or entities to whom the net earnings of the organization inure. The list must indicate the amount or percentage of the net earning inuring to each individual or entity.

i. A statement signed by an officer of the organization indicating whether any significant portion of the service provided by the organization is generated by funds received from donations, contributions, or local, state, or federal grants. This statement must include an indication of the percentage of service generated by such funds. Donations shall include the providing of personal services or the contribution of in-kind or other material services.

j. A copy of the current articles of incorporation and bylaws of the organization.

k. A statement signed by an officer indicating whether the organization has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin.

l. A description of how the organization provides services for the common good of the public, specifically identifying the amount or level of service provided to Isle of Wight County Citizens and the length of time these services have been provided in Isle of Wight County. To be considered, the organization should provide, on average, 50% of its services and community benefit to Isle of Wight citizens and the length of time these services have been provided within Isle of Wight County should be three (3) years or greater.

m. Any other information the organization believes is supportive of its request for tax exemption.

AFFIDAVIT: The undersigned property owner _____ OR Duly Authorized Agent/Representative _____ thereof [check ONE], certifies that this application and the foregoing answers, statements, and other information herewith submitted are in all respects true and correct to the best of their knowledge and belief. WITH THE UNDERSTANDING THAT ANY INCORRECT INFORMATION SUBMITTED MAY RESULT IN THE DELAY OR RESCHEDULING OF APPROVAL BY THE BOARD OF SUPERVISORS.

Signed: _____
Printed Name: _____
Tile_____
(Officer, Member, etc. with authority to bind the Organization)
Date: _____

Isle of Wight
Application for Exemption from Real Estate or Personal Property Taxes
Evaluation Summary

Application Routing Number: _____
Application received by Commissioner of the Revenue: _____
Application received by County Administrator: _____

Organization Name: _____

Property Address: _____

_____

Assessed Value: _____

Parcel Map # _____

Tax I.D. # _____

Qualifying Status:

Religious		Benevolent	
Charitable		Cultural	
Patriotic		Public Park	
Historical		Playground Use	

Application for exemption received for:

Real Property		Personal Property	

Criteria Evaluated:

		Comments	Supports Application?
1	Is the organization exempt from taxation pusuant to section 501 (c) of the internal Revenue Code of 1954?		
2	Has a current annual alcoholic beverage license for serving alcoholic beverages been issued by the Virginia Alcoholic Beverage Control Board to such organization for use on property?		
3	Is the director, officer, or employee of the organization paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders?		
4	Does any part of the net earnings of such organization inure to the benefit of any individual?		
4a	Is any significant portion of the service provided by such organization supported by funds received from donations, contributions, or local, state or federal grants?		
5	Does the organization provide services for the common good of the public? Special consideration shall be given to the level of services provided for the common good of the public to citizens of Isle of Wight County.		

5a	Is at least a minimum of 50% of the organization services and community benefit provided to citizens of Isle of Wight?		
5b	Has the organization operated for three (3) years within Isle of Wight County.		
6	Does a substantial part of the activities of the organization involve carrying on propaganda, or otherwise attempting to influence legislation and does the organization participate in, or intervene in, any political campaign on behalf of any candidate for public office?		
7	Does the organization have rules, regulations, policies, or practices which discriminate on the basis of religious conviction, race, color, sex, or national origin.		
8	Is there a significant revenue impact to the locality and its taxpayers for exempting the property? Isle of Wight County shall assess the County service requirements for the facility requested to be exempted and the financial impact of any exempted tax burden shift to the taxpaying citizens and businesses.		

Additional Comments:

Public Hearing Ad Placed in: _____ **Date of Ad:** _____
(attach certification)

Public Hearing Date: _____

Board of Supervisors Action: **Date:** _____
(minimum of 5 days post public hearing date)

Approval July 1st of: [ ] Real Property [ ] Personal Property [ ]
(year)

Denial: [ ] Real Property [ ] Personal Property [ ]

Board of Supervisors Action Processed By Authorized Representatives:

County Administrator: _____ Date: _____

Commissioner of the Revenue: _____ Date: _____

ARTICLE VII – Uniform Grant Guidance Policy

(Adopted May 17, 2018, Revised July 16, 2020)

Section 7.0 - Purpose

The Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles and Audit Requirements [34 CFR Part 80, 2 CFR Part 213 and Part 6 of the Office of Management and Budget (OMB) UGG - Uniform Grant Guidance Compliance Supplement] require all sub-recipients of federal funds to establish and maintain internal controls designed to reasonably ensure compliance with Federal laws, regulations and program compliance requirements. Written policies and procedures are part of the necessary internal controls and are required as a precondition to receiving federal funds.

The purpose of this policy is:

1. To ensure proper oversight of all grant funds appropriated to the County.
2. To minimize the County's risk of non-compliance with grant requirements.
3. To ensure proper administration and accounting of all grants.
4. Assurance of internal compliance controls that meet the expectations for federal grant funding administration provided by OMB Super circular 2 CFR 200.

Section 7.1 - Definitions

A. Grants

1. *State-administered grants* - are those grants that pass through a state agency.
2. *Direct grants* - are those grants that do not pass through another agency and are awarded directly by the federal awarding agency to the grantee organization.

B. *Non-federal entity* - a state, local government or nonprofit organization that carries out a federal award as a recipient or subrecipient.

C. *Federal award* - has the meaning, depending on the context, in either paragraph 1. or 2. of this definition:

1. a. The federal financial assistance that a non-federal entity receives directly from a federal awarding agency or indirectly from a pass- through entity, as described in 2 C.F.R. § 200.101 (Applicability); or

   b. The cost-reimbursement contract under the federal Acquisition Regulations that a non-federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in 2 C.F.R. § 200.101 (Applicability).

2. The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (b) of 2 C.F.R. § 200.40 (Federal Financial Assistance), or the cost-reimbursement contract awarded under the federal Acquisition Regulations.

3. *Federal award* does not include other contracts that a federal agency uses to buy goods or services from a contractor or a contract to operate federal- government-owned, contractor-operated facilities.

4. When receiving a federal grant which includes funding for employee salaries, the County's Substance Abuse and Drug-Free Workplace Policy, found in Chapter 1, Article XI, Section 11.4 must be referenced by the receiving department for additional requirements that must be followed.

D. *Contract* - a legal instrument by which a non-federal entity purchases property or services needed to carry

out the project or program under a federal award. The term, as used in 2 C.F.R. Part 200, does not include a legal instrument, even if the non-federal entity considers it a contract, when the substance of the transaction meets the definition of a federal award or subaward.

E. *Procurement Methods*

1. *Procurement by micro-purchase* - is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (generally $3,000, except as otherwise discussed in 48 C.F.R. Subpart 2.1 or as periodically adjusted for inflation).

2. *Procurement by small purchase procedures* - are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than $150,000 (periodically adjusted for inflation).

3. *Procurement by sealed bids (formal advertising)* - a publicly solicited and a firm, fixed-price contract (lump sum or unit price) awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price.

4. *Procurement by competitive proposals* - normally conducted with more than one source submitting an offer, and either a fixed-price or cost- reimbursement type contract is awarded. Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids.

5. *Procurement by noncompetitive proposals* - procurement through solicitation of a proposal from only one source.

F. *Equipment* - tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which exceeds the lesser of the capitalization level established by the non-federal entity for financial statement purposes, or $5,000.

G. *Compensation for personal services* - includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the federal award, including, but not necessarily limited to, wages and salaries. Compensation for personal services may also include fringe benefits which are addressed in 2 C.F.R. § 200.431 (Compensation - Fringe Benefits).

H. *Post-retirement health plans* - refer to costs of health insurance or health services not included in a pension plan covered by 2 C.F.R. § 200.431(g) for retirees and their spouses, dependents, and survivors.

I. *Severance pay* - payment in addition to regular salaries and wages by the non- federal entities to workers whose employment is being terminated.

J. *Direct costs* - costs that can be identified specifically with a particular final cost objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

K. *Relocation costs* - costs incident to the permanent change of duty assignment (for an indefinite period or for a stated period not less than 12 months) of an existing employee or upon recruitment of a new employee.

L. *Travel costs* - expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the County.

Section 7.2 - Conflict of Interest

A. Employee Conflict of Interest - No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The employees, officers, and agents of the County may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, the County may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by employees, officers, or agents of the County.

B. Organizational Conflicts of Interest - The County is unable or appears to be unable to be impartial in conducting a procurement action involving the related organization because of relationships with a parent company, affiliate, or subsidiary organization.

C. Disclosing Conflicts of Interest - The County must disclose in writing any potential conflict of interest to a federal agency in accordance with applicable federal awarding agency policy.

Section 7.3 - Acceptable Methods of Procurement

A. General Procurement Standards - The County must use its own documented procurement procedures which reflect applicable state laws, provided that the procurements conform to the applicable federal law and the standards identified in the Uniform Grant Guidance.

B. The County must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

C. The County's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach.

D. The County must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

E. The County must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement; selection of the contract type; contractor selection or rejection; and the basis for the contract price.

F. The County must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the County of any contractual responsibilities under its contracts.

G. The County must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

H. Methods of Procurement - The County must use one of the following methods of procurement:

1. Procurement by micro-purchases. To the extent practicable, the County must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the County considers the price to be reasonable.
2. Procurement by small purchase procedures. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
3. Procurement by sealed bids (formal advertising).
4. Procurement by competitive proposals. If this method is used, the following requirements apply:
   a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
   b. Proposals must be solicited from an adequate number of qualified sources;
   c. The County must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
   d. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
   e. The County may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method where price is not used as a selection factor can only be used in procurement of A/E professional services; it cannot be used to purchase other types of services, though A/E firms are a potential source to perform the proposed effort.
5. Procurement by noncompetitive proposals. Procurement by noncompetitive proposals may be used only when one or more of the following circumstances apply:
   a. The item is available only from a single source;
   b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
   c. After solicitation of a number of sources, competition is determined inadequate.

I. Competition - The County must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When making a

clear and accurate description of the technical requirements is impractical or uneconomical, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

J. The County must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the County must not preclude potential bidders from qualifying during the solicitation period.

K. Non-federal entities are prohibited from contracting with or making subawards under "covered transactions" to parties that are suspended or debarred or whose principals are suspended or debarred. "Covered transactions" include procurement contracts for goods and services awarded under a grant or cooperative agreement that are expected to equal or exceed $25,000.

L. All non-procurement transactions entered into by a recipient (i.e., subawards to subrecipients), irrespective of award amount, are considered covered transactions, unless they are exempt as provided in 2 C.F.R. § 180.215.

Section 7.4 - Managing Equipment and Safeguarding Assets

A. Property Standards - The County must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with federal funds as provided to property owned by the non-federal entity. Federally owned property need not be insured unless required by the terms and conditions of the federal award.

The County must adhere to the requirements concerning real property, equipment, supplies, and intangible property set forth in 2 C.F.R. §§ 200.311, 200.314, and 200.315.

B. Equipment - Management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a federal award, until disposition takes place will, at a minimum, meet the following requirements:

1. Property records must be maintained that include a description of the property; a serial number or other identification number; the source of the funding for the property (including the federal award identification number (FAIN)); who holds title; the acquisition date; the cost of the property; the percentage of the federal participation in the project costs for the federal award under which the property was acquired; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposition and sale price of the property.

2. A physical inventory of the property must be taken, and the results reconciled with the property records at least once every two years.

3. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.

4. Adequate maintenance procedures must be developed to keep property in good condition.

5. If the County is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

Section 7.5 - Financial Management Requirements

A. Financial Management - The County's financial management systems, including records documenting compliance with federal statues, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the federal statutes, regulations, and the terms and conditions of the federal award.

B. Internal Controls - The County must establish and maintain effective internal control over the federal award that provides reasonable assurance that the County is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States, or the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

The County must comply with federal statutes, regulations, and the terms and conditions of the federal award.

The County must take reasonable measures to safeguard protected personally identifiable information considered sensitive consistent with applicable federal and state laws regarding privacy and obligations of confidentiality.

The County must also take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.

C. Cash Management - Most of the County's grants are awarded on a reimbursement basis. As such, program cost will be expended and disbursed prior to requesting reimbursement from the grantor agency. If federal grant funds are received in advance, care will be taken in order to minimize the time elapsing between receipt of federal funds and disbursement to contractors/employees/subrecipients according to 2 C.F.R. 200.302 (b) 6 of the Uniform Guidance.

Section 7.6 – Allowable Use of Funds and Cost Principles

A. Allowable Use of Funds - The County will enforce appropriate procedures and penalties for program, compliance, and accounting staff responsible for the allocation of federal grant costs based on their allowability and their conformity with federal cost principles to determine the allowability of costs.

B. Definitions

1. *Allowable cost* - a cost that complies with all legal requirements that apply to a particular federal program, including statutes, regulations, guidance, applications, and approved grant awards.

2. *Omni Circular, 2 C.F.R. Part 200s, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* - means federal cost principles that provide standards for determining whether costs may be charged to federal grants.

3. *Advance payment* - a payment that a federal awarding agency or pass through entity makes by any appropriate payment mechanism, including a predetermined payment schedule, before the

non-federal entity disburses the funds for program purposes.

C. Allowable Costs - The following items are costs that may be allowable under the 2 C.F.R. Part 200s under specific conditions:

1. Advisory councils;
2. Audit costs and related services;
3. Bonding costs;
4. Communication costs;
5. Compensation for personal services;
6. Depreciation and use allowances;
7. Employee morale, health, and welfare costs;
8. Equipment and other capital expenditures;
9. Gains and losses on disposition of depreciable property and other capital assets and substantial relocation of federal programs;
10. Insurance and indemnification;
11. Maintenance, operations, and repairs;
12. Materials and supplies costs;
13. Meetings and conferences;
14. Memberships, subscriptions, and professional activity costs;
15. Security costs;
16. Professional service costs;
17. Proposal costs;
18. Publication and printing costs;
19. Rearrangement and alteration costs;
20. Rental costs of building and equipment;
21. Training costs; and
22. Travel costs.

D. Costs Forbidden by Federal Law - 2 CFR Part 200s identify certain costs that may never be paid with federal funds. The following list provides examples of such costs. If a cost is on this list, it may not be supported with federal funds. The fact that a cost is not on this list does not mean it is necessarily permissible. Other important restrictions apply to federal funds, such as those items detailed in the 2 CFR Part 200s; thus, the following list is not exhaustive:

1. Advertising and public relations costs (with limited exceptions), including promotional items and memorabilia, models, gifts, and souvenirs;
2. Alcoholic beverages;
3. Bad debts;
4. Contingency provisions (with limited exceptions);
5. Fundraising and investment management costs (with limited exceptions);
6. Donations;
7. Contributions;
8. Entertainment (amusement, diversion, and social activities and any associated costs);
9. Fines and penalties;
10. General government expenses (with limited exceptions pertaining to Indian tribal governments and Councils of Government (COGs));
11. Goods or services for personal use;
12. Interest, except interest specifically stated in 2 C.F.R. § 200.441 as allowable;
13. Religious use;
14. The acquisition of real property (unless specifically permitted by programmatic statute or regulations, which is very rare in federal programs);

15. Construction (unless specifically permitted by programmatic statute or regulations);

E. Program Allowability

1. Any cost paid with federal funds must be permissible under the federal program that would support the cost.
2. Many federal programs detail specific required and/or allowable uses of funds for that program. Issues such as eligibility, program beneficiaries, caps or restrictions on certain types of program expenses, other program expenses, and other program specific requirements must be considered when performing the programmatic analysis.

F. Federal Cost Principles

1. The new Uniform Grant Guidance defines the parameters for the permissible uses of federal funds. While many requirements are contained in the Uniform Guidance, it includes five core principles that serve as an important guide for effective grant management. These core principles require all costs to be:
   a. Necessary for the proper and efficient performance or administration of the program.
   b. Reasonable. An outside observer should clearly understand why a decision to spend money on a specific cost made sense considering the cost, needs, and requirements of the program.
   c. Allocable to the federal program that paid for the cost. A program must benefit in proportion to the amount charged to the federal program,
   d. Authorized under state and local rules. All actions carried out with federal funds must be authorized and not prohibited by state and local laws and policies.
   e. Adequately documented. A recipient must maintain proper documentation so as to provide evidence to monitors, auditors, or other oversight entities of how the funds were spent over the lifecycle of the grant.

G. Program Specific Fiscal Rules - The Uniform Grant Guidance also contains specific rules on selected items of costs. Costs must comply with these rules in order to be paid with federal funds.

1. All federal programs have certain program specific fiscal rules that apply. Determining which rules apply depends on the program; however, rules such as supplement, not supplant, maintenance of effort, comparability, caps on certain uses of funds, etc., have an important impact when analyzing whether a particular cost is permissible.
2. Federal funds normally cannot be used to pay for things that would otherwise be paid for with state or local funds (and, in some cases, with other federal funds).
3. Auditors generally presume supplanting has occurred in three situations:
   a. County uses federal funds to provide services that the County is required to make available under other federal, state, or local laws.
   b. County uses federal funds to provide services that the County provided with state or local funds in the prior year.
4. These presumptions apply differently in different federal programs. Staff should be familiar with the supplement not supplant provisions applicable to their program.

H. Approved Plans, Budgets, and Special Conditions

1. As required by the Omni Circular, all costs must be consistent with approved program plans and budgets.
2. Costs must also be consistent with all terms and conditions of federal awards, including any special conditions imposed on the County's grants.

Section 7.7 - Compensation – Personal Services Expenses and Reporting

A. Compensation – Personal Services. Costs of compensation are allowable to the extent that they satisfy the specific requirements of the Uniform Grant Guidance and that the total compensation for individual employees:

1. Is reasonable for the services rendered and conforms to the established written policy of the County consistently applied to both federal and non-federal activities; and
2. Follows an appointment made in accordance with a County's written policies and meets the requirements of federal statute, where applicable.

   Unless an arrangement is specifically authorized by a federal awarding agency, the County must follow its written non-federal, entity wide policies and practices concerning the permissible extent of professional services that can be provided outside the County for non-organizational compensation.

B. Insurance and Indemnification - Types and extent and cost of coverage are in accordance with the County's policy and sound business practice.

C. Recruiting Costs - Short-term, travel visa costs (as opposed to longer-term, immigration visas) may be directly charged to a federal award, so long as they are:

1. Critical and necessary for the conduct of the project;
2. Allowable under the cost principles set forth in the Uniform Grant Guidance;
3. Consistent with the County practices and policies; and
4. Meeting the definition of "direct cost" in the applicable cost principles of the Uniform Grant Guidance.

D. Travel Costs - Travel costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the County's non-federally funded activities and in accordance with the County's reimbursement policies.

Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the County in its regular operations according to the County's written reimbursement and/or travel policies.

In addition, when costs are charged directly to the federal award, documentation must justify the following:

1. Participation of the individual is necessary to the federal award; and
2. The costs are reasonable and consistent with the County's established travel policy.

Temporary dependent care costs above and beyond regular dependent care that directly results from travel to conferences is allowable provided the costs are:

1. A direct result of the individual's travel for the federal award;
2. Consistent with the County's travel policy for all County travel; and
3. Only temporary during the travel period.

CHAPTER 3: COMMUNITY AND ECONOMIC DEVELOPMENT

ARTICLE I - Use of Incentives for Industrial Development

(Adopted September 7, 2000)

Section 1.0 - Purpose

The animating purpose of the Economic Development Incentive Policy and Procedure shall be to enhance the ability of Isle of Wight County to foster and stimulate economic development in the County by inducing new businesses to locate in the County, and existing businesses to remain in the County or to expand their operations. All uses of incentive funds shall be in keeping with this Policy and Procedures and may inure only incidentally to the benefit of private interests.

Section 1.1 - Criteria for Incentive Funds

The Director of Economic Development, acting on behalf of the Authority, shall determine for recommendation to the Isle of Wight County Board of Supervisors and the Industrial Development Authority of Isle of Wight County the need to provide incentive funds to a specific business. Such determination shall be made based on the following criteria:

a. For a business that is statistically classified by the Office of Management and Budget as being engaged in one or more activities covered by the following list of Standard Industrial Classifications (SIC);

Agriculture, forestry and fishing (011-0971). Construction (1521-1799).
Manufacturing (2011-4013).
Transportation, communications, electric, gas and sanitary services (4011-4971). Wholesale trade (5012-5199).

1. For every one dollar ($1.00) in incentive funds provided, the business to which such funds are provided will spend twenty dollars ($20.00) or more in new capital investment including real estate, buildings, machinery and tools, and furniture and fixtures; and/or

2. Every one thousand dollars ($1,000.00) in incentive funds will yield at least one (1) new "full-time equivalent" employment opportunity in the business to which such funds are provided.

b. For a business that is statistically classified by the Office of Management and Budget as being engaged in one or more activities covered by the following list of Standard Industrial Classifications (SIC);

Communications Equipment Manufacturing (3661, 3663, 3669)
Product Assembly and Testing (357, 361, 362, 3695, 381, 382, 384)
Engineering, Research and Management Services (8711, 8731, 8741, 8742)
Production Machinery and Equipment (3531-3537, 3561-3569, 3592-3594, 3596, 3599)
Wholesale Packaging and Distribution (5113, 5136, 5141, 5142, 5172, 5180, 5192)

The net amount of direct tax revenues returned to the County by the business to which incentive funds are provided will exceed the amount of incentive funds so provided no later than sixty (60) months from the date on which the business commences operations at a new or renovated facility; and

1. For every one dollar ($1.00) in incentive funds provided, the business to which such funds are provided will spend twenty dollars ($20.00) or more in new capital investment including real estate, buildings, machinery and tools, and furniture and fixtures; and/or

2. Every one thousand dollars ($1,000.00) in incentive funds will yield at least one (1) new "full-time

equivalent" employment opportunity in the business to which such funds are provided.

c. For a business that pays an average annual wage in excess of the average annual wage in Isle of Wight County ($32,386 in 1998) and creates a base of at least twenty-five (25) new "full-time equivalent" employment opportunities;

1. Every five thousand dollars ($5,000) in incentive funds will yield at least one (1) new "full-time equivalent" employment opportunity above the base of twenty-five (25) when the average annual wage (exclusive of the five (5) highest and five (5) lowest salaries) exceeds 150% of the County average; or

2. Every ten thousand dollars ($10,000) in incentive funds will yield at least one (1) new "full-time equivalent" employment opportunity above the base of twenty-five (25) when the average annual wage (exclusive of the five (5) highest and five (5) lowest salaries) exceeds 200% of the County average; or

3. Every twenty thousand dollars ($20,000) in incentive funds will yield at least one (1) new "full-time equivalent" employment opportunity above the base of twenty- five (25) when the average annual wage (exclusive of the five (5) highest and five (5) lowest salaries) exceeds 250% of the County average.

Section 1.2 - Communication

The Director of Economic Development, acting on behalf of the Authority, shall be empowered to communicate the provisions of this policy to a specific business that meets all the criteria contained in this policy and procedure during negotiations with the business and prior to consultation with the Board of Supervisors. The Board of Supervisors shall be apprised of all formal communications of this policy to an eligible business.

If the Director of Economic Development, acting on behalf of the Authority, determines the need to provide incentive funds to a specific business, but the criteria set forth in Section 1.1 have not been met, the Director shall obtain specific approval from the Board of Supervisors, prior to its approval of the provision of incentive funds to such business and prior to any offer being communicated to the business that is not within the criteria set forth in Section 1.1.

Section 1.3 - Findings

Based upon the recommendation of the Director of Economic Development, the Authority and the Board of Supervisors, shall either approve or disapprove the proposed provision of incentive funds to the business; provided, however, that prior to approval, the Authority must make the following findings:

a. That the animating purpose of the proposed provision of incentive funds to the business is to serve the public purpose of promoting economic development that results in economic growth having a significant, positive impact on the local tax base and quality of life, creating employment opportunities for citizens, increasing the tax base and diversifying the mix of industry located in the County, and that the expenditure of such funds will only incidentally inure to the benefit of private interests, if at all; and

b. That the proposed provision of incentive funds to the business is in furtherance of the purposes for which the Authority was created.

Section 1.4 - Resolution of Approval

Approval by the Authority of the provision of incentive funds to a specific business shall be in the form of a resolution which shall include the following information:

a. The name, location, and nature of the business to which the funds will be provided;
b. The amount of the funds that will be provided;
c. The purpose or purposes for which the funds will be provided.
d. A statement that the criteria set forth in Section1.1 of this Policy and Procedure have been met; or, in the alternative, that the Board of Supervisors has specifically approved the provision of incentive funds to the business pursuant to Section 1.2 and
e. A statement that the findings set forth in Section 1.3 of this policy and procedure have been made by the Authority.

Section 1.5 - Submission of Documents

Once the provision of incentive funds to a business has been approved, the funds shall only be provided to the business upon the submission of documents as shall be required by the Authority and outlined in a performance contract negotiated between the Authority and the business that shall address, at a minimum, the following considerations:

a. The new capital investment including real estate, buildings, machinery and tools, and furniture and fixtures that will be made by the company; and
b. The number of new "full-time equivalent" positions that will be created by the company; and
c. A provision for the recapture of incentive funds if the stated investment and employment fail to materialize within five (5) years from the date of the funds having been provided to the business.

ARTICLE II - Cash Proffers

(Adopted October 19, 2000; Revised July 17, 2003; January 16, 2014, Repealed June 9, 2016)

Section 2.0 - Reserved

ARTICLE III - Easement Acquisition

(Original date of adoption unknown; Revised June 3, 1999)

Section 3.0 - General Policy

- After the determination has been made that an easement is needed, determine the owner and the County assessed value of the property.

- If the project for which the easement is needed will result in mutual benefit to both the County and the property owner, an attempt should be made to acquire the easement at no cost to the County.

- If the project for which the easement is needed will not result in mutual benefit to both the County and the property owner, an offer to purchase the easement can be made based on one half of the assessed value of the property per square foot. If a temporary construction easement is needed, the value should be based on one-fourth of the assessed value.

- If all efforts to acquire the easement are exhausted, the Board of Supervisors must approve the condemnation procedure prior to instituting this action.

Section 3.1 - Farm Easements

When an easement is to be acquired across farmland, it is assumed that there will be some long- term damage from the soil turnover that will occur in the pipe laying process. In an effort to verify this assumption and determine the degree and extend of damage, extensive discussions were held with Dr. Charles Swann and David Holshouser of the Virginia Tech Holland Research Station, Dr. Dan Brann of the Agronomy Department at Virginia Tech in Blacksburg, Mike Roberts of the Southampton County Extension Office and Bob Goerger of the Isle of Wight

Extension Office. Based on these discussions it was concluded that the long term damage due to soil turnover in the pipe laying process could be greatly minimized if the top 12 inches of topsoil is stripped and stockpiled separately from the remainder of the material excavated for the pipe. The pipe would then be installed and backfilled with the 12 inches of topsoil being placed last (back in its original location).

While no definitive position was established on long term crop damage after the above referenced backfill procedure, it was generally agreed that a more than fair approach would be to assume a 50% loss the first year, 40% loss the second year, and 25% loss the third year.

Therefore based on the above, it is suggested that the Isle of Wight County easement acquisition procedure be modified for farm easements as follows:

The easement agreement referenced the fact that 12 inches of topsoil is to be removed and stockpiled separately. After installation of the pipe and normal backfill, the 12 inches of topsoil will be replaced on top of the trench.

In addition to the payment of 50% of the County accessed value for permanent easements and 25% for temporary easements, the County would pay (on a per square foot basis) for long term crop damage as follows:

Year 1 50% of the avg. price for peanuts, corn, soybeans and cotton Year 2 40% of the avg. price for peanuts, corn, soybeans and cotton Year 3 25% of the avg. price for peanuts, corn, soybeans and cotton The price of peanuts, corn, soybeans and cotton would be determined from the local extension office.

On May 14, 1999: Peanuts were valued at $604/ton with a yield of 3,000 pounds/acre = $0.0207/square foot Corn was valued at $2.35/bushel with a yield of 100 bushels/acre = $0.0054/square foot Soybeans were valued at $4.61/bushel with a yield of 35 bushels/acre = $0.0037/square foot Cotton was valued at $0.58/pound with a yield of 725 pounds/acre = $0.0097/square foot

Total = $0.0395/square foot
Average = $0.0098/square foot

Therefore, based on today's crop values, the crop damage payment would be (50% x $0.0098) + (40% x $0.0098) + (25% x $0.0098) = $0.0113/square foot x total square footage of easements both temporary and permanent.

Example:
John Doe owns a farm with 1,000 feet of frontage on Agriculture Boulevard. Isle of Wight County desires to install a water main along Agriculture Boulevard and needs a 20 foot permanent and a 10 foot temporary utility easement. The County has the farm assessed for $1,475 per acre. In accordance with the County policy of paying 50% of the accessed value for permanent easements and 25% of the accessed value for temporary easements, the value of the easement would be:

$1,473/acre = $0.0339/square foot
(1,000 feet x 20 feet x $0.0339 x 50%) + (1,000 feet x 10 feet x $0.0339 x 25%) = **$423.75**

Since the construction of the pipeline will cause some long-term damage to the production of the disturbed land, the above referenced formula would be applied as follows:

1,000 feet x 30 feet x $0.0098/square foot = **$294.00 Total**
Payment = $717.75

ARTICLE IV - Rural Addition Program

a. A petition signed by at least seventy-five percent (75%) of the residents formally requesting that the subject private street be considered for inclusion in the RAP. The petition is to be submitted to the Department of General Services to initiate the process of the request.

b. The Department of General Services is to determine that the subject private street is duly shown on a plat or otherwise open to public use prior to July 1, 1990 or some other date as may be established by State law.

c. The Department of General Services is to determine that at least three (3) occupied residential dwellings constructed prior to July 1, 1990 are being served by the subject private street, or some other date as may be established by State law.

d. Where the need for additional right-of-way can be readily determined by the Virginia Department of Transportation, the owners of such property must indicate in writing their willingness to donate to the Virginia Department of Transportation at the appropriate time the needed right-of-way in fee simple.

e. There is to be no speculative interest on any property abutting the subject private street as defined by State law if funding for the project is to be derived from the RAP. In accordance with State law, speculative interest is defined as a person or persons, including trusts, estates, and corporations, or other similar entity, having ownership or interest in two (2) or more lots, parcels, or tracts of land, or an equivalent amount of linear frontage abutting the subject private street.

f. In instances where speculative interest is established according to the Guideline No. 6 and the Board of Supervisors deems that extenuating circumstances exist, then such private streets may still be eligible for inclusion in the RAP provided all other qualifying guidelines are met.

g. Those persons or persons, including trusts, estates, and corporations, or other similar entity, who have speculative interest as defined herein are to pay in advance a pro rata share of all costs associated with improving the subject private street. Corresponding to State law, the pro rata share is determined by the proportion of the assessed value of the abutting parcels or property which constitute the speculative interest to the total assessed value of all properties abutting the subject private street.

h. Costs incurred by the County in completing necessary tasks which are not eligible for financing under the RAP are to be prepaid from the County's next fiscal year appropriation to the RAP. Such costs are to include the preparation of deeds and survey plats for obtaining any additional right-of-way or easements, relocation of utilities, etc. For illustrative purposes, if costs for surveyed plats, utility relocations equal $5,000 for private street X, then the County's contribution to the RAP for the next fiscal year will be reduced in an equal amount. Costs associated with the relocation of mail boxes, fences, structures, etc. are to be borne by each individual property owner whose mail box, fence, structure, etc., is being affected or by some other arrangement which does not involve any cost of the County.

i. Where a private street fails to meet, either partially or fully, any of the eligibility guidelines, then an owner or owners of property abutting the private street may pay all costs for improving the street so that it may be included in the State Secondary Road Maintenance System. The Board of Supervisors will make County staff available to provide assistance to the property owners to coordinate such a project with the Virginia Department of Transportation.

j. So that funding is consistent from year to year, the Board of Supervisors may designate that a portion of the County's annual appropriation to the Revenue Sharing Program be directed to eligible private street

projects formally included in the RAP. Generally, the amount of the appropriation is to be equal to the State's annual allocation to the RAP.

k. The priority of private streets in the RAP is contingent on the point in time when all the necessary tasks have been completed and the project is ready for construction. Once ready for construction, the project is then deemed to be eligible and is to receive an annual installment of funds which will accumulate until the total construction cost is appropriated. The priority of streets may be reviewed annually by the Board of Supervisors.

l. The amount of the County's contribution to the RAP may be reviewed annually by the Board of Supervisors in conjunction with the annual review of the County's Six Year Secondary Road Priority Plan and the Secondary Road Construction Budget.

ARTICLE V - Street Lighting

(Adopted March 17, 1994; Revised September 6, 2001; Revised February 13, 2007)

Section 5.0 - Residential Requests

Residential streetlights will be installed upon citizens' request based on the following criteria:

1. Where five (5) dwellings, commercial establishments, churches, schools, or a combination thereof are located on either side of a thoroughfare within a distance of 600 feet, subject to the following:

    a. A petition shall be filed with any request for installation of streetlights. If the lights are not in a platted subdivision or if the light or lights are part of an addition of three lights or less to an existing streetlight system, whether in a subdivision or not, then the petition shall include the signature of the owner or resident of any dwelling which is located on a lot or parcel within 150 feet of the proposed location of each streetlight. If the request is for the installation of a streetlight system for an entire platted subdivision or an identifiable section of a subdivision with ten (10) or more lots, then the petition shall include the signatures of the owners or residents representing sixty (60%) percent of the subdivision or section of a subdivision to be served by the proposed streetlights.

    b. Each light shall be on the right-of-way of a public road.

    c. Each light will serve a minimum of three (3) dwelling units or as necessary to illuminate an intersection of public roads.

    d. A system of three (3) lights can be installed based on #c above; or an individual light will expand an existing system of two (2) or more lights; or there is a significant public safety reason for installing less than three (3) lights.

    e. The Department of General Services shall administer this policy on behalf of the Board of Supervisors and shall have the authority to approve requests. If the request is not approved, written notice explaining the reasons for denial shall be sent by the Department of General Services to the person submitting the request with a copy to the Board of Supervisors. Appeal of the decision of the Department of General Services to the person submitting the request with a copy to the Board of Supervisors. Appeal of the decision of the Office of Community Development shall be made to the Board of Supervisors.

2. In subdivisions with existing underground utilities or other areas, streetlights will be erected upon request of at least sixty (60%) percent of the residents of the subdivision or area to be served. Such request shall

be made by written petition on a form supplied by the Department of General Services. After receipt of the petition, the Department of General Services shall:

a. Assess the street lighting needs of the area including nearby areas which, may logically and economically be included in a street lighting program.

b. Maintain an overall street lighting plan in conjunction with Dominion Virginia Power, Community Electric Cooperative or other public utility company having jurisdiction, and the Virginia Department of Transportation. The plan shall include the size and location of all streetlights and a budget for both installation cost and annual service charges.

c. The plan and budget shall be presented to the Board of Supervisors with copies of the petition and the Department of General Services' assessment of the street lighting needs for the area. The Board may deny the request for streetlights or approve the request. If approved, the Department of General Services shall schedule the installation of the lights with Dominion Virginia Power, Community Electric Cooperative or other public utility company having jurisdiction.

Section 5.1 - Non-Residential Requests

Streetlights on the rights-of-way of public roads in developed non-residential areas will be erected based upon streetlight plans and budgets prepared by the Department of General Services as part of the Capital Improvements Program. Individual streetlights in developed non-commercial areas may be erected upon request based upon immediate public safety concerns after approval by the Board of Supervisors. Streetlights within new non-residential developments shall be installed by the developer in accordance with the requirements of the Zoning and Subdivision Ordinances during the site plan review.

Section 5.2 - Streetlight Standards

1. Residential Areas

a. No light shall emit more than 8500 lumens or use more than 120 watts. Lights using less than 100 watts are encouraged as long as lights can emit the minimum lumens needed to illuminate 300 linear feet of streetscape. In addition, to account for unique topographic conditions of any site, if the applicant can demonstrate either with written confirmation from the utility company or with a photometric plan that a lower-lumen light will provide adequate coverage and not create dark zones, that light may be accepted. Otherwise, lights in the 8000-8500 lumen range are recommended.

b. Lights shall be placed 300 feet apart, except in instances where the street frontage for any lot cannot be minimally lit without a variance to the standards for spacing. Variance requests regarding spacing standards may be approved by the Director of General Services.

c. All street lights shall:
   1. Facilitate oblong illumination parallel to the streetscape.
   2. Depending upon the product availability of the utility company, street lights shall be semi-cutoff, cutoff or full-cutoff type. If available, full-cutoff type, or the discretion of the Director of General Services, lighting meeting specification equivalent to the full-cutoff type, shall be required.
   3. Be mounted at heights not to exceed sixteen (16) feet for new installation. For installation on existing power poles, the Director of General Services shall utilize discretion in accordance with utility company specifications.

4. Be directed downward with fixture opaquely covered on top.

d. Each light shall be on the right-of-way of a public street.

e. Where options exist for utilization of a lower-energy bulb that is compatible with the desired design and able to meet minimum lumen standards, the more efficient option shall be required.

f. In circumstances of light failure, due to burnout or damage, the Department of General Services shall be notified. Upon notification, the Department of General Services shall be responsible for investigating possible options for lower energy replacement that meet the street light standards above prior to re-ordering the same light.

g. All subdivisions served by Dominion Virginia Power shall use Type 1 light fixtures that utilize a Type 3 lighting distribution pattern (per 2005 Dominion Virginia Power Outdoor Lighting Products directory).

h. All variance, exceptions, and code determination requests shall be handled by the Department of General Services.

2. Non-residential light standards shall be established in the individual streetlight plans for such areas. Standards shall be coordinated with the Virginia Department of Transportation standards for roadway lighting. Each light shall be on the right-of-way of a public street.

Section 5.3 - Installation and Maintenance Costs

All installation cost for installation of street lighting will be the responsibility of the requestors (petitioners). Where the proposed system lies within the dedicated right-of-way and the local power company required such installation only be contracted by the public utility, the requestor (petitioners) will sign an agreement with the County guaranteeing full payment to the County of all installation charges as well as administrative costs to the County in contracting for such installation. The requestors (petitioners) shall be responsible for the construction and operational costs for a seven (7) year period beginning with the energizing of the lighting system.

Evidence of compliance with this requirement shall be secured prior to the County's agent approving the installation. Compliance may take the form of cash to be held by the County until such installation has been completed, or such costs may be bonded with adequate surety to the satisfaction of the County's agent. The cost of operation of the lighting for a seven (7) year period, however, shall be a cash settlement as a prerequisite to the County agent's approval of the installation.

Section 5.4 - Installation of lights at the request of the Board of Supervisors for public health, safety and welfare

The Board of Supervisors may also prescribe the installation of street lighting in the interest of public health, safety and welfare, based upon the following criteria:

a. As part of an overall master plan or other area plan being implemented by the County;
b. As part of a Community Development Block Grant or other grant project being administered by the County; or
c. To address vehicular and pedestrian safety concerns, after consultation with the Isle of Wight County Sheriff's Department and the Virginia Department of Transportation, as appropriate, that:
   1. Lighting deficiencies are determined to contribute to the accident rate;
   2. Where right-of-way curvature limits sight distance and causes a safety deficiency;

3. In areas of documented high criminal activity; or,
4. For pedestrian safety.

Section 5.5 - Saving Clause

Nothing in this policy shall be deemed to preclude the installation of street lights, or the upgrading of existing street lights at the discretion of the Board of Supervisors.

ARTICLE VI - Rules and Procedures for the Industrial Development Authority

(Adopted by the Isle of Wight County Industrial Development Authority)

Section 6.0 - Purpose

These Rules shall govern the submission of Applications to the Authority, application and administrative fees, consideration of matters to be brought to the attention of the Authority relating to the authorization, issuance and sale of its Bonds, the adoption of Financing Documents, reports to be submitted to the Authority, and such other matters as are contained herein.

Scope - These Rules are supplementary to the Authority's Bylaws and the Act, as hereinafter defined. In the event of any conflict between the Authority's Bylaws, the Act and these Rules, the provisions of the Bylaws and the Act shall prevail.

Section 6.1 – Definitions As used in these rules and procedures, the following terms shall have the meanings as set forth herein, unless the context clearly requires otherwise:

Act - shall mean the Virginia Industrial Bond and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended.

Applicant - shall mean any individual, person, firm, corporation, partnership or other entity applying for industrial development revenue bond financing, or for whose benefit the Authority has issued its Bonds, or who requests the Authority to take any action.

Application - shall mean the Authority's application for industrial development revenue bond financing as in effect from time to time.

Authority - shall mean the Industrial Development Authority of the County of Isle of Wight, a political subdivision of the Commonwealth of Virginia.

Bonds - shall mean any notes, bonds and other obligations authorized to be issued by the Authority pursuant to the Act.

Code - shall mean the Code of Virginia of 1950, as amended.

Financing Documents - shall mean any resolutions, instruments, documents, papers, elections, certificates or financing statement required to be adopted or authorized, executed and delivered by the Authority in connection with the authorization, issuance and sale of its bonds.

IRC - shall mean the Internal Revenue Code of 1986, as amended.

Project - shall mean any land, improvements, machinery, equipment or property financed by the issuance and sale of the Authority's Bonds.

Rules - shall mean these Rules and Procedures of the Authority, as may be in effect from time to time.

Section 6.2 - General

Copies to be Provided Applicants

A copy of these rules and procedures shall be furnished by the Authority's Secretary or designee to each applicant.

Compliance with Rules and Procedures

Each applicant shall comply with these rules and procedures in the submission of its Application or any Financing Documents to the Authority and in requesting that the Authority take any action, including the adoption of Financing Documents. Failure to comply with these rules and procedures shall constitute sufficient reason for the Authority to refuse to consider any Application, Financing Documents or any other matter to be brought before the Authority by or on behalf of any applicant.

Amendments

These rules and procedures may be changed from time to time by the Authority by the vote of a majority of its Directors present at any meeting of the Authority, provided notice of such change shall have been given to each Director before such meeting. These rules and procedures may, notwithstanding the foregoing, be amended without proper notice upon the affirmative vote of all Directors of the Authority.

Section 6.3 - Application Procedures, Fees and Requirements

Applications

Each Applicant shall submit a fully and accurately completed Application to the Authority's Secretary at least fifteen (15) days before the Authority's meeting at which the Application is to be considered. Each Application shall include all requested exhibits. In the event all requested exhibits are not available a statement of explanation will be attached to the Application. If the Applicant is a new or recently formed business entity, without recent financial statements, the Applicant shall furnish the financial information required by the Application for each principal shareholder, partner or other principal of the Applicant. If the Applicant is a subsidiary corporation without its own financial statements, financial statements of the parent corporation or consolidated financial statements may be submitted in lieu of financial statements for the Applicant. If the obligations of the Applicant will be guaranteed by any person or a business entity, then financial statements of such guarantor shall also be included with the Application. Pro forma financial statements, if available, should be submitted with applications. At the request of the Applicant, all financial statements submitted by such Applicant shall not be subject to disclosure under the Virginia Freedom of Information Act.

Application Fees

The Authority charges an application fee of Five Hundred Dollars ($500). The application fee shall be paid to the Authority prior to consideration of the inducement resolution to be adopted on behalf of the Applicant. Application fees, upon acceptance by the Authority, are non-refundable. No interest shall be paid on application fees held by the Authority.

Administrative Fees

a. Unless otherwise agreed by written instrument by and between the Authority and an Applicant, an Applicant seeking, and eligible for, the issuance of qualified 501 (c) (3) bonds under Section 145 of the IRC, by the Authority shall pay an annual administrative fee equal to $1/8^{th}$ of 1% of the outstanding principal balance of the Bonds payable on July 1 of each year, beginning on July 1 of the year following the first anniversary of the issuance of the Bonds until payment of the Bonds in full, or, at the election of the Applicant, in lieu thereof, a one-time administrative fee due and payable at Bond closing.

b. Unless otherwise agreed by written instrument by and between the Authority and an applicant, any Applicant seeking, and eligible for, the issuance of all other Bonds by the Authority after March 1, 2000, and not addressed in subsection a above, shall pay an annual administrative fee equal to 1/8th of 1% of the outstanding principal balance of the Bonds payable on July 1 of each year, beginning on July 1 of the year following the first anniversary of the issuance of the Bonds until payment of the Bonds in full, or, at the election of the Applicant, in lieu thereof, a one-time administrative fee due and payable at Bond closing.

The one-time administrative fee (i) shall be equal to the net present value of the cash flow derived from payments on an annual administrative fee in the amount set forth in clause (ii) below and payable on July 1 of each year, beginning on July 1 of the year following the first anniversary of the issuance of the Bonds during the period the Bonds are outstanding, (ii) shall be calculated using an annual discount rate equal to the yield of the Bonds as calculated in accordance with Section 148 of the IRC by the initial purchaser or underwriters of the Bonds, as applicable, and (iii) shall be based upon an annual fee equal to the sum of 1/8th of 1% of the outstanding principal balance of the Bonds to be paid in accordance with the payment terms of the Bonds.

c. The Authority requires reimbursement of its costs and expenses incurred with the issuance and sale of its bonds and by virtue of its Bonds being outstanding. (See Section 6.4).

Transcripts of Proceedings

Each Applicant receiving Bond financing through the Authority shall furnish to the Authority upon the sale and delivery of the Bonds, two complete transcripts of the Financing Documents relating to such Bonds. Bond transcripts shall be hardback bound in library standard quality binders at the cost and expense of the applicant.

Bond Validation Proceedings

The Authority may require that before issuance, its Bonds be validated by the Circuit Court of Isle of Wight County, Virginia, pursuant to the requirements of the Public Finance Act of 1991. The costs, expenses and fees incurred in connection with any bond validation proceedings required by the Authority including attorney's fees, shall be paid by the Applicant.

Additional Information Required of Applicants

a. The Authority may adopt an inducement resolution conditioned upon the subsequent furnishing of certain information satisfactory to the Authority. All required information shall be promptly furnished to the Authority and failure of any Applicant to furnish such information shall constitute a ground for rescission of any inducement resolution adopted pursuant to such conditions.

b. The Authority may, at its option, require the furnishing of appraisals, evaluations or reports respecting the project or any portion thereof. The Authority may retain advisors and consultants to advise it regarding any Project or other action which it is requested to undertake by any Applicant. All costs, fees and expenses of such appraisals, reports, consultants and advisors shall be paid by the Applicant.

c. Since the Authority usually acts based upon information furnished to it solely by the Applicant, the Authority reserves the right to require at any time the furnishing of additional information concerning the Applicant, its financial statements, and any other information deemed relevant by the Authority, particularly in instances where the Applicant may have undergone changes in form or management or where the security to be given for payment of the Bonds has changed.

d. Before final approval of the Applicant, the Applicant must provide the Authority with written commitment for the purchase of the Bonds.

Section 6.4 - Provisions to be Incorporated into Resolutions and Financing Documents

Inducement Resolutions

Each inducement resolution adopted by the Authority shall provide that it shall continue in full force and effect for a period of two years unless specifically extended by the Authority.

Payment of Authority Expenses

The Financing Documents adopted by the Authority for the benefit of any applicant shall provide that the Applicant agrees to pay all costs, fees and expenses incurred by the Authority (including attorney's fees) in connection with:

a. The authorization, issuance and sale of the Authority's Bond;
b. The ownership, occupation, operation or use of the Project being financed, whether owned by the Authority or the Applicant;
c. Prepayment or redemption of the Authority's Bond;
d. Administrative costs and expenses of the Authority, including the fees of the attorneys, engineers, appraisers, accountants or consultants paid or incurred by the Authority by reason of the Bonds being outstanding or pursuant to requirements of the Financing Documents; and
e. Such other fees and expenses of the Authority, not directly related to the project being financed for the Applicant, but attributable to the Authority's financing of industrial or commercial Projects, including without limitation, a share of costs of the Authority's annual audit as required by Code Section 15.2-4904; determined as follows:

All costs and fees relating to the annual audit and directly attributable to a particular Applicant or Project, shall be charged to such applicant.

Indemnification of the Authority

Each applicant shall agree to indemnify and save harmless the Authority and its officers, directors, employees and agents (hereinafter the "Indemnities") from and against all liabilities, obligations, claims, damages, penalties, fines, losses, cost and expense (hereinafter referred to as "Damages"), including without limitation:

a. all amounts paid in settlement of any litigation commenced or threatened against the Indemnities, if such settlement is affected with the written consent of the Applicant;
b. all expenses reasonably incurred in the investigation of, preparation for or defense of any litigation, proceeding or investigation of any nature whatsoever, commenced or threatened against the Applicant, the Project or the Indemnities;
c. any judgements, penalties, fines, damages, assessments, indemnities or contributions; and
d. the reasonable fee of the attorneys, auditors, and consultants; provided that the damages arise out of:
    - failure by the Applicant, or its officers, employees or agents to comply with the terms of the Financing Documents and any agreements, covenants, obligations, or prohibitions set forth therein;
    - any action, suit, claim or demand contesting or affecting the title of the project;
    - any branch of representation or warranty set forth in the Documents or any certificate delivered pursuant thereto, any claim that any representation or warranty of the Applicant contains or contained any untrue or misleading statement of fact or omits or omitted to state any material fact necessary to make the statements made therein not misleading in light of the circumstances under which they were made;
    - any, action, suit, claim, proceeding or investigation of a judicial, legislative administrative or regulatory nature arising from or in connection with the construction, acquisition, ownership, operation, occupation or use of the Project; or
    - any suit, action, administrative proceeding, enforcement, action or governmental or private action of any kind whatsoever commenced against the Applicant, the Project or the Indemnities which

might adversely affect the validity or enforceability of the Bonds, the Financing Documents, or the performance by the Applicant or the Indemnitee of any of their respective obligations thereunder.

Bond Counsel Opinion Required

Before issuing and delivering any of its Bonds, the Authority shall receive an approving opinion of bond counsel, approved by the Authority stating, among other things that the Bonds have been duly authorized, executed, issued and delivered and that the interest thereon is exempt from Federal Income Taxation under IRCS 103 (or other applicable provision of law) and taxation by the Commonwealth of Virginia.

Covenants to Preserve Tax Exempt Status of Bonds

All Financing Documents presented for approval by the Authority shall contain appropriate covenants of the Applicant designed to insure compliance with the requirements of IRCS 103 (or other applicable provision of law) to preserve the tax exempt status of interest on the Bonds, including without limitation, "arbitrage" requirements, capital expenditure limitations and reporting requirements.

Section 6.5 - Reports

Interim Reports by Applicants

Each applicant shall file with the Authority a written report describing the status of its proposed financing no later than the last day of the second month after the adoption of an inducement resolution for the Applicant and every three months thereafter until the adoption of any Financing Documents by the Authority. Such written reports shall include the proposed purchase of the Bonds, the proposed terms of the Bonds, the status of Financing documents, and the current status of the Project. Each Applicant shall promptly notify the Authority of any significant or material changes to any information furnished by the Applicant to the Authority.

Annual Reports of Applicants

Each Applicant, after the issuance and sale of the Authority's Bonds for the benefit of such Applicant shall annually report to the Authority no later than June 30 the status of the Project, which shall include the outstanding and unpaid balance of Bonds issued for the Project, whether any default has occurred under the Financing Documents, and other information relating to the financing of the Project and benefits to Isle of Wight County.

Reports by Authority Chairman, Directors, etc.

At each regular meeting of the Authority, the Chairman, each Director, the Secretary and the Authority's counsel shall report any action taken on behalf of the Authority since the last regular meeting. No later than September 1 of each year, the Chairman of the Authority shall report in writing to the Authority on the status, as of the end of the Authority's fiscal year, of each active and outstanding inducement resolution of the Authority and the status of the Authority's Bonds.

Section 6.6 - Statements of Policy

Reserve the Right to Deny Applicant

The Authority hereby reserves the right to deny the application of an applicant after reviewing the Project.

Construction, Operation and Effect of Rules

These Rules are intended as guidelines to promote and insure the orderly and consistent consideration of Applications, Financing Documents and other matters brought before the Authority. For good cause, application of these Rules may be modified and waived upon a case by case basis upon the consent of the Authority.

Any action taken by the Authority not in conformity with these Rules shall, nevertheless be fully effective as if taken in compliance with these Rules. It is, however, the policy of the Authority that each Applicant comply fully and completely with these Rules, and failure to comply with these Rules may constitute grounds for refusal by the Authority to take any action requested.

Approval of Inducement Resolution not to Constitute an Endorsement of Applicant

The purpose of the Authority, as set forth in the Act, is to promote industry and to develop trade by inducing manufacturing, industrial, governmental and commercial enterprises to locate in or remain in the Commonwealth of Virginia. Pursuant to the Act, the Authority's powers shall be exercised for the benefit of the inhabitants of Virginia and Isle of Wight County through the promotion of their safety, health, welfare, convenience or prosperity. Accordingly, the Authority's decision to adopt an inducement resolution or take other action will be based largely upon these factors. Further, the Act prohibits the Authority from operating any enterprise or project. Since the Authority is a conduit for providing tax exempt financing to promote the commerce and industry of the Commonwealth of Virginia and Isle of Wight County, and given the express prohibition against operating enterprises or projects, the Authority believes it is improper to inquire into matters relating to the business judgement of the management of any Applicant not relevant to the foregoing factors. The Authority may, however, examine the business decisions and other aspects of management of the Applicant should it deem such matters relevant to the authorization, issuance and sale of its Bonds.

In view of the foregoing limitations, the adoption of an inducement resolution or any other action taken by the Authority is not to be used by any Applicant in any manner whatsoever as an endorsement or approval of the Applicant, its policies or its management.

Security for Payment of Bonds

The Authority may require that any issue of its Bonds be fully and adequately secured by a lien upon or security interest in the Project financed with the proceeds of such Bonds. The Authority may require an appraisal of the Project showing that it is valued in an amount sufficient to pay the outstanding principal amount of the Bonds issued to finance such Project.

ARTICLE VII - Private Water System Acquisition Policy

(Adopted November 4, 2004)

Section 7.0 – Introduction

As more stringent drinking water regulations are enacted, additional water systems in Isle of Wight County will become non-compliant. In addition, many well systems have not been adequately maintained to ensure continuous service. Periodic request will be brought to the County to acquire these systems or to provide potable water service. The following policy formulates the general methodology for private well system acquisitions, and will provide the basis for a recommendation to the Board of Supervisors by the Department of Public Utilities.

Section 7.1 - Methodology

The methodology implemented in the acquisition of well systems focuses on a cost analysis approach. In addition, new facilities required to upgrade the well systems should not impact the existing County water users, and most importantly should not require the County to acquire a system with potential long term regulatory impacts. This methodology should be implemented unless a situation affecting the health and welfare of citizens arises. These situations will be handled as an emergency and will be discussed under Section 7.2 of this document. The following is a discussion of the seven (7) step procedure which evaluates the acquisition feasibility of specific neighborhood well systems.

a. *Request for County Acquisition*: Prior to Isle of Wight County's consideration to acquire any well system, a request shall be submitted to the Department of Public Utilities. In the event an existing well system fails, threatening the health and welfare of impacted residents, the County reserves the right to temporally intervene with service or other means until a final resolution can be achieved.

b. *Regulatory Standards*: Continual review and implementation of drinking water regulations are forecast throughout the next decade. Prior to acquisition of a neighborhood well system, an evaluation of the system's water quality will be required to ensure the water supply meets all regulations. This review is extremely important with systems, which cannot be connected to the County's transmission system.

c. *Comprehensive Land Use:* Acquisition of private well systems, especially those which fail to meet potable water regulations, will place a financial and potential legal burden on Isle of Wight County. In reviewing systems which are not in compliance with all federal and state regulations, it will be imperative to ensure the neighborhood distribution systems can be connected to the County's system in an economical fashion. In addition, a review of the County's Comprehensive Land Use Plan is required to ensure water transmission improvements will not impact areas identified to remain undeveloped. Neighborhood systems, which are not in compliance with federal and state regulations and are not accessible to the County's system, should not be considered for acquisition, unless a health- threatening situation exists. This would minimize any future legal or economic impact to the County.

d. *Economic Evaluation:* All systems acquired should be self-supporting within a ten (10) year period. To determine a systems economic forecast, a review of projected revenues and expenses will be evaluated on a ten-year period as follows:

Revenues:

- Number of potential new customers times connection fees.
- Number of customers times estimated average consumption times current water rate.
- Other income expected from the system.

Expenses:

- Number of customers times estimated annual operating cost per customer.
- Annual estimated repair cost, (determined by on-site inspection of system).
- One-time capital improvement costs necessary to bring system up to County standards and meet all regulatory mandates.

Based on the above revenues and expenditures, a system must provide a positive cash flow after a 10-year period to protect the County from any additional long-term debt.

e. *Resident Assessment:* If a well system expenditure exceeds revenues over the calculated 10-year return period, the residents could be provided an assessment option for the differences. This assessment will be billed over a five (5) year period. All residents may pay the remaining balance at any time during the five-year period**.**

f. *Neighborhood Petition Process:* Residents of the well system will be mailed a letter agreement outlining the proposed system acquisition by the County. The agreement shall state all required fees and assessments if appropriate. Upon concurrence with the stipulated requirements, the residents will sign the agreement and forward back to the Department of Public Utilities. A minimum of 66.7% (2/3) approval will be required for an acquisition recommendation by the Department of Public Utilities.

g. *Staff Recommendation*: Based on the technical, land use, petition process, and cost analysis factors, the Department of Public Utilities will prepare and present a staff recommendation to the County Administrator and Board of Supervisors for their review and action.

Section 7.2 - Emergency Well or Supply Failure

As private well systems fail to supply adequate or safe potable water and system owners have not escrowed sufficient funding to rehabilitate their systems, the County will potentially be requested to provide either a temporary or permanent solution to ensure the health and welfare of the impacted residents. Depending on the location of the impacted system and the degree of repairs required, it will be necessary for the County, through the Department of Public Utilities, to establish the cost impacts and the party responsible for assessing costs.

a. *Temporary Service:* Upon receipt of a request to provide assistance, the Department of Public Utilities will attempt to contact the system's owner to execute the necessary arrangements and agreements to provide the impacted residents access to potable water. Depending on the location of the system, supply of available water may be provided through the following methods:

1. Temporary connection to County system.
2. Access to the County system for container filling.
3. Bottled water through a private supplier.

All costs associated with providing these services will be the responsibility of the well system owner. In the event the well system owner is unavailable, the Department of Public Utilities will attempt to reach agreement with the impacted residents. The associated costs will then be allocated to the residents.

In addition, the Department of Public Utilities shall provide a formal written notification to the State Corporation Commission on all system failures governed by the Commission within the County.

b. *Permanent Service:* Upon request for permanent service from the well owner or the residents to the County, the Department of Public Utilities will proceed to evaluate the existing system in accordance with procedures outlined in Section 7.1.

Section 7.3 - Mandatory Connection and Charges

With Board of Supervisors approval for a system acquisition, all residents of the system will be required to pay the fees stated in the petition agreement.

Section 7.4 - Conclusion

The Private Neighborhood Water System Acquisition Policy allows the County to evaluate the acquisition of systems based on technical, land use, and financial factors, while providing assistance to residents in a water emergency situation.

ARTICLE VIII - Code Enforcement Policy

(Adopted April 21, 2005, Revised October 20, 2016)

Division I – Land Use

Section 8.0 - General Principles

The Code Enforcement Policy contains the procedures to be followed in the enforcement of code violations and other violations dealing with land use. The establishment of this policy is deemed necessary to ensure fairness and consistency in administering the code enforcement provisions of the Isle of Wight County Code.

Section 8.1 - Administration

The Zoning Administrator (under the supervision of the Assistant County Administrator) shall be responsible for administering the Code Enforcement Policy and maintaining a fair and consistent process for code related violations. The Code Enforcement Officer(s) is responsible for the day- to-day application and enforcement of the policy.

A database shall be established to track the history of code violations on individual properties.

Section 8.2 - Applicability

The following types of violations shall be governed by the provisions of the Code Enforcement Policy and are grouped according to the severity of the type of offense:

Type I Offenses:

- Garbage, Weeds and Litter
- Abandoned and Inoperative Motor Vehicles
- Miscellaneous Zoning Violations

Type II Offenses:

- Wetlands, Chesapeake Bay and Erosion and Sediment Control Violations
- Junk Yard, Garbage Dump, Rubble and Sanitary Landfill

Type III Offenses:

- Violations of Imminent Threat to Health and Safety

Section 8.3 - Method for Discovery of Violations

The discovery of violations may be reported by the following methods:

a. Written or Verbal Correspondence is an acceptable means of receiving a complaint of possible violation. The complaint may be made by written correspondence, by telephone communication, or in person. A complainant is not required to disclose his or her name when reporting a possible violation.

b. Field Observation is another acceptable means of receiving a complaint of possible violation. Any member of the County staff or elected or appointed office may observe a complaint while in the field and relay the possible violation to the Code Enforcement Officer for investigation.

c. The Code Enforcement Officer shall maintain a record of all complaints, including the date, time, property identification, and method of discovery.

Section 8.4 - Required Procedures for Investigating a Complaint of Violation

a. *Desk Research to be completed*: The complaint must be logged on a form designated by the Zoning Administrator and approved by the County Attorney for use under the Code Enforcement Policy. All information must be completed, and the required desk research completed in an attempt to assess the validity of the complaint prior to the conducting an initial field inspection.

b. *Initial Field Inspection*: An initial field inspection shall be conducted prior to sending written correspondence regarding the complaint. The Code Enforcement Officer shall attempt to make personal contact with the property owner while conducting the initial field inspection. If the complaint does not involve an imminent threat to health or safety, the Code Enforcement Officer shall attempt to inform the

property owner by telephone of the anticipated date and time of the field inspection so that the property owner may be present if he wishes.

If the Code Enforcement Officer is unable to make contact with the property owner after making two separate attempts to call the property owner on different days, the Codes Enforcement Officer may proceed with the field inspection.

1. If, during the field inspection, it is determined that property owner is not present on the property, a door hanger or similar notification shall be left in the most visible location possible to advise the property owner or occupant to contact the Code Enforcement Officer with regard to the violation.

2. If, during the field investigation, it is determined that the property is vacant, a first notice shall be forwarded in accordance with the provisions of this policy.

c. *First Written Notice*: If, after the initial field inspection is conducted, the complaint is determined to be valid, a first notice shall be forwarded in accordance with the provisions of this policy.

Should a determination be made that the violation may also be in violation of regulations of another department and/or State or federal agency, based upon the knowledge of the Code Enforcement Officer, notification of such referral shall be included in the first written notice in accordance with subsection (d) below.

d. *Notification to Other Departments and/or External Agencies*: If the violation is deemed to be solely under the jurisdiction of another department and/or external State or federal agency, a written notice shall be forwarded to the agency with jurisdiction over the violation. The property owner shall also be notified that the determination of violation may involve another agency's jurisdiction.

e. *Active File Maintenance* - A file shall be maintained on all active violations and shall include:
- Copy of the completed complaint form;
- Documentation of all verbal and written communication;
- Photographs of the violation;
- Field inspection notes, including the date of the inspection and whether initial contact was made with the property owner; and
- Relevant legal documents.

Section 8.5 - Method for Processing Violations

a. Type I Offenses - Following the initial field inspection and a determination that a violation exists; the following steps shall be undertaken in processing a Type I Offense until the violation is resolved:

1. First Notice of written correspondence shall be forwarded to the property owner of record in the County Real Estate Office by regular mail. The first written notice shall include the nature of the violation, the date of the initial inspection, the required corrective action (including any options providing resolution under the provisions of the appropriate Code and/or Ordinance), the time allowed for resolution of the complaint and date of expiration, typically fifteen (15) working days as determined by the Code Enforcement Officer, and notification of referrals to other departments and external agencies.

2. After the time period for correction of the violation has lapsed, a follow-up inspection shall be conducted and should include an attempt to make personal contact with the property owner to

verify compliance and/or reasons for noncompliance.

a. The Code Enforcement Officer shall conduct a second inspection once the time allowed in the first notice has expired, allowing for reasonable time for delivery of the notice.

b. On a case-by-case basis, the Code Enforcement Officer may allow for a reasonable extension of time, if it is determined that significant progress has been made, or should the property owner represent circumstances that would warrant such extension. Written documentation shall be placed in the file noting the reason the time extension is being granted and the amount of additional time that is being allowed to correct the violation.

3. If compliance has not been achieved, a second notice shall be sent by regular mail, advising the property owner of the County's intent to exercise its authority to correct the violation if compliance is not achieved within seven (7) working days.

4. If compliance is not achieved under the terms set forth in the second notice, a third notice shall be forwarded by certified mail setting forth the steps the County proposes in exercising its authority to correct the violation, and shall be in accordance with the following procedures:

a. Garbage, Weeds and Litter Violations

1. The County shall retain contracted services to resolve the violation and bill the property owner for the cost of the services.
2. The property owner shall receive two (2) invoices allowing thirty (30) days each for payment of the invoice.
3. If payment is not received within thirty (30) days after the second invoice, collection of payment in accordance with provisions of law, subject to the approval of the County Attorney:
   - A lien shall be placed against the property on which the violation occurred and shall include collection fees.
   - If the property is sold before payment is collected, a garnishment or levy shall be sought to satisfy payment and shall include collection fees.
   - Legal action shall not take place without prior approval of the County Attorney.

b. Abandoned and Inoperable Vehicle Violations - The County shall retain contracted services to remove the abandoned and/or inoperable vehicle for disposal at a licensed salvage yard. This service shall be at no cost to the County, unless otherwise approved by the Board of Supervisors.

c. Miscellaneous Zoning Violations

1. The property owner shall be re-advised of the options specified under the Zoning Ordinance that may provide for resolution of the violation and shall be given ten (10) working days to file the required application.

2. If the property owner fails to file the required application, fails to follow through with the application process, or the application is denied, the Code Enforcement Officer shall take appropriate legal action in accordance with provisions of law, subject to the approval of the County Attorney.

   If the application is denied, the Code Enforcement Officer shall allow seven (7) working days for the property owner to correct the violation before filing

proceedings with legal action. A reasonable extension of time may be granted if it is determined that significant progress has been made, or should the property owner represent circumstances that would warrant such extension. Written documentation shall be placed in the file noting the reason the time extension is being granted and the amount of additional time that is being allowed to correct the violation.

3. A fourth written notice shall be forwarded by certified mail advising the property owner that the legal action has been taken.

4. Legal action shall not take place without prior approval from the County Attorney.

b. Type II Offenses - Following the initial field inspection and a determination that a violation exists; the following steps shall be undertaken in processing a Type II Offense until the violation is resolved:

1. First Notice of written correspondence shall be forwarded to the property owner of record in the County Real Estate Office. The first written notice shall include the nature of the violation, the date of the initial inspection, the required corrective action (including any options providing resolution under the provisions of the appropriate Code and/or Ordinance), the time allowed for resolution of the complaint and date of expiration, typically fifteen (15) working days as determined by the Code Enforcement Officer, and notification of referrals to other departments and external agencies.

2. After the time period for correction of the violation has lapsed, a follow-up inspection shall be conducted and should include an attempt to make personal contact with the property owner to verify compliance and/or reasons for noncompliance.

   a. The Code Enforcement Officer shall conduct a second inspection once the time allowed in the first notice has expired, allowing for reasonable time for delivery of the notice.

   b. On a case-by-case, the Code Enforcement Officer may allow for a reasonable extension of time, if it is determined that significant progress has been made, or should the property owner represent circumstances that would warrant such extension. Written documentation shall be placed in the file noting the reason the time extension is being granted and the amount of additional time that is being allowed to correct the violation.

3. If compliance has not been achieved, a second notice shall be forwarded by regular mail, advising the property owner of the County's intent to exercise its authority to correct the violation if compliance is not achieved within seven (7) working days.

4. If compliance is not achieved under the terms set forth in the second notice, a third notice shall be forwarded by certified mail setting forth the steps the County proposes in exercising its authority to correct the violation, and shall be in accordance with the following procedures:

   a. The property owner shall be re-advised of the options specified under the appropriate ordinance that may provide for resolution of the violation and shall be given ten (10) working days to file the required application.

   b. If the property owner fails to file the required application, fails to follow through with the application process, or the application is denied, the Code Enforcement Officer shall take

appropriate legal action in accordance with provisions of law, subject to the approval of the County Attorney.

If the application is denied, the Code Enforcement Officer shall allow seven (7) working days for the property owner to correct the violation before filing proceedings with legal action. A reasonable extension of time may be granted if it is determined that significant progress has been made, or should the property owner represent circumstances that would warrant such extension. Written documentation shall be placed in the file noting the reason the time extension is being granted and the amount of additional time that is being allowed to correct the violation.

c. A fourth written notice shall be forwarded by certified mail advising the property owner that legal action has been taken.

d. Legal action shall not take place without prior approval from the County Attorney.

c. Type III Offenses - Following the initial field inspection and a determination that a violation exists; the following steps shall be undertaken in processing a Type III Offense until the violation is resolved:

1. The Code Enforcement Officer shall consult the Zoning Administrator and County Attorney immediately upon notification and inspection of a violation, which poses an imminent threat to health and safety.

2. The property owner shall receive written notice to immediately cease all actions contributing to the violation.

3. The appropriate law enforcement authorities shall receive immediate notification of the violation.

4. The Zoning Administrator and Code Enforcement Officer shall consult the County Attorney regarding further action to resolve the complaint.

Section 8.6 - Repeat Violators

The Code Enforcement Officer may find instances of repeat violations, whereby compliance is achieved in each case; however, the property owner repeatedly violates the code provisions. In such cases, an administrative consent order or injunction may be sought at the advice of the County Attorney. Notice shall be sent by certified mail setting forth the steps the County proposes in exercising its authority to correct the violation.

Section 8.7 - Request for Search Warrant

In the event a property owner denies access to the property for an inspection to obtain evidence of a complaint, the Code Enforcement Officer shall obtain a Search Warrant from the General District Court Magistrate, after providing probable cause to conduct a search. Such action shall not take place without prior approval of the County Attorney.

The Code Enforcement Officer shall be accompanied by a law enforcement official, while conducting the search and shall take photographs of the code violation.

Section 8.8 - Hiring Contractors

Bids shall be received in accordance with the County's procurement procedures prior to contracting the services of an individual or firm to assist in remedying a code violation.

Eligible contractors shall be properly licensed and shall not have active County code violations.

Section 8.9 - Freedom of Information Act

The Zoning Administrator and the Code Enforcement Officer(s) shall comply with all of the requirements of the Freedom of Information Act, contained in Chapter 37 of Title 2.2 of the Code of Virginia. In particular, disclosure of the following information to the public shall be prohibited, unless otherwise required by law:

"The names, addresses and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning ordinance complaints made to a local governing body." (Sec. 2.2-3705.3, 10. of the Code of Virginia)

Division II - Building and Maintenance Code

(Revised October 20, 2016)

Section 8.10 - General Principals

This division of the Code Enforcement Policy contains the procedures to be followed in the enforcement of the Virginia Construction Code, the Virginia Maintenance Code and the codes and standards referenced therein. The establishment of this policy is deemed necessary to provide effective administration and enforcement of the codes in a fair and consistent manner.

Section 8.11 - Administration

The following types of violations shall be governed by the provisions of this division of the Code Enforcement Policy and are grouped in accordance with the applicable code:

Virginia Construction Code

- Working without required permits (Chapter l, Section 108. l)
- Failure to obey a Stop Work Order (Chapter I, Section 114 . 1)
- Failure to Correct a violation (Chapter I, Section 115.4)
- Failure to obtain a required inspection (Chapter I, Section 113. 1)
- Occupying a building or structure without the required Certificate of Occupancy (Chapter I, Section 116.1)

Virginia Maintenance Code

- Failure to correct a violation (Chapter I, Section l04.5.4.l)
- Failure to vacate an Unfit or Unsafe building or structure (Chapter l, Section 105.4.1)

Section 8.12 - Method for Discovery of Violations

The discovery of violations may be reported by the following methods:

Written or Verbal Correspondence is an acceptable means of receiving a complaint of possible violation. The complaint may be made by written correspondence either by letter or email, by telephone communication, or in person. A complaint is not required to disclose his or her name when reporting a possible violation.

Field Observation is another acceptable means of receiving a complaint of possible violation. Any member of the County staff or elected or appointed office may observe a complaint while in the field and relay the possible violation to the Department of Inspections for investigation.

The Department of Inspections shall maintain a record of all complaints within the Munis System. This record shall include field notes, photographs, notices and orders, and any other information pertinent to the record of the investigation.

Section 8.13 - Procedure for Investigation of a Violation

Effective immediately all new complaints shall be handled utilizing the following processes:

a. The ASM enters the complaint into Munis Enterprise Resource Planning/Financial Software solution (Munis) and assigns it to an inspector for investigation according to assigned areas.

b. The inspector shall investigate the complaint within 2 working days from receipt of the complaint. Additionally, should the inspector note violations on surrounding properties, these shall be noted and pursued as directed herein.

c. If the inspector notes violations of the Zoning Ordinance, they shall be forwarded to the proper Zoning office for enforcement.

d. If the complaint is not justified, the inspector shall enter this into the Munis complaint file and the case can be closed.

e. If the complaint is valid, the inspector will send a Correction Notice, Notice of Violation, Notice of Unfit for Habitation or Notice of Unsafe Structure to the owner of record in accordance with Chapter 1, Section 105.4 of The Virginia Maintenance Code within 48 hours of the initial inspection.

f. All correction notices may contain a reasonable time to complete the work and/or request the owner to contact the inspector within 30 days from receipt of the notice to provide a schedule to complete the repairs within one (1) year from the date of the inspection. Additionally, the correction notice shall inform the owner of their rights to appeal within 14 days from receipt of the notice.

g. In the case of a Correction Notice and the owner has not met his schedule within the first 6 months, a Notice of Violation shall be issued providing a maximum of 90 days to complete repairs.

h. If the owner fails to meet the Notice of Violation deadline the case shall be forwarded to the Director of Inspections or the Chief Codes Compliance Inspector who will make a determination if the violation will be prosecuted as a criminal (36- L06A) offense or civil (36- 106B) offense in consultation with the County Attorney.

Section 8.14 - Procedure specific to Unsafe and Unfit Structures or Buildings

a. If the complaint is for a building or structure that is reported as "unsafe" or "unfit for habitation" the inspector must make an investigation within 24 hours from the assignment of the complaint.

b. The inspector shall take pictures of all violations and attach them to the Munis complaint file.

c. The Notice of "Unsafe or Uninhabitable" structure shall be issued and the owner shall be allowed 48 hours from receipt of the Notice to correct the violations or vacate the structure.

d. If the owner fails to meet the Notice of Violation deadline the case shall be forwarded to the Director of Inspections or the Chief Codes Compliance Inspector who will make a determination if the violation will be prosecuted as a criminal (36-106A) offense or civil (36-106B) offense in consultation with the County Attorney.

Section 8.15 - Prosecution of Violations

The Code of Virginia in Title 36, Section 36-106, Paragraphs A & B provides for either criminal or Civil prosecution of violations of the Virginia Construction and maintenance Codes. This section will provide procedures for both processes.

Criminal Prosecution: (36-106, Paragraph A)

Once the case has been reviewed with the County Attorney and the Director of Inspections. When the County Attorney and the Director of Inspections or the Chief Codes Compliance Inspector have reviewed the file and determined the case should be prosecuted criminally, the County Attorney shall assume responsibility for further prosecution in accordance with Chapter 1, Section 104.4.5.6 of the Virginia Maintenance Code or Chapter I, Section 115.3 of the Virginia Construction Code.

Civil Prosecutions (36-106, Paragraph B)

When the County Attorney and the Director of Inspections or the Chief Codes Compliance Inspector have

reviewed the file and determined the case should be prosecuted civilly, the following procedure shall be followed:

a. The Director of Inspections or the Chief Codes Compliance Inspector shall prepare a summons in a form either provided or approved by the General District Court providing the specific violations and applicable code sections and all additional pertinent information such as date and time of the hearing.

b. Summonses shall only be delivered by department personnel within the Tidewater area. Summonses required to be issued out of the area shall be forwarded to the local sheriff of the municipality in which the violator resides.

c. In no cases shall department personnel use any form of force nor shall they carry either concealed or in the open any type of weapon when issuing summonses. If personnel feel issuing the summons will place them in jeopardy, they shall request an escort from the She riff 's office or utilize alternative methods of service to include but not necessarily limited to certified mail, sheriff 's service, independent process server or any other method approved by the court.

Section 8.16 - Request for Search Warrant

As provided by title 36, Section 36-105; paragraph C Sub-paragraph 3 of the Code of Virginia where a "violation of the Building Code exist that presents an immediate and imminent threat to the health or safety of the owner, tenant, or occupants of any building or structure, or the owner, occupant, tenant of any nearby building or structure, and the owner, occupant, tenant of the building or structure that is subject to the complaint has refused to allow the building official or his agent to have access to the subject building or structure, the local building official or his agent may present sworn testimony to a magistrate or a court of competent jurisdiction and request that the court or magistrate grant the building
official or his agent an “Inspection Warrant".

Therefore, in the event an owner, tenant or occupant of a building or structure that is the subject of a complaint denies the Director of Inspections or a duly appointed technical assistant (inspector) entry either onto or into a property for the purposes of performing an inspection they may, in consultation with the County Attorney and providing probable cause, obtain an “Inspection Warrant” from the General District Court Magistrate.

The Director of Inspections, Chief Code Compliance Inspector, or Code Compliance Inspector shall be accompanied by a law enforcement officer while presenting the warrant and conducting the search. The warrant shall be returned to the Magistrate's office within 48 hours of the search along with a listing of all evidence, generally in the form of photographs that have been obtained during the search.

ARTICLE IX - Economic Development Incentive Policy for Commercial and/or Mixed-Use Development

(Adopted July 15, 2010)

Section 9.0 - Purpose

With the loss of International Paper, its associated support services, changes in manufacturing at Smithfield Packing, and the effects of the current economic recession, the Isle of Wight County Board of Supervisors recognizes the need to provide funding incentives to specific commercial and/or mixed-use development as a means to stimulate commercial and retail development in Isle of Wight County. This industry segment has been identified as a viable market for the County that will diversify the County’s tax base, by increasing the percent of sales tax generated, and other local revenue, including taxes on business licenses, machinery and tools, personal property, and real estate. In 2009, Isle of Wight County commercial real estate revenue (including industrial) made up only 15% of the real estate taxes collected.

Recent data reveals that Isle of Wight County is an under-stored market in the categories of furniture, building material/garden supplies, clothing accessories, sporting goods/hobbies/books/music and general merchandise. This is attributed to a small consumer base and the competitive pressure among existing businesses which leads to further decline. These deficiencies result in absorption of the County's trade area market into that of neighboring jurisdictions and leakage of retail dollars out of the County. Evidence of this was documented in 2006 with the County's per capita taxable sales tax equating to only half of the state's average and 75% of neighboring Suffolk. This is despite, the County's per capita income being the fifth highest in Hampton Roads and the highest of non-metro areas for the same period.

Section 9.1 - Project Eligibility

In an effort to stimulate the growth of the commercial and retail industry sector, replace the loss of tax revenue and jobs, curtail the leakage of retail dollars, and diversify the County's revenue base, the Isle of Wight County Board of Supervisors hereby establishes a Commercial and/or Mixed-Use Incentive Policy applicable to the following types of development:

a. New development consisting of commercial/retail square footage in excess of 80,000 square feet with a minimum net new taxable investment in new construction of $20,000,000.

b. New corporate office development/expansion with an employment base of twenty-five (25) or more new full-time equivalent employees (FTE) and a minimum net new taxable investment of $25,000,000.

c. New multi-family residential developed in conjunction with commercial development, consisting of one hundred (100) or more multi-family residential units and a net new taxable investment of $20,000,000.

Section 9.2 - Development Incentives

The Isle of Wight County Board of Supervisors will utilize a variety of incentive measures as determined to be prudent to attract these new growth industries, including but not limited to the following:

a. *Review Fee Waivers* - Development review fees may be waived for site plan and subdivision review, including zoning and building permits.

b. *Expedited Review Process* - Expedited review projects receive a higher priority in the work flow of staff than other review projects, including the resubmission of plans, and are allowed to proceed with the issuance of an early land disturbing permit and a footing and foundation permit prior to accomplishing final site plan approval.

c. *Connection/Tap Fee Reinvestment* - Connection/Tap Fees may be reinvested into the development for the installation of required water and sewer utility improvements whereby the overall public benefit exceeds the overall private benefit.

d. *Proffer Flexibility* - Pursuant to Section 15.2-2302 of the Code of Virginia as amended, and Section 1-1016(e) of the Isle of Wight County Zoning Ordinance, the Board of Supervisors may waive the requirement of a public hearing where an amendment to the proffered conditions is requested by the profferor, provided that the amendment does not affect conditions of use and density.

   Included in these provisions is the authority of the Board to make decisions relative to the infusion of cash proffer contributions into the development for the installation of needed transportation and utility improvements whereby the overall public benefit exceeds the overall private benefit and any other amendment provided that the amendment does not affect conditions of use and density.

e. *Economic Development Incentive Grant* - The Board of Supervisors shall be empowered to grant to qualified prospective businesses or developers an Economic Development Incentive Grant (EDIG) equal to up to five years taxable return on investment created by the project. The Directors of Economic Development and Planning & Zoning will collectively pre-qualify each prospective business and related project, calculate long term taxable return on investment, and make a grant award recommendation to the Board for approval. Prospective businesses or developers must agree to enter into a performance agreement with the County that outlines in detail the net new taxable investment and/or employment commitments to be generated by the project. The agreement will include conditions under which the EDIG will be paid out and claw-back provisions which would apply if the business or developer underperforms.

f. *Establishment of a Community Development Authority* - Pursuant to Chapter 2, Article V, Section 2-14(a), the Board of Supervisors has the power to consider petitions for the creation of community development authorities (CDA), in accordance with the Virginia Water and Wastewater Authorities Act, Chapter 51, Title 15.2, Code of Virginia (1950, as amended), which may be created to finance the following development within the proposed CDA boundary:
   1. Roads, bridges, parking facilities, curbs, gutters, sidewalks, traffic signals, water and sewer systems, stormwater management and retention systems, gas and electric lines, and street lights;
   2. Parks and facilities for indoor and outdoor recreational, cultural and educational uses, entrance areas, security facilities, fencing and landscaping;
   3. Fire prevention systems and rescue vehicles;
   4. School buildings and related structures, when authorized by the locality and the school board; and
   5. Other public construction and special services that the Board may deem appropriate, and which is consistent with the provisions of the Code of Virginia.

g. *Establishment of a Tax Increment Financing District* - A Tax Increment Financing (TIF) District may be established by County Ordinance to direct a portion of identified incremental tax revenue towards improvements in a specially established district for the purpose of eliminating blight or providing economic development benefit.

h. *Other incentives the Board may deem appropriate* - The Board of Supervisors may consider other economic development incentives as may be presented and deemed appropriate.

i. *Sunset Provision* - This resolution shall expire on August 1, 2015 unless otherwise repealed on an earlier date by the Board of Supervisors.

ARTICLE X - Pedestrian and Bicycle Facilities Development Policy

(Adopted March 20, 2014)

Section 10.0 - Purpose

This policy is intended to establish an implementation strategy that clearly outlines the requirements for creating a quality non-motorized transportation network as a priority of future development in Isle of Wight County in accordance with the goals and objectives of the Isle of Wight County Comprehensive Plan as follows:

- Ensure that new developments (both commercial and residential) are safer for walking and bicycling, and that the non-motorized transportation and recreation facilities identified in the plan are constructed during development projects.
- County staff should require future developers to construct the public greenway, pedestrian, and bicycle facilities that are identified in the plan as part of their developments.
- The County should act to codify specific requirements for pedestrian and bicycle accommodations in the Zoning Ordinance to include, sidewalks on both sides of roadways.
- As an advisory board to the Board of Supervisors, the Planning Commission's responsibilities include providing recommendations to the Board of Supervisors in achieving the County's vision for the location of pedestrian and bicycle facilities.

The Board of Supervisors of Isle of Wight County, through the creation and appointment of a Bike and Pedestrian Committee (BPC), the adoption of the Pedestrian and Bicycle Facilities Master Plan as a supplement to the Comprehensive Plan in 2006 amended 2009, and approval of a Design Specifications Manual in 2009, has set forth a mechanism for citizen involvement in the process of establishing priorities for facilities location and construction specifications to be followed in the creation, enhancement and protection of bike and pedestrian facilities and greenway corridors throughout the County.

This policy will serve to carryout and further define all aspects of implementation and funding for the creation of a countywide non-motorized transportation network in Isle of Wight County.

Section 10.1 - Applicability

The following project types shall be reviewed for compliance with the facilities identified in the Bicycle and Pedestrian Facilities Master Plan.

a. Any new development project which requires any of the following actions for approval:
   1. Conditional Use Permit (CUP)
   2. Special Use Permit (SUP)
   3. Rezoning
   4. Preliminary Site Plan

b. Any existing development project which requires any of the following actions for approval:
   1. Conditional Use Permit (CUP)
   2. Special Use Permit (SUP)
   3. Rezoning
   4. Preliminary Site Plan

c. Any Subdivision of 5 or more lots, will construct bicycle and pedestrian facilities as required by the Isle of Wight County Subdivision and Zoning Ordinances, regardless of this policy.

Section 10.2 - Requirements

a. All applicants shall dedicate and record an easement as needed for the implementation of the specifically designated facilities for the site in question, prior to the issuance of a Zoning Permit for the project.

b. The applicant will construct the bicycle and pedestrian facilities identified for the site in accordance with the requirements of the Zoning Ordinance.
   1. If the applicant does not wish to construct the pedestrian facilities, as required by the Zoning Ordinance, they shall pay into the Pedestrian and Bicycle Facilities Fund (PBFF) the amount of one hundred and twenty percent (120%) of the engineering estimate, as approved by the County, for construction of the designated facilities on their site by the County. This payment shall be made prior to the issuance of a Zoning Permit for the project; or,
   2. The applicant shall pay into the PBFF the amount of eighty percent (80%) of the engineering estimate, based on on-site construction of the facility, as approved by the County, which will then be used to fund off-site construction of bike and pedestrian facilities as identified in the Pedestrian and Bicycle Facilities Master Plan. This payment shall be made prior to the issuance of a Zoning Permit for the project. The allocation of said funds and the location of the facility to be constructed shall be determined at the discretion of the County.

c. In the event that development activity is scheduled to occur on a property where the pedestrian and bicycle facilities have already been constructed (in accordance with this policy), the applicant shall contribute their pro rata share of the real cost of the project to the PBFF.

Section 10.3 - Pedestrian and Bicycle Facilities Fund (PBFF)

a. The Pedestrian and Bicycle Facilities Fund (PBFF) shall be a Capital Project Fund to hold funds tied to bike and pedestrian facilities construction capital projects as identified in the Capital Improvement Plan (CIP).

b. Funds from the PBFF shall be allocated every year through the normal CIP process as follows:
   1. For funds contributed through Section 3(B)(i) of this policy the facility in question will be built during the next budget cycle.
   2. For funds contributed through Section 3(B)(ii) of this policy the construction of facilities will be triggered by funds adequate for the construction of five hundred (500) feet of new facilities or a distance (shorter or longer) which allows for the facility to come to a reasonable terminus (such as a property line), as identified by the Pedestrian and Bicycle Facilities Master Plan. Those facilities include but are not limited to sidewalks, multi-use paths, designated bike lanes, and widened shoulders. With the exception of B(i) above.

c. If the PBFF does not contain sufficient funds to implement the designated amount of facilities those funds shall be retained and rolled over into the next budget cycle, repeating if necessary, until such time as sufficient funds are available.

d. The allocation of PBFF funds shall be considered on an annual basis. A regular report of the fund shall be generated by the Isle of Wight County Budget and Finance Department. This report will be distributed for consideration by the Bike and Pedestrian Committee, with projects being identified in the Isle of Wight County Parks and Recreation Department budget, and project management administered by Isle of Wight County General Services Department. All projects shall be prioritized according to the following hierarchy:

1. Funds shall be allocated to projects immediately adjacent to existing facilities over projects which do not connect to an existing facility.
2. Funds shall be allocated to projects inside a Development Service District (DSD) prior to projects outside a DSD.
3. Funds shall be allocated to projects according to the project prioritization completed by the Bike and Pedestrian Committee (see attached).
4. This fund can be used to leverage additional construction funds as long as the proposed project falls on the Pedestrian and Bicycle Facilities Master Plan, and the proposed project has been approved by the Bike and Pedestrian Committee.
5. Perpetual maintenance of the Pedestrian and Bicycle Facilities constructed through normal development activity and the requirements of this policy should be considered in future budget cycles.

Section 10.4 - Construction Standards

a. Sidewalks – Sidewalks shall be constructed within residential subdivisions as required by the Isle of Wight County Subdivision Ordinance, they shall be located within the public right of way and constructed in accordance with VDOT standards.

b. Multi-Use Paths – Multi-Use Paths shall be constructed as required by the Bicycle and Pedestrian Facilities Master Plan, they shall be located within an easement dedicated to the County as required by this policy and constructed in accordance with the Isle of Wight County Bike and Pedestrian Facility Design Specifications Manual.

ARTICLE XI
Isle of Wight County Non-Residential Stormwater Management Fee Credit Policy

(Adopted April 17, 2014)

Section 11.0 - Introduction

On May 16, 2013, the Isle of Wight County Board of Supervisors adopted the implementation of a Stormwater Management (SWM) Fee by adding Article X – Stormwater Management Fee to Chapter 14A Stormwater Management Ordinance of the Isle of Wight County's Code of Ordinances. The SWM Fee became effective on July 1, 2013. The County is required by State Code to provide a mechanism to allow for credits to the stormwater management fee. This policy describes how developed non-residential properties can qualify and apply for a credit to their fee by properly maintaining existing stormwater management facilities, making improvements to existing stormwater controls, and/or implementing new best management practices (BMPs) to improve stormwater quality and/or reduce stormwater runoff on their property. No credits will be available until the property owner or his agent documents either the existence of a BMP Maintenance Agreement or enters into a new BMP Maintenance Agreement with the County.

Section 11.1 - Stormwater Management Fee

The fee amount charged to each non-residential developed property is directly proportional to the impervious surface on each property. Impervious surfaces are generally defined as any surface materials that impede stormwater from infiltrating into the soil. An Equivalent Residential Unit (ERU) impervious area of 3,200 square feet at a rate of $72 per ERU is defined by the Stormwater Management Ordinance. Refer to the Isle of Wight County Uniform Fee Schedule for the most current ERU rate and associated impervious area.

Section 11.2 - Stormwater Management Fee Credit Policy

A Stormwater Management Fee Credit allows for a reduction in the assessed stormwater management fee for property owners that manage their stormwater runoff and that have a County BMP Maintenance Agreement in place.

Non-residential property owners that install or have installed stormwater Best Management Practices (BMPs) to reduce the stormwater volume and/or peak discharge rate or pollutant loading from their property can qualify to receive a reduction in their stormwater management fee. A BMP is an activity, measure or facility that prevents or reduces the transport of pollutants, controls stormwater volume or rate and/or limits the impacts to the receiving storm drainage system. These measures can include on-site practices such as bio-retention facilities, vegetated swales and ponds that manage stormwater at its source. The County encourages the use of low-impact design strategies in the planning of development projects. In order to qualify for any type of credit, a recorded BMP Maintenance agreement in accordance with the Isle of Wight County Ordinance and Stormwater Management Program Policies and Procedures shall be in place.

County approval of non-residential stormwater management fee credits will be based on:

- the reduction of total phosphorus (TP) load in the stormwater flowing from a property, and/or
- a reduction in the volume and/or peak flow rate of stormwater discharge from a property, and
- the location and development condition of the property.

Refer to Location and Development Condition section below for a summary of the avenues available to achieve stormwater credits. Credits may be obtained through the installation, continuing use, and proper operations and maintenance of BMPs that are not County owned or maintained.

Section 11.3 - Credits Requirements and Types

Credit Requirements

In order to receive the full available SWM Fee credit (40%), a developed non-residential property owner must install a County-approved BMP, modify an existing BMP to meet the design criteria referenced in this policy, or provide evidence that an existing BMP meets the criteria needed to achieve a credit.

Property owners or their agents may apply for water quality and quantity credits for County-approved BMPs. **The total credit shall not exceed 40%.**

Credit Types

Due to differences in the previous design criteria, existing developments in both the Chesapeake Bay and Blackwater River watersheds have customarily been designed to provide water quantity control measures, to achieve peak flow attenuation. Developments in the CBPA watershed were also likely required to provide a water quality control treatment component, to achieve pollutant removal requirements. Therefore, this policy defines two types of credit that are available applicable to existing developments, namely **Water Quantity Credits** and **Water Quality Credits**.

Stormwater Quantity Credit

Stormwater Quantity credits are available to property owners that currently have quantity- only stormwater BMPs on their property that were designed and constructed to meet County and State regulations at the time of development. This condition addresses properties outside the Chesapeake Bay watershed that were not subject to providing water quality treatment at the time those properties were developed.

A Stormwater Quantity credit of up to 20% is available to applicants in the Blackwater River Watershed who have installed a County-approved BMP that reduces stormwater peak flow rate. These practices reduce the demand or burden on the receiving stormwater conveyance system as well as our streams and rivers.

Stormwater Quantity credits are applied as follows:

Existing BMPs in the Blackwater Watershed approved prior to July 1, 2014 qualify for:

- A 20% credit for sites that meet the 10-year storm peak flow requirement from pre- to post-development.
- An additional 20% credit is available for those sites that achieve attenuation of the post-development 25-year storm to pre-development levels.

Existing BMPs in the Chesapeake Bay Watershed approved prior to July 1, 2014 qualify for:

- A 10% credit for sites that meet the 10-year storm peak flow requirement from pre- to post-development.
- An additional 10% credit is available for those sites that achieve attenuation of the post-development 25-year storm to pre-development levels.

Stormwater Quality Credit

A Stormwater Quality credit of up to 40% is available to applicants who have installed a County-approved BMP that provides water quality treatment to stormwater runoff flowing through the BMP. The credit is based on the amount of total phosphorus (TP) that is treated by the BMP. The applicant can increase the credit received by exceeding the TP load reduction that is required by current Virginia Stormwater Management Program regulations. The target phosphorus load is 0.41 lbs per acre per year. Table 1 describes how the Stormwater Quality credit is calculated.

TABLE 1: STORMWATER QUALITY CREDITS ALLOWED BASED ON RATIO OF LBS OF TP REMOVED/LBS OF TP REMOVAL REQUIRED

Ratio of TP Treated/TP Required	Total Credit Allowed
1.0	20%
1.25	30%
1.5	40%

The total amount of phosphorus (in lbs/year) required to be removed from the stormwater conveyed from a site can be calculated using the Virginia Runoff Reduction Method (VRRM). This methodology calculates the TP load reduction required as well as the corresponding design treatment volume. It is required that applicants for developments permitted after July 1, 2014 obtain and utilize the latest version of the VRRM Spreadsheets for New Development and Redevelopment that are posted on the DEQ website:
http://www.deq.virginia.gov/Programs/Water/Laws,Regulations,Guidance/Guidance/StormwaterManagementGuidance.aspx

Once the required TP load reduction is calculated, the applicant can utilize the VRRM spreadsheets, as well as the most recent version of the Virginia Stormwater Management Handbook (VSMH), to determine which BMPs are appropriate for their site conditions and achieve the TP removal efficiency required. All future development activities will be subject to Part II B of the VSMP regulations (Technical Criteria 'B') and shall use the VRRM

methodology.

All new BMPs must be designed and constructed in accordance with the VSMH, which can be found on the DEQ Stormwater Management Publications website at:

http://www.deq.virginia.gov/Programs/Water/StormwaterManagement/Publications.aspx
or
Virginia Stormwater BMP Clearinghouse http://www.vwrrc.vt.edu/swc/

BMP retrofits for existing facilities, at the discretion of the owner or his agent and with prior approval from the Stormwater Division, may be designed in accordance with the technical criteria used at the time of plan approval.

11.4 - Additional Requirements

Additional requirements necessary to be considered for County approval of a stormwater management fee credit are defined below:

Installation Standards

- All new BMPs subject to Technical Criteria B must be designed and constructed in accordance with the VSMH, which can be found on the DEQ Stormwater Management Publications website at: http://www.deq.virginia.gov/Programs/Water/StormwaterManagement/Publications.aspx, or the Virginia Stormwater BMP Clearinghouse at: http://www.vwrrc.vt.edu/swc/
- All new BMPs must have all required County and State permits and approvals.
- Existing BMPs without formal documentation may be eligible for attaining a credit as well. The property owner shall undertake or cause to provide an engineering analysis to determine what design criteria applied at the time of construction. This analysis should be coordinated with the Isle of Wight County Stormwater Division to ensure the designer and County staff agree on the criteria prior to formally submitting the credit application.

Application & Documentation Requirements

- Stormwater Credit Application Form
- BMP Maintenance Agreement
- Annual BMP Self-Inspection Reports

Maintenance Requirements

- A BMP Maintenance Agreement with a BMP specific maintenance plan, checklist and estimate of maintenance cost is required to be recorded at the Courthouse with a recorded copy submitted to the Stormwater Division for all BMPs to receive credit.
- All maintenance must be completed within the recommended guidelines of the Virginia Stormwater Management Handbook.
- The property owner has the legal responsibility to maintain the BMP.
- The County reserves the right to routinely and independently inspect the BMP to ensure that regular maintenance is being performed as required.

Restrictions On Credits

- The BMP must meet all applicable building department and planning and zoning department ordinances requirements.
- The Stormwater Quality and Quantity credits apply only to the applicant. Credits do not transfer if ownership changes. A new application must be submitted and a new BMP Maintenance Agreement (or evidence of transfer of the existing Agreement to a new responsible Owner) shall be provided in order to

continue receiving the credit.

- A credit may never bring the total billable ERUs below 1 ERU.

Renewal Requirements

- The owner will be required to submit proof of self-inspection and maintenance activities pursuant to the BMP Maintenance Agreement in order to continue receiving the annual credit.

All credits for new or modified BMPs are also subject to the submittal of a formal BMP Maintenance Agreement and routine inspections and maintenance. The credit will be valid for an indefinite period as long as the owner or his agent submits an annual self-inspection report detailing all maintenance, at a minimum, was performed in accordance with the BMP maintenance schedule for that facility. The owner will be required to submit annual proof of self-inspection and maintenance activities pursuant to the BMP Maintenance Agreement in order to continue receiving the credit. County staff will conduct independent and periodic BMP inspections in accordance with the procedures defined in the Stormwater Management Ordinance.

11.5 - Location and Development Condition

The following developed non-residential categories are provided for considered for consideration of credit issuance:

Existing developed non-residential properties in the ***Blackwater River Watershed***:

- Can achieve a 20% credit by meeting the peak flow attenuation required at the time of development. Verification of BMP storage volume is required.
- Can achieve up to the maximum 40% credit by exceeding peak flow attenuation required at the time of development as noted in the Stormwater Quantity Credit section above. Verification of BMP storage volume is required.
- Should atypical as-constructed conditions apply to an existing BMP, and as based on an engineering analysis of the existing conditions, a water quality credit may be applicable to achieve credits for water quality treatment as noted in Table I above. Verification of water quality volume provided is required.
- BMP conversions or modifications may be constructed to meet the same water quantity removal requirements in place in the Chesapeake Bay watershed at the time of design approval to achieve an additional 20% credit.
- BMP conversions or modifications may be constructed to meet the Criteria IIB water quantity removal requirements that become effective County-wide in July 1, 2014 to achieve an additional 20% credit.
- New BMP measures can be designed to implement the existing Technical Design Criteria in Part II C of the VSMP regulations (Technical Criteria C) and covered under a State Permit or VSMP Authority Permit prior to July 1, 2014. All new development after that date will be subject to new Technical Design Criteria (Technical Criteria B).

Existing developed non-residential properties in the ***Chesapeake Bay Watershed***:

- Can achieve a 10% credit by meeting the peak flow attenuation required at the time of development. Verification of BMP storage volume is required. An additional 10% credit is available for exceeding the quantity requirement by attenuating the peak flow from the 25-year storm event.
- In addition to the peak flow attenuation credit noted above, an owner can achieve another 20% credit for meeting water quality removal requirements at the time of design approval, to gain up to the maximum 40% credit. Verification of existing water quantity volume matching the design water quality volume is required.
- Can achieve between 10% and the maximum 40% water quantity credit by modifying an existing pond to meet or exceed the pollutant removal requirement as noted in the Water Quantity Credit section above.

New development activities on non-residential properties will be subject to Technical Criteria IIB and may achieve credits based on the Water Quality Credit section above.

ARTICLE XII - Isle of Wight County Public Utilities Pro Rata Share Policy

(Adopted December 18, 2014, Revised May 16, 2019)

I. PURPOSE

To implement the Department of Utilities Services/Public Utilities Division (PU) utility systems in a master plan approach, it is periodically necessary to coordinate long term Utility Improvements with private development initiatives. PU may require a private developer to install within their Utility Improvements additional capacity and/or Betterment Improvements to serve off-site parcels of land or correct existing facility deficiencies in accordance with the County's Water and Sewer Master Plan, or as determined by PU. The Public Utilities' Pro-Rata Share Policy establishes general standards and procedures by which a private developer may be reimbursed for their costs associated with the design and construction of on-site and/or off-site water and/or sewer (utility) improvements required to provide the requested additional capacity and/or Betterment Improvements. A developer may be eligible for reimbursement when the cost exceeds the developer's obligations in accordance with the procedures established in **Exhibit A**, Public Utilities Pro-Rata Share Procedures, and as determined by PU.

II. DEFINITIONS

For the purpose of this PU Pro-Rata Share Policy, the following terms are defined as follows:

a. *Betterment Improvements*: Utility Improvements to correct deficiencies and/or additional work as directed by the PU beyond the First Developer's (defined below) project requirements as specified in the PU Pro-Rata Share Procedures. Any betterment work shall be related to the facilities to be installed and/or facilities rehabilitated by the First Developer.

b. *Development Plan*: A site plan, subdivision plan, and/or engineering plans submitted to the County for approval. The plan or plans must contain the proposed water and/or sewer improvements required to serve the Developer's project.

c. *Existing Development*: A parcel of land that meets all of the conditions 1 through 3 or is designated as condition 4 below and does not exceed the installation of greater than five (5) sewer laterals and/or five (5) water services or a flow greater than ten (10) percent of the total Utility Service Area (defined below) flows:

1. The parcel of land is within the Utility Service Area of those Utility Improvements designed and installed by the First Developer; and
2. Physical improvements have been constructed upon the parcel of land or Development Plan(s) for physical improvements have been approved by the County and remain valid (physical improvements do not include parking lots, temporary or out buildings, fences, landscaping, etc.); and
3. The construction of the physical improvements or the approval of Development Plan(s) have been obtained prior to acceptance by PU of the First Developer's Utility Improvements.
4. A parcel of land is undeveloped and cannot be subdivided nor developed for any use other than for (1) single family residence shall be considered an Existing Development.

The determination of Existing Developments is made by PU through the review of Real Estate files, Development Plan approval dates, and/or any other County records that establishes an Existing Development. This information will be reviewed for all parcels of land which may lie within the Utility Service Area.

d. *First Developer*: A subdivider, developer, individual land owner or Government department or agency that is required to design and install certain Utility Improvements providing additional capacity and/or Betterment Improvements in accordance with the County's Water and Sewer Master Plan or as directed by PU.

e. *Master Project Plan*: A proposed site plan and/or a subdivision plan which shows, as a minimum, street alignment, proposed land uses, and water and/or sewer improvements. This plan must be for the entire proposed project area, not individual sections, and must be in compliance with the County's Water and Sewer Master Plan, or as directed by the PU.

f. *On-Site Parcels*: The parcel(s) of land subdivided or developed by the First Developer.

g. *Off-Site Parcels*: All parcels of land within the Utility Service Area of the Utility Improvements made by the First Developer that are beyond the boundaries of the First Developer's parcel(s) of land.

h. *Pro-Rate Share Percentage*: The proportionate impact each development's calculated flows will have upon the total flow of water and/or sewage to be transported by the Utility Improvements installed by the First Developer. Said proportionate impact is to be expressed as a percentage of the total flow.

i. *Pro-Rata Share Reimbursement*: The Pro-Rata Share due to the First Developer by any Subsequent Developer paid into an Agency Fund Account to be released by the County to the First Developer.

j. *Pro-Rata Share*: The proportionate cost of the Utility Improvements made by the First Developer for which the First Developer and each Subsequent Developer within the Utility Service Area of such improvements receive a service benefit. Said proportionate cost is to be determined by applying the Pro-Rata Share Percentage to the total cost of the improvements made by the First Developer.

k. *Subsequent Developer*: A subdivider, developer or government department or agency, including the County, who's succeeding development is within the Utility Service Area of those Utility Improvements designed and installed by the First Developer and will benefit from any additional capacity and/or Betterment Improvements installed by the First Developer.

l. *Utility Service Area*: On-site and Off-site parcels of land and/or portions of parcels of land to be served or intended to be served by the Utility Improvements proposed by the First Developer within the County's Water and Sewer Master Plan, or as directed by PU.

m. *Utility Improvements(s)*: Water and/or sanitary sewer improvements designed and constructed in accordance with the County's Water and Sewer Master Plan and/or as approved by the PU, which is to be dedicated to the County and owned and operated by the County.

For other definitions pertaining to Subdivision and Developments, refer to the County's Subdivision and/or Zoning Ordinance.

III. APPLICATION OF POLICY - PU may direct a developer to install additional capacity or Betterment Improvements within their proposed Utility Improvements to serve both On-site and Off-site parcels of land. Each Subsequent Developer whose development is within the Utility Service Area of the Utility Improvements, made by the First Developer, shall pay into an Agency Fund Account their Pro-Rata Share of the cost of such improvements on the specific utility capacity installed, which shall be disbursed to the First Developer upon written release by the County from the Agency Fund Account.

IV. COST PARTICIPATION DETERMINATION - As part of the Development Plan review process and as specified in the PU Pro-Rata Share Procedures, attached hereto as Exhibit A and incorporated by reference herein, PU will implement the following steps in the determination of any potential cost participation agreements:

a. Determination of Utility Service Area(s);
b. Pro-Rata Share eligibility determination;
c. Utility Improvements and Betterment Improvements estimated cost calculations; and
d. Utility Service Area Pro-Rata Share(s) calculation.

The above procedures will establish the utility requirements of the First Developer and any Subsequent Developer cost participation.

V. SUBSEQUENT DEVELOPER COST ALLOCATION - Subsequent Developer(s) shall be required as a condition of their subdivision or Development Plan approval to pay their Pro-Rata Share costs of the Utility Improvements installed by the First Developer. The Subsequent Developer will be notified of their cost obligations subsequent to a pre-development meeting with PU, a zoning reclassification application review by PU, or any other indication of development of a parcel of land by which a Pro-Rata Share can be determined by PU. PU shall provide a formal notification of the Subsequent Developer's Pro-Rata Share obligations, stating the amount due, via email and/or letter with copies to the Utilities Services Director, the Department of Planning and Zoning, and the Department of Inspections as part of the plan review process. The County will not issue a Development Plan approval or issue a land disturbing permit, whichever is first, to a Subsequent Developer until such time that an Agency Fund Account has been established with their Pro-Rata Share, or estimated Pro-Rata Share, for the Utility Improvements and deposit made into the account. The Agency Fund Account established shall name the First Developer as the beneficiary and provide the provision for naming the County as the authority to release the Agency Fund Account funds to the First Developer. PU will notify the Departments of Planning and Zoning and Inspections once the Subsequent Developer has fulfilled its Pro-Rata Share obligations.

VI. REIMBURSEMENT - The First Developer may receive reimbursement after all of the following conditions have been met:

a. The Utility Improvements have been installed by the First Developer in accordance with approved Development Plans.
b. The First Developer has dedicated and recorded all easements and/or parcels to the County for the County's operation and maintenance of the Utility Improvements
c. PU has accepted the improvements into the County's utility system.
d. The First Developer has submitted to PU certified documents, which serve to verify the total cost expended in designing and installing the Utility Improvements.
e. The Subsequent Developer's Development Plan has been submitted to the County for approval within fifteen (15) years of PU's acceptance of those Utility Improvements installed by First Developer into the County's utility systems.
f. The Subsequent Developer has submitted to the County a Development Plan for review in accordance with the County's Subdivision and/or Zoning Ordinance, and the County's Water and Sewer Master Plan or as directed by PU and has deposited its Pro-Rata Share into the Agency Fund Account.

VII. AGREEMENT - All improvements by the First Developer that provide for additional capacity or Betterment Improvements as directed by PU and set forth in this PU Pro-Rata Share Policy shall require the execution of a cost participation agreement (Betterment Improvements), Pro- Rata Share agreement,

or other type of agreement as required by the County specifying the required improvements, cost allocations, service area, agreement term, and other necessary terms, which shall be executed by the First Developer and the County.

VIII. BONDS/SURETY - A performance and payment surety shall be provided by the First Developer, in a form and amount acceptable to the County prior to commencing any Utility Improvements by the First Developer within or on facilities currently owned and operated by the County. All improvements to be installed or performed by the Developer within their development and currently not owned and/or operated by the County shall be bonded in accordance with the procedures set forth in the applicable County's Ordinance.

IX. INSURANCE - The First Developer shall purchase and maintain the appropriate insurance coverage, as stipulated in the agreement, prior to initiating any work within or on facilities currently owned and/or operated by the County and shall name the County as an additional insured.

X. AUTHORIZATION - Each party signing an agreement pursuant to Section VII of this PU Pro-Rata Share Policy represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver the agreement and agrees to provide evidence of such authority and legal capacity upon the other party's request. Each party represents and warrants to the other that the execution and delivery of the agreement and the performance of such party's obligations hereunder have been duly authorized and that the agreement is a valid and legally binding on such party and enforceable in accordance with its terms.

By adoption of the PU Pro-Rata Share Policy by the County's Board of Supervisors, the County Administrator shall have authorization to execute any agreement on behalf of the County that does not require the expenditure of County funds or where County funds were previously adopted within a County Capital Improvement Budget for the specified type of improvements provided in the agreement. Where County funds were not previously adopted in a Capital Improvement Budget and are required to be appropriated for the County's participation in any Utility Improvements set forth in an agreement, action by the County Board of Supervisors will be required.

XI. TERM OF PRO-RATA SHARE AGREEMENTS - Each Pro-Rata Share Agreement shall have a term of fifteen (15) years or until such time the First Developer is fully reimbursed per the procedures provided within this policy, whichever is the earliest date. At no time shall a Pro-Rata Share Agreement extend beyond fifteen (15) years of the County's acceptance of those utilities installed by the First Developer into the County's systems.

XII. COUNTY CONNECTION AND AVAILABILITY CHARGES - All County utility connection and availability charges remain in effect in accordance with the County's Code of Ordinances and as provided in the County's Operating Budget Fee Schedule, as adopted by the County's Board of Supervisors, and on file in the County Administration Office. No abatement or reimbursement of connection and/or availability charges will be considered under this PU Pro-Rata Share Policy.

XIII. OTHER REGIONAL UTILITY IMPROVEMENT AGREEMENTS - The County reserves the rights to enter into other forms of agreements, which are beneficial to the County for the purpose of constructing regional Utility Improvements and/or to promote economic development initiatives.

XIV. UNIQUE AND NON-CONFORMING SITUATIONS - In the administration and enforcement of this PU Pro-Rata Share Policy, PU shall have the discretion to apply the general principles expressed herein and/or if necessary, develop procedures which would address any unique, non-conforming situation which may arise.

EXHIBIT A
ISLE OF WIGHT COUNTY PUBLIC UTILITIES
PRO-RATA SHARE PROCEDURES

I. GENERAL - In support of the County's adopted Public Utilities Pro-Rata Share Policy, the following establishes the standard procedures for:

a. Determination of Utility Service Area(s);
b. Pro-Rata Share eligibility determination;
c. Utility Improvements and Betterment Improvements cost calculations;
d. Utility Service Area Pro-Rata Share(s) calculation;
e. Agreement;
f. Final determination of Utility Improvement costs;
g. Collection of allocated cost shares from Subsequent Developers;
h. Reimbursement of allocated costs shares from Subsequent Developers to First Developer; and
i. Unique and non-conforming situations.

One (1) or more types of water and/or sewer (utility) improvements may qualify the First Developer to receive Pro-Rata Share reimbursements or reimbursements for requested Betterment Improvements. These procedures, and any subsequent amendments thereto, are hereby incorporated into the PU Pro-Rata Share Policy as if fully set forth therein.

II. DETERMINATION OF UTILTY SERVICE AREA (S) - The First Developer shall meet with representatives of the County's PU in the pre- development process to discuss their Master Project Plans Utility Improvements and to determine whether the proposed Utility Improvements comply with the County's Water and Sewer Master Plan, or other requirements by PU. The County may require the First Developer to provide Utility Improvements in accordance with the County's Water and Sewer Master Plan which may serve both on-site and off-site parcels of land and provide additional capacity and/or Betterment Improvements. Based on the pre-development meeting(s), the First Developer shall submit final development Master Project Plans delineating a Utility Service Area for each Utility Improvement. The approved service areas shall include all parcels of land intended to be served by each respective utility. Should PU require the Utility Improvements to provide additional capacity for off-site parcels, the service area maps for each Utility Improvement providing additional capacity will be the basis for the Pro-Rata Share estimated cost calculations.

III. PRO-RATA SHARE ELIGIBILITY DETERMINATION - Utility Improvements requiring additional capacity to serve subsequent developments beyond the First Developer's capacity requirements will be considered as eligible for a Pro- Rata Share Reimbursement to the First Developer. Should any Utility Improvement not provide additional capacity or not require an increase in facility size beyond that required by the First Developer, the Utility Improvement will not be considered for any Pro-Rata Share Reimbursement. If a Utility Improvement does not require an increase in facility size but may be installed at a deeper depth to serve off-site parcels, such as gravity sewer mains for example, the Utility Improvement will be considered for a Pro-Rata Share Reimbursement.

The County's PU may require the First Developer to install utility services/laterals from their facilities to Existing Development along the First Developer utility corridor. The First Developer shall install such services/laterals without a Pro-Rata Share Reimbursement if the number of services does not exceed five (5) sewer laterals and/or five (5) water services. The First Developer shall not be eligible for Pro-Rata Share Reimbursement if the Existing Development does not create the need to upsize any of the First Developer's proposed facilities to transport Existing Development.

In addition, PU may require the First Developer to provide Betterment Improvements within a facility beyond what would normally be required to meet the First Developer's capacity requirements or be required by regulatory and/or County standards. If the Betterment Improvements would not be normally installed within the First Developer's Utility Improvements' installation or rehabilitation, the Betterment Improvement would be considered for a direct reimbursement from the County. Available funding within the County's Utility Fund Capital Budget shall be required for any direct reimbursement upon the completion of the work. Examples of a Betterment Improvements beyond the First Developer's requirement would be the replacement of a fixture within a sanitary sewer pump station which is not in the necessary upgrades to meet the First Developer's needs and/or the installation of additional water and/or sewer improvements for Existing Development beyond the requirements stated above.

IV. UTILITY IMPROVEMENTS AND BETTERMENT IMPROVEMENTS COST CALCULATIONS - Upon the determination of Utility Improvements eligibility for a Pro-Rata Share Reimbursement, the First Developer shall submit to PU preliminary estimated costs for each eligible Utility Improvement, a separate estimated cost for any required Betterment Improvement, and a separate estimated cost for any utility service/lateral beyond the first five (5) water and/or five (5) sewer services/laterals. PU will review the submitted cost estimates and provide written notification to the First Developer, via email and/or letter, providing the County's acceptance or comments on the submitted calculations. The First Developer may request to meet with representatives of PU to discuss any concerns with the County's final calculations. Upon agreement, the submitted cost estimates will serve as the initial basis for determining the Pro-Rata Share calculations.

The following incidental costs may be included as part of the cost calculations:

- Bonds and permits
- County plan review fees
- County inspection charges
- Finance charges

The following specific costs that are not reimbursable include, but are not limited to:

- Other miscellaneous fees (e.g. Attorney fees, recordation fees).
- County Utility Connection and Availability Charges.
- All costs associated with the installation of the first five (5) water services and/or first five (5) sewer laterals.

V. UTILITY SERVICE AREA PRO-RATA SHARE (S) CALCULATION - The following will provide for the determination of Pro-Rata Share for each specific Utility Improvement:

a. *Sanitary Sewer Pump Station, Sewer Force Mains, and Gravity Sewer System*: Should the County require the First Developer to install additional capacity within 1) their sanitary sewer pump station, 2) upgrades to existing County sewer pump stations, 3) sewer force mains, and/or 4) within portions of their gravity sewer system beyond the capacity required by the First Developer, a Pro-Rata Share of the facilities costs will be determined for each Subsequent Developer benefitting from the installed additional capacity.

The First Developer and each Subsequent Development's Pro-Rata Share shall be determined based on the proportionate impact each development's flows will have upon the total flow of sewage from the entire Utility Service Area through the Utility Improvements. Flows will be

calculated in accordance with County Standards. The degree of impact the First Developer's and each Subsequent Developer's flows will have upon the total flow shall be expressed as a percentage of the total flow. This percentage shall be applied to the estimated and final costs of designing and installing the Utility Improvements, facility upgrades, and Betterment Improvements (as appropriate).

In the event, an existing pump station(s) capacity are expanded, only the costs associated with the expansion shall be utilized and applied to Subsequent Developers benefitting. No allocation of the expanded capacity costs shall be allocated to Existing Development previously served prior to the pump station expansion.

b. *Water Mains*: Should the County require the First Developer to install capacity within their water system, beyond the capacity required by the First Developer, a Pro-Rata Share will be determined for each Subsequent Developer whose property/properties/development abuts and benefits from the Utility Improvements installed.

The First Developer and each Subsequent Development's Pro-Rata Share shall be determined based on the proportionate impact each development will have upon the total flow from the entire Utility Service Area through the Utility Improvements made by the First Developer. The degree of impact each Subsequent Development will have upon the total flow shall be expressed as a percentage of the total flow through those Utility Improvements made by the First Developer. For water mains, the percentage shall be calculated based on the amount of flow (domestic and fire flow) each developer contributes to the total flow. The degree of impact the First Developer's and each Subsequent Developer's flows will have upon the total flow shall be expressed as a percentage of the total flow through those water improvements made by the First Developer. This percentage shall be applied to the estimated and final costs of designing and installing the Utility Improvements (as appropriate). PU will establish the standard operating parameters for the water system improvements to determine the Pro-Rata Share Percentages.

c. *Vacant Off-Site Parcels Flow Estimates*: Flow estimates for vacant off-site parcels of land will be determined on the basis of usable acreage; maximum density permitted under the County's Comprehensive Land Use Plan, Ordinance, and recognized rates of flow provided within this section for the use of the parcel of land, or as directed by PU.

VI. AGREEMENT - An Agreement specifying the required improvements, estimated cost allocations, Utility Improvement(s) service area, agreement term, and other necessary terms will be developed by the PU, reviewed by the County Attorney Office, and forwarded to the First Developer for execution. Upon receipt of the executed Agreement by the County from the First Developer, PU will coordinate the appropriate actions necessary for the County's execution of the Agreement. Copies of the executed Agreement shall be provided to PU, Department of Planning and Zoning and the Department of Inspections.

VII. FINAL DETERMINATION OF UTILITY IMPROVEMENT COSTS - Once the First Developer has installed the Utility Improvements in accordance with the approved Development Plans and after acceptance of the same by PU into the County's utility systems, the First Developer shall submit appropriate documents certified by the First Developer to PU which reflect the actual costs of the installed Utility Improvements. PU will review the certified cost documents in conjunction with the construction record drawings and field inspection logs to verify that the construction costs are reasonable and in accordance with fair market costs at the time the Utility Improvements were installed and accepted by the County. This will be done by comparing the submitted costs with recent County projects of like or similar nature and/or by contacting local contractors to obtain current market costs. If the submitted costs are

deemed unreasonable, then the costs which best reflect current fair market costs will be used. The construction, design and land costs directly related to the design and installation of the Utility Improvement are considered for reimbursement eligibility. Land costs will be determined based on the First Developer's documented land acquisition costs.

Upon approval of the project's costs, PU will determine the final Pro-Rata Shares in accordance with the Pro-Rata Share Percentages.

Any Betterment Improvements shall be calculated separately and reimbursed by the County within sixty (60) days of the County's acceptance of the improvements.

In the event the First Developer fails to complete the installation of their Utility Improvements, or portions thereof, resulting in the failure for a Subsequent Developer to receive any benefit, the Subsequent Developer shall not be responsible for their Pro-Rata Share until such time benefit is received.

VIII. COLLECTION OF ALLOCATED COST SHARES FROM SUBSEQUENT DEVELOPERS - Within fifteen (15) years of acceptance by the County of Utility Improvements installed by a First Developer in accordance with the PU Pro-Rata Share Policy and applicable local law, a Subsequent Developer whose project was intended to be served by such Utility Improvements installed by the First Developer will be required to pay their Pro-Rata Share in accordance with the procedures stated herein.

Formal notification of the Subsequent Developer's Pro-Rata Share obligations, stating the amount due, will be via email and/or letter with copies to PU and the Department of Planning and Zoning. Formal notification shall be provided to a Subsequent Developer after PU has held a pre-development meeting with the Subsequent Developer and the Subsequent Developer has provided sufficient information for PU's determination ofthei r Pro-Rata Share.

The Subsequent Developer shall deposit their Pro-Rata Share in to an Agency Fund Account prior to the issuance of a land disturbance permit by the Department of Utilities Services. The Agency Fund Account shall name the First Developer as the beneficiary and provide the County as the release agent. Once the Pro-Rata Share has been deposited within an approved Agency Fund Account, PU will notify the Departments of Planning and Zoning and Inspections that the Subsequent Developer has fulfilled their Pro-Rata Share obligations.

In the event the First Developer has not fully installed the Utility Improvements and final determination of the Utility Improvements costs has not been completed, the Subsequent Developer's Pro-Rata Share will be based on the initial estimated Utility Improvements cost. Should the deposited Pro-Rata Share by the Subsequent Developer prove to be less than the final determination of the Pro-Rata Share, the Subsequent Developer shall deposit the remaining balance into the Agency Fund Account prior to the acceptance of the Subsequent Developer's utility infrastructure improvements or the issuance of any certificate of occupancy, whichever is first. In the event the deposited estimated Pro-Rata Share is greater than the final calculated Pro-Rata Share, the County shall only authorize the release of the final Pro-Rata Share amount to the First Developer and the remaining balance shall be returned to the Subsequent Developer.

IX. REIMBURSEMENT OF ALLOCATED COST SHARES FROM SUBSEQUENT DEVELOPERS TO FIRST DEVELOPER - The County shall release the Subsequent Developer's Pro-Rata Share to the First Developer within sixty (60) calendar days of the Subsequent Developer's deposit of their Pro-Rata Share into their Agency Fund Account and any necessary subsequent deposits, upon the completion of the following conditions:

a. The Utility Improvements have been installed by the First Developer in accordance with approved Development Plans.

b. The First Developer has dedicated and recorded all easements and/or parcels to the County for the County's operation and maintenance of the Utility Improvements.

c. PU has accepted the improvements into the County's utility system.

d. The First Developer has submitted certified documents to PU which serve to verify the total cost expended in designing and installing the Utility Improvements.

e. The Subsequent Developer's Development Plan has been submitted to the County for approval within fifteen (15) years of PU's acceptance of those Utility Improvements installed by First Developer into the County's utility systems.

f. The Subsequent Developer has submitted a Development Plan to the County for review in accordance with the County's Subdivision and/or Zoning Ordinance, and the County's Water and Sewer Master Plan, or as directed by PU, and has deposited its Pro-Rata Share into the Agency Fund Account.

X. UNIQUE AND NON-CONFORMING SITUATIONS - In the administration and enforcement of the policy and procedures, PU shall have the discretion to apply the general principles expressed herein and/or if necessary, develop procedures which would address any unique, non-conforming situation which may arise. Certain special or unique conditions that do not follow the above procedures are addressed below:

a. A Subsequent Developer desires to complete the First Developer's Utility Improvements on an advanced schedule. If feasible, the Subsequent Developer may request an assignment of the First Developer's Agreement.

b. A sewer pump station service area is requested to be expanded to include a development not originally included in the original Pro-Rata Share calculations and also not included in any other pump station service area. These situations will be reviewed to determine if sufficient capacity is available beyond what had previously been planned.

c. If Utility Improvements installed by the First Developer were designed to serve subsequent developments, and such developments could have used the improvements, but chose not to, the Pro-Rata Share is owed by the Subsequent Developer, regardless of whether or not the improvements are used by the Subsequent Developer.

CHAPTER 4: FLEET

ARTICLE I - Vehicle Use

(Adopted July 17, 2003, Revised October 16, 2003, October 4, 2007, April 3, 2008, July 1, 2008, May 21, 2009, September 17, 2015, July 1 and 16, 2020)

Section 1.0 - Applicability *(Revised September 17, 2015)*

County employees, official appointees of the Board of Supervisors, members of the Board of Supervisors, Constitutional Officer's staff that adhere to the County's policies, volunteers, and all others who are required to adhere to the County's policies shall be governed by this policy. Constitutional Officers and their staff that are not required to adhere to the County's policies, along with the Registrar, will use the County's policy as a guide relative to vehicle use.

For the purposes of this Policy, the phrase "county employee and volunteer" is intended to include all persons referenced in paragraph 1 of this section.

This policy shall apply to all users of County vehicles unless otherwise provided by the Board of Supervisors.

Exceptions may only be granted on a case by case basis by the County Administrator or his/her designee after a request from the Department Head, Constitutional Officer, Agency Head or County Attorney.

Section 1.2 – Authorized Use *(Revised September 17, 2015)*

The following examples are an attempt to cover most circumstances or conditions of use and should not be considered all inclusive:

a. *Official Use* - County vehicles are authorized "For Official Use Only." Such vehicles are to be utilized to perform the functions and to conduct the operations and programs of the Department or Agency which is using the vehicle. County vehicles may be utilized both within and outside of the County for official use.

b. *Transport of Unofficial Parties* - When such official use includes the transport of unofficial parties, such transport must first be approved by the employee/operator's supervisor.

c. *Private Vehicle Reimbursement* - Employees may be reimbursed for the use of their private vehicle when such vehicle is used in the conduct of County business; such reimbursement shall be made in compliance with Chapter 7, Miscellaneous, Article I, Travel, Section 1.9.

d. *Volunteers* - Properly licensed volunteer workers may operate County vehicles while acting within the scope of their duties with the prior written approval of the appropriate Department Head.

e. *Proper Licensing* - Employees and authorized volunteers must have a valid, properly classified operator's or commercial driver's license as described in Chapter 4, Fleet, Article II, Driving Standards, in order to operate a County vehicle.

Section 1.3 - Guidelines for Appropriate Use *(Revised September 17, 2015)*

The following examples are an attempt to cover most circumstances or conditions of use and should not be considered all inclusive:

a. *Personal Use* - County vehicles may not be utilized for personal purposes or for transportation for meals unless for official County business. Exceptions include those employees who, while conducting County business, are away from their normal place of work at meal time, or those employees with an assigned

County vehicle where such vehicle is the most reasonable mode of transportation available at meal time.

b. *Drive Home Policy* - The employee is responsible for providing his/her own means of transportation for travel to and from work. At the end of the normal workday, all County vehicles and equipment shall remain at designated County parking facilities. Exceptions to this policy are as follows:

1. *Pool Vehicles* - Employees, with prior approval as specified in the following paragraphs, may take County pool vehicles home overnight when travel from the employee's home to a destination for official County business is the most direct and/or closest route, (for example, early morning travel to a conference). (The definition of what vehicles are County pool vehicles is found in Section 1.5 herein). An employee must obtain written authorization from his/her Department Head before taking a County pool vehicle home overnight.

2. *Assigned Vehicles* – Authorization for an employee to use an assigned County vehicle for transportation to and from an employee's residence will be considered for approval by the County Administrator or his/her designee upon receipt of a written request from the respective Department Head or Agency Head.

   Such written request must be based on the overall functionality of the Department or Agency's operations, and include: the name/title of each employee for whom authorization is requested, the frequency that the assigned vehicle will be used for transportation to and from work, location of employee's home, and narrative providing justification for the request (to include whether the employee is on an established, rotating "on call" schedule and is regularly called to perform emergency repairs or provide other emergency response after normal working hours.) Requests for employees residing outside of the County will be considered.

   Authorization for a Department or Agency Head to use an assigned County vehicle for transportation to and from his/her residence will be considered for approval by the County Administrator or his/her designee upon receipt of a written request. Such written request must provide sufficient information which supports the justification of such use, as outlined above.

c. *Seatbelts* - All operators of County vehicles and all passengers therein shall properly use seat belts (if the vehicle is equipped with seat belts).

d. *Prohibition of Alcohol and Illegal Substances* - It is absolutely prohibited for County- owned vehicles to be utilized if the operator is impaired by, or under the influence of alcohol, intoxicants, drugs, or illegal substances. The possession or consumption of alcohol, intoxicants, or illegal drugs while using County vehicles for transportation is also prohibited.

e. *Rendering Assistance* - County vehicles may not be used to pull or push any other vehicle. It is permissible to render assistance in case of accidents or other emergencies and to transport unofficial parties in such cases.

f. *Motor Vehicle Laws* - County vehicles are not to be driven in violation of the motor vehicle laws of Virginia. All citations are to be reported immediately to the employee's supervisor and may be grounds for suspension or revocation of the employee's driving privileges.

Section 1.4 - Accidents *(Revised September 17, 2015)*

a. *Driving Practices* - Operators should practice "defensive driving" and anticipate and observe the actions of other drivers and control their own vehicle in such a manner so as to avoid an accident involvement.

b. *Rendering Assistance* - Upon reaching the scene of an accident, the operator of a County vehicle is authorized to render such assistance as he or she can by caring for the injured first, calling or sending for the fire, rescue, or law enforcement personnel and taking measures to prevent other vehicles from becoming involved in the accident. When stopping at the scene of an accident, the driver should ensure that the vehicle is parked in a safe location so as not to interfere with traffic.

c. *Accident Involving County Vehicle* - In the event an accident should occur involving a County-owned vehicle, the following procedures should be followed:

Vehicle Operator Responsibilities:

1. Call for an ambulance for anyone seriously injured. (Dial 911 in most areas.) When calling from a mobile phone, the caller should remain near the scene of the accident until emergency personnel arrive.

2. Notify the Sheriff's Office, State Police, or other law enforcement official of the accident in all instances. The driver is required to immediately give notice of the accident by the quickest means of communication to a State Trooper, Sheriff, or other law enforcement official if the accident resulted in injury to or death of any person.

3. The accident shall be reported to the driver's immediate supervisor as soon as reasonably possible after the accident; while at the scene when possible.

4. At the scene, County vehicle operators and employee passengers, if any, should **NOT ADMIT RESPONSIBILITY** and should make no statement concerning the accident except to law enforcement officers investigating the accident, until they have reported the accident to their immediate supervisor. The Operator may inform the other driver of the name of the County's insurance carrier and policy number which may be found on the insurance card located in the vehicle's glove compartment.

5. Get the names, phone numbers, and addresses of all persons in the other vehicle(s), the names, phone numbers and addresses of any witnesses, the driver's license data of other operators, the license number of other vehicle(s) and the name of the insurance carrier for other vehicle(s) involved.

6. Complete the data on the insurance accident card located in the glove compartment of the vehicle and turn it in to their supervisor. The operator should make every effort to take photographs of the scene and damage to the vehicles involved.

7. Should there be a need for towing services, passenger vehicles under the Vehicle Management Control Center (VMCC) program shall call the 24-hour hotline at (866)857-6866 for roadside assistance. All vehicles and equipment not under the VMCC program shall call a local towing company.

8. If there are no injuries involved in the accident, the driver may still be required to file a report with the Division of Motor Vehicles as to the extent of the property damage involved. The driver is responsible for contacting the Division of Motor Vehicles within five (5) days of the accident to determine if a report will be required.

Supervisor Responsibilities:

1. Supervisors shall conduct an accident investigation and complete the Supervisor's Accident/Incident Investigation Report Form in accordance with Chapter 1, Personnel, Article VX of the County Policy Manual. Investigation should take place at the scene of the accident when practical.

2. Supervisors shall forward the Accident/Incident Investigation Report Form, the insurance accident card and photographs to the Department Head for Review.

3. The Department Head shall review all accident investigation documentation and forward to the Department of Budget & Finance Accounting Manager, Department of Human Resources Risk Management Coordinator, and the Department of General Services within twenty-four (24) hours of the accident or the Monday following an accident that occurs on a weekend.

   Accident Review - The Risk Management Coordinator shall be responsible for the review of events surrounding accidents involving County owned vehicles/equipment. As a result of the review, findings may be made as to whether an accident was "Preventable" or "Not Preventable" and recommendations may be made for procedures to put in place to prevent future similar accidents. The findings and recommendations will be presented to the County Administrator for review and action, if necessary.

   Any corrective actions of an administrative or disciplinary nature resulting from the findings of the accident review process may be considered and administered by the County Administrator or the appropriate Department or Agency Head. Should disciplinary action be necessary, the employee has the right to appeal in accordance with Chapter 1, Article VIII of the County Personnel Policies and Procedures Manual.

Section 1.5 - Miscellaneous *(Revised September 17, 2015, July 1 and 16, 2020)*

1. *Monitoring Vehicle Use* - The County Administrator or Department Head or Agency Heads shall carefully monitor and take necessary action to preclude operations that are contrary to the policies and procedures herein.

2. *Citizen Complaints* - Complaints regarding the use or operation of County vehicles shall be directed to the Risk Manager and the Director of Human Resources. The Risk Manager and the Director of Human Resources shall coordinate with the appropriate Department Head or Agency Head to investigate the complaint and report to the County Administrator the results of the investigation and any corrective action or recommended employee disciplinary action. The Risk Manager shall maintain any files related to the citizen complaint for the purposes of record retention.

3. *Supervisory Responsibilities* - Department Heads and Agency Heads shall ensure that before their employees and volunteers are permitted to operate a County vehicle, drivers are properly trained in its use; in procedures to be followed should they be involved in an accident with a County vehicle; in the procedures for refueling vehicles with the automated card system; in basic maintenance responsibilities of the operator (checking tires, oil level, lights, etc.) and in preventive maintenance services as defined in Article IV, Fleet Management. In addition, each authorized driver, whether a full time County employee or volunteer worker, will be fully briefed on County and departmental personnel policies pertaining to operator negligence and damage to County property.

4. *Emergency Repairs* - Should emergency repairs (i.e. flat tire) be necessary while a County vehicle is within the County, the driver shall notify his/her immediate supervisor and/or the Department of General Services to have the required towing and/or repairs performed. For more information, refer to Article IV, Fleet Management, Section 4.3, Maintenance and Care of Vehicles and Equipment, 3. Repairs.

5. *Vehicle Security* - Security of a County vehicle is the operator's responsibility. Unattended County vehicles will be locked at all times. Operators may be responsible for loss of County property from an unsecured County vehicle.

6. *Prohibition of Smoking, Eating, Drinking and Wireless Device Use* - Smoking and/or the use of tobacco products is not permitted in County vehicles. Additionally, eating, and drinking while operating a County vehicle is prohibited. Except as provided by Virginia law, it is prohibited while driving a moving motor vehicle on the highways in the Commonwealth, to hold a handheld personal communications device. Operators shall pull the vehicle off the main traffic lanes or utilize "hands-free" devices in the event the operator needs to use a wireless device.

7. *Taxation on Personal Use* - Employees authorized to use a County vehicle for personal transportation to and from the employee's residence will be subject to the regulations of the Internal Revenue Service and taxed accordingly.

8. *Vehicle Identification* - All service vehicles utilized by County departments will be identified with the official logo, departmental designation, and color scheme as designated by the County Administrator.

9. *Pool Vehicles* - All vehicles that assigned to a Department/Agency for a specific purpose will be considered Pool Vehicles and are available for use by all County Departments/Agencies. Maintenance of Pool Vehicles will be the responsibility of the Department of General Services. For Pool Vehicle check out and protocol, contact the Department of General Services at (757)365-1658.

10. *Toll Charges* - Toll charges incurred during travel in a County vehicle are the responsibility of the Department/Agency.

11. *Loss of Keys* - It is the responsibility of the Department/Agency assigned to the vehicle to cover all costs associated with keys being lost, stolen or locked-in a County vehicle. This includes all Pool Vehicles and includes costs such as, duplicate keys, locksmith services, or damage to the vehicle resulting from forced entry by a County employee.

Section 1.6 - Violations *(Revised September 17, 2015)*

The Department of Human Resources will review all violations of this policy. Violations may result in the employee or volunteer's loss of County driving privileges and/or loss of the Department's vehicle allocation.

ARTICLE II - Driving Standards

(Created April 3, 2008 as a separate Article originally part of Article 1)
(Revised September 17, 2015)

Section 2.0 – Applicability *(Revised September 17, 2015)*

The requirements of this policy are applicable to all individuals requiring authorization to routinely or occasionally drive County vehicles. To ensure the safety of the employees and the citizens, individuals who drive on behalf of the County must have an acceptable driving transcript.

Driver Licensing - Department Heads/Agency Heads are responsible for ensuring that their employees are properly licensed and trained to operate County vehicles. A valid driver's license is required to operate County vehicles. The basic license requirements for passenger vehicles apply, as do the following additional requirements for heavy vehicles and equipment operated on the highway:

Those persons required to operate or maintain a vehicle weighing 26,001 pounds or more, gross vehicle weight

rating (GVWR); or designed to carry 16 or more passengers, including the driver; or used to transport hazardous materials required to be placarded by federal law, must have a Commercial Motor Driver's License (CDL).

Section 2.1 - Driving Records *(Revised September 17, 2015)*

A valid driver's license for the appropriate class of vehicle or equipment which will be operated is required if such vehicle or equipment operation is specifically required in the job description. During the hiring and volunteer selection process, the County will make a conditional offer of employment to those job applicants, and will conditionally approve those prospective volunteers, who will be required to operate a County vehicle as a bona fide occupational or volunteer qualification for the position for which the job applicant or volunteer is applying. The prospective employee or volunteer shall secure a copy of their current (less than thirty (30) days old) Department of Motor Vehicle (DMV) driving record at the prospective employee's or volunteer's own expense and shall provide the record to the hiring or volunteer supervisor. The supervisor will forward the DMV record of the prospective employee or volunteer to the Department of Human Resources (to be maintained in the applicant's folder).

Prior to a Volunteer, with the exception of Fire and Rescue Volunteers, being required to operate a County vehicle, he/she must undergo a verification of valid driving license status, as well as review for adherence to County Driving Standards as outlined within the policy. This verification is to be conducted by the Department Director of the department in which the volunteer is volunteering, in conjunction with the Human Resources Department as needed. Fire and Rescue Volunteers operating County vehicles will be subject to the terms outlined in the executed Vehicle Use Agreement due to the unique driving requirements associated with such volunteer assignments.

No final acceptance of a prospective volunteer or final offer of employment will be extended unless and until the Department of Human Resources receives an acceptable and current DMV driving record as specified in this policy.

The County at its sole discretion may withdraw a conditional offer of employment due to the failure of a job applicant to provide their DMV driving record, or if the DMV driving record does not prove valid licensure or acceptable driving standard as required herein.

Section 2.2 - Driving Standards *(Revised October 4, 2007, July 1, 2008)*

All drivers who operate a County-owned vehicle must meet minimum County driving standards as determined by the County. Annual DMV records checks will be conducted for all routine and/or CDL licensed drivers of County vehicles; random checks will be conducted on other drivers or whenever the County deems a transcript check necessary to insure minimum standards are being met. Isle of Wight County driving standards are as follows:

a. Possession of a current valid driver's license;

b. No more than two (2) moving violations within the previous twelve (12) months;

c. No record of conviction associated with driving under the influence (DUI) within the previous thirty-six (36) months;

d. No record of conviction of reckless driving within the previous thirty-six (36) months;

e. No record of conviction for any serious traffic offense with an assessment of six (6) or more demerit points within the previous thirty-six (36) months;

f. No record of current revocations or suspensions or previous revocations or suspensions associated with moving violations within the last thirty-six (36) months.

If an employee or volunteer fails to meet County driving standards and holds a position where operating a vehicle is a bona fide occupational qualification essential to the County, such employee may be separated from employment due to the inability to meet a requirement of the position. The County Administrator may waive any or all of the driving standards at his or her discretion depending on the circumstances.

Section 2.3 - Obligation to Report

It is the volunteer or employee's responsibility to notify their immediate supervisor of any condition or change in license status which would impede his/her driving ability. Authorized driver's must also report, as soon as possible but no later than the next immediate workday, any conviction that causes them to be in non-compliance with the County's driving standards. Failure to report as outlined above may subject the individual to disciplinary action, up to and including termination. The County reserves the right to revoke the volunteer or employee's authorization to drive a County vehicle should such situations or conditions warrant.

Section 2.4 - Authorization Procedures and Training

Individuals authorized to drive County vehicles are provided a copy of this policy and shall be required to sign the County Driving Standards Policy Agreement indicating that they understand and agree to comply with the provisions of this policy. The signed agreement shall be maintained by the Human Resources Department.

Operators of County vehicles shall be required to participate in a DMV-approved Defensive Driving Program. Such training may be conducted at a County facility or employees may be referred to a DMV-approved training center. Department Heads and Agency Heads whose employees operate County provided vehicles shall support the program by ensuring that employees participate in Defensive Driving classes when scheduled and as otherwise required. Operators of County vehicles will also be required to view the Defensive Driving video as provided during new employee orientation.

ARTICLE III - Emergency Vehicle/Apparatus Use

(Adopted September 18, 2014)

Section 3.0 - Applicability

County employees, official appointees of the Board of Supervisors, members of Isle of Wight County Volunteer Fire or EMS Departments (volunteers), and all others who drive or operate an emergency vehicle/apparatus owned by the County shall be governed by this policy.

In the event the apparatus is leased to a County Volunteer Fire or EMS Department, the more restrictive of this policy or the leasing department's emergency vehicle/apparatus use/response policies shall apply.

Section 3.1 - Objectives and Scope

The specific objectives of the County's Emergency Vehicle Use policy are:

a. Establish minimum standards for members who are allowed to drive or operate an emergency response vehicle owned by the county.

b. Establish minimum safety regulations for the operation of an emergency response vehicle owned by the county.

c. To provide the citizens of Isle of Wight County with the safest and most timely responses to emergencies. Rapid responses to emergencies are essential, however, none are so great that the lives of others should be endangered.

Section 3.2 - General

1. *Requirements:*
   a. Vehicles and equipment shall be maintained in a constant state of readiness and availability for complete and immediate use.
   b. Personnel shall be responsible for the use and care of the vehicles and equipment assigned to them or entrusted to their care.
   c. Personnel shall immediately report any loss, damage, or malfunction of the apparatus or equipment to an operational officer.
   d. Drivers shall possess an appropriate valid driver's license.
   e. Drivers shall drive in a safe and prudent manner and shall obey all applicable Federal, State, and local traffic regulations when operating emergency apparatus owned by the County.
   f. Personnel shall properly wear safety restraint devices whenever driving or riding in a vehicle owned by the County.
   g. Members shall not use tobacco products while driving or riding in apparatus owned by the County.

2. *Use*:
   a. Apparatus owned by the County shall be used for official business only.
   b. Apparatus may be used to make a stop at a convenience store, grocery store or restaurant while within the response district. The company shall maintain radio contact and remain available for calls. Apparatus shall be parked in such a manner as to limit inconvenience to the general public.
   c. The apparatus can be used for special events within the county or no greater than 75 miles outside of the county when authorized by a chief officer. Special events located greater than 75 miles outside of the county, require the authorization of the Chief of Emergency Services (or his/her designee). The Chief of Emergency Services shall provide a response to such request within 48 hours if received during normal business hours.

3. *Driver's license*:
   a. All drivers shall have a valid driver's license that is appropriate for the types of vehicles that they are allowed to operate.
   b. All drivers shall furnish proof of their possession of a valid license anytime that they are requested by supervisor to do so.
   c. Supervisors shall check the driver's license annually to determine that each driver possesses a valid license.
   d. Drivers shall report any change in the status of their driver's license to their supervisor.
   e. Any driver who has their license suspended shall notify his supervisor immediately and shall not be allowed to drive or operate a Department vehicle until his license has been restored.

4. For the purposes of this standard, motorized vehicles shall be divided into two categories: *Category One and Category Two.*
   a. Category One vehicles are those vehicles used primarily for fire suppression purposes and that have a gross vehicle weight that exceeds 11,000 pounds.
   b. Category Two vehicles are those vehicles that have a gross vehicle weight of 11,000 pounds or less, and is primarily used for EMS or support services.

5. All drivers shall be required to obtain an EVOC certification prior to operating Category One and Two vehicles. In the event that a leasing Department's policies have allowed an exemption from EVOC certification requirements into their internal policies, the Chief of Emergency Services (or his/her designee) may grant a grace period not to exceed twelve months for the attainment of the appropriate EVOC certification on a case-by-case basis for longtime-volunteers with significant emergency apparatus driving experience.

6. Personnel shall not be allowed to drive or operate a Category One vehicle leased to a County Volunteer Fire or EMS Department unless he/she has successfully completed the leasing Department's driver training program, is a student driver under the supervision of a qualified driver, or has received specific authorization from an operational officer on an incident specific basis.

7. All vehicles shall be operated in a safe and prudent manner, and all drivers shall comply with all traffic laws and applicable rules and regulations.

8. No driver shall move a vehicle until all persons in it are in an approved riding position and are properly secured.

9. A driver shall not back a vehicle unless his view is clear and unobstructed. Spotters should be used when available.

10. Drivers responding to emergencies shall comply with the provisions of Section 2.6, Emergency Response.

11. Department of Emergency Services shall also comply with the provisions of Isle of Wight Department of Emergency Services SOG-4.0 – Emergency Vehicle Operations, Apparatus Inspection and Maintenance.

12. Authorization to operate any of the vehicles owned or operated by the Department may be revoked by the Volunteer Fire Chief or Chief of Emergency Services for any of the following reasons:
    a. Reckless driving.
    b. Failure to report apparatus damage.
    c. Inability to operate the apparatus safely and efficiently.
    d. Failure to abide by Department S.O.P.'s governing the use of apparatus.
    e. Failure to maintain the minimum training required by the Department.

Section 3.3 - Safety

It is the responsibility of the driver to drive safely with due regard to public safety at all times. It is also the responsibility of the driver to ensure that all driving policies are adhered to and that sound apparatus practices are followed at all times. This includes, but is not limited to, safe and responsible operation of apparatus, good knowledge of the response area, and fire apparatus placement and operating procedures.

Due caution must be exercised when operating emergency apparatus. Response procedures and routes must be maintained. In all cases, where practical, units shall proceed along the same and/or prearranged route.

Seat belts shall be worn at all times when riding in emergency apparatus. It is the responsibility of the driver to make sure that all persons on board are properly attired and wearing seatbelts before the apparatus is moved. An individual who is providing direct patient care inside an ambulance shall be permitted to momentarily release the seat belt while the vehicle is in motion – **IF IT IS ESSENTIAL TO PROVIDE PATIENT CARE**. When the procedure has been completed, the individual shall refasten the seat belt. Time without the protection of a seat belt shall be minimized.

Drivers of emergency apparatus shall ensure that the parking brake has been applied before exiting the cab.

Section 3.4 - Responsibilities

a. Drivers shall be directly responsible for the safe and prudent operation of their vehicles in all situations.

b. When a driver is under the direct supervision of an officer, the officer shall be responsible for the actions

of the driver.

c. The volunteer department's designated safety compliance officer shall monitor the status of all volunteers who drive and operate a county owned emergency response apparatus to ensure they have had the proper training, possess the proper license, are insurable, and have had a defensive driving course.

d. The Chief of Emergency Services (or his/her designee) shall monitor the status of all Isle of Wight County employees who drive and operate a county owned emergency response apparatus to ensure they have had the proper training, possess the proper license, are insurable, and have had a defensive driving course.

e. Drivers shall be responsible for ensuring that all of the apparatus' safety equipment is functioning properly and that their vehicles are safe to drive prior to operating them.

f. When apparatus is stopped close to or on a roadway, the driver shall be responsible to place traffic cones so as to direct motor vehicle traffic away from the apparatus and personnel.

g. It shall be the responsibility of any officer riding on a piece of emergency apparatus to ensure that the driver of the apparatus maintains the rig in a safe and appropriate manner. Drivers must use caution and observe all safety rules and traffic laws. This procedure will ensure safety and avoid criticism from the public.

Section 3.5 - Emergency Response

1. Categories of Response:

   Emergency: Those incidents that pose a significant risk to life or property. Emergency response requires the use of audio and visual warning devices. These devices must be in use during the entire duration of response unless the response is downgraded to a non-emergency by a competent authority. The initial response to the following types of incidents shall be considered emergencies:

   a. A reported fire in a structure.
   b. All categories of emergency medical incidents except non-life-threatening request for assist.
   c. A reported fire outside of a structure that involves the potential destruction of property or poses a risk to human or animal life.
   d. Response to manmade or natural disaster involving the destruction of property and the potential for injury or death.
   e. Automated alarms with due regard for safety.

   ***Non-Emergency*:** Those incidents that do not pose a significant risk to life or property. Audio and visual warning devices are not to be used during non-emergency responses unless ordered by a competent authority to upgrade the response to emergency status. The initial response to the following types of incidents shall not be considered to be emergencies:

   a. Medical incidents that involve transfers, lift assist, & et cetera.
   b. Public service calls when there is no immediate threat to life or property.

2. Response guidelines:

   a. Apparatus engaged in a non-emergency response shall obey all applicable traffic safety rules and regulations and shall not exceed the posted speed limit.
   b. Apparatus engaged in an emergency response shall at all times govern their response by the traffic, weather, and road conditions present at the time of response.
   c. The maximum speed of travel shall not exceed the posted limits by more than 10 mph.
   d. During an emergency response, drivers shall bring the apparatus to a complete stop for any of the following:

1. When directed by a law enforcement officer.
2. Stop signs.
3. Red traffic signals.
4. Negative right-of-way intersections.
5. Blind intersections.
6. When the driver cannot account for all lanes of traffic in an intersection.
7. When other intersection hazards are present.

e. Drivers shall proceed through an intersection only when the driver can account for all lanes of traffic in the intersection.

f. Drivers shall bring the apparatus to a complete stop at all unguarded rail road crossings and shall not cross the tracks until determining that it is safe to do so.

g. Drivers shall bring the apparatus to a complete stop for all school buses that are loading or unloading children. Drivers shall not proceed until the bus driver has clearly indicated that it is safe to do so.

h. Drivers shall not pass other responding emergency apparatus unless the driver of the front vehicle indicates it is safe to do so.

3. Response responsibilities:

a. Drivers shall be directly responsible for the safe and prudent operation of the apparatus in all situations.

b. When a driver is under the direct supervision of an officer, the officer shall assume responsibility for the actions of the driver and shall be responsible for immediately correcting any unsafe condition.

c. When responding under emergency conditions, warning lights and audible devices shall be used as required by the Code of Virginia. Headlights shall be used at all times (day or night) when the apparatus is in motion.

d. The use of warning devices only requests the right of way. It does not demand it! Operators of emergency vehicles must make every possible effort to make their presence and intentions known to other drivers.

e. Emergency response is to be used only in conjunction with emergency incidents. Emergency responses shall be terminated as soon as it is apparent an emergency no longer exists.

f. **While en-route to an emergency incident, it shall be understood by all responding personnel that the emergency apparatus shall have the right of way in all situations.** Personnel responding by privately owned vehicle (POV) shall not pull out in front of, or in any manner impede the travel of the emergency apparatus, or block the emergency apparatus' access and egress from the emergency incident. Apparatus drivers should, whenever possible, yield to chief officers while responding in their POV.

g. When operating under less than favorable conditions (fog, rain, snow, ice, etc.) the posted speed is the maximum speed allowed.

h. When operating apparatus in good conditions, the posted speed is allowed to be exceeded by no more than 10 mph. Good judgment and ability dictates how fast you drive to an emergency.

i. When proceeding through intersections controlled by a stop sign or a traffic signal, the driver shall bring the apparatus to a complete stop and account for traffic in the oncoming lanes and assure that they are yielding the right of way. Due caution shall also be used when proceeding through green traffic signals. Remember that a right turn on red is allowed in Virginia and that vehicles making turns may not yield immediately.

j. When an emergency vehicle responding to an emergency approaches a school bus that is loading or unloading children, the driver shall bring the emergency vehicle to a complete stop. The driver may only proceed once the school bus driver has cleared the children of the roadway and has waved the emergency vehicle through.

k. While responding to emergencies, apparatus shall not pass each other unless the other apparatus becomes delayed or disabled. If passing becomes necessary, permission must be obtained through radio communications with the driver of the other apparatus.

Section 3.6 - Backing Apparatus

Drivers shall avoid backing whenever possible. Where backing is unavoidable, all available crew members shall act as guides to the driver. If crew members are not available, it shall be the responsibility of the driver to assure that there are no hazards that would interfere with the backing of the apparatus. (The driver should exit the cab and make a 360 degree circle around the apparatus to assure that it is safe to back.) Drivers backing apparatus in traffic shall operate their emergency lights. Also, before beginning to back the rig, a short blast of the air horn shall be sounded to make sure that all attentions is directed towards the backing apparatus.

Section 3.7 - Parking Apparatus

Drivers shall, when parking apparatus, use the traffic cones provided to protect personnel who may be working in the street and use warning lights to warn approaching drivers of the incident. When possible, park the apparatus at an angle to provide a barrier for the driver/operator.

Section 3.8 - Leaving a Location

Prior to leaving an incident scene or any location other than the firehouse, the apparatus operator shall walk around the apparatus to look for hazards such as open compartments, loose equipment, hose still connected to the apparatus and so forth.

Section 3.9 - Accidents

The driver of a motor vehicle shall immediately notify his supervisor and the appropriate law enforcement agency if he is involved in an accident.

Drivers shall not operate emergency vehicles while under the influence of alcohol, or any substance that will adversely affect or impair the driver's ability.

The supervisor shall notify the Assistant Chief of Operations whenever an accident involves an injury, fatality, or damage to a vehicle or property. The supervisor will be responsible for notifying the Volunteer Chief and Chief of Emergency Services.

ARTICLE IV - Fleet Management

(Adopted April 15, 2004, Revised September 17, 2015)

Section 4.0 - Applicability

County employees, official appointees of the Board of Supervisors, members of the Board of Supervisors, Constitutional Officers' staff that adhere to the County's policies, volunteers, and all others who are required to adhere to the County's policies shall be governed by this policy. Constitutional Officers and their staff not required to adhere to the County policies, along with the Registrar, will use this policy as a guide relative to fleet management.

Exceptions may only be granted on a case-by-case basis by the County Administrator or his/her designee after a request from the Department Head, Constitutional Officer, Agency Head or County Attorney.

Section 4.1 - Defined Terms

DGS **–**Isle of Wight County's Department of General Services

Equipment is defined as any vehicle requiring a valid Commercial Driver's License (i.e. roll-off trucks, knuckle boom, school buses, dump trucks); or heavy equipment (i.e. back hoes, excavators, tractors, front end loader, etc.)

Fleet refers to both Vehicles and Equipment, as defined herein.

Pool Vehicles are defined as vehicles that are not assigned directly to a Department/Agency for a specific purpose and are available for use by all County Departments/Agencies.

Vehicle is defined as a passenger vehicle that carries up to 15 passengers.

Vehicle Management Control Center (VMCC) Program is a state scheduling and tracking system for vehicle repairs, preventative maintenance, fuel consumption, mileage, inventory, etc. This program is for County vehicles using gasoline (unleaded) fuel only and requires the vehicles in this program to use the state fuel card system **(Voyager Fuel Card)**.

Voyager Fuel Card System is a card based system used for fueling gasoline (unleaded) vehicles.

Transportation Liaison is the person designated by a Department/Agency Head to internally manage their vehicles and equipment.

Section 4.2 - Roles and Responsibilities

County Administrator (CA) shall have ultimate authority over all decisions concerning fleet management.

General Services Director, or designee, shall be responsible for the enforcement of all policies and procedures concerning fleet management (i.e. assignments, utilization, maintenance, repairs, and fuel). The Director will also be responsible for providing an annual operating budget recommendation to the committee for additional/replacement fleet and Department/Agency fuel, maintenance and repair budgets. All Pool Vehicle services will be the responsibility of the Department of General Services.

Department/Agency Heads shall monitor and enforce all policies and procedures within their respective Department/Agency. Provide annual reporting to the Director of General Services in accordance with Section 4.8 for preparation of the annual operating budget.

Transportation Liaison shall coordinate all maintenance and repairs for assigned vehicles with the VMCC, manage the state fuel card program (Voyager), ensure all payments are promptly submitted for payment and provide necessary reporting to the Department of General Services.

Section 4.3 - *Maintenance and Care of Vehicles and Equipment*

Each Department/Agency shall assign a Transportation Liaison, to be responsible for monitoring and controlling the routine maintenance and repairs for fleet assigned to their Department/Agency.

- ***For Vehicles using GASOLINE***: The Department/Agency Head shall advise their drivers or their designated Transportation Liaison to contact the Vehicle Management Control Center (VMCC) for all servicing, repairs, breakdowns, and accidents.

- ***For Equipment and Vehicles using DIESEL***: The Department/Agency shall maintain them in accordance with vehicle/equipment specific preventive maintenance schedules. Department and/ or Agencies may contact the DGS for assistance in developing internal policies and procedures.

Routine Maintenance: The DGS recommends the Department/Agency Transportation Liaison and/or assigned drivers routinely check their vehicles and equipment to ensure proper fluid levels and visually inspect proper inflation of tires at least weekly and/or at the time of fueling.

The exterior of the vehicles and equipment should be washed, the interior vacuumed and the windows cleaned as often as needed.

Preventative Maintenance: Department/Agency shall coordinate all preventative maintenance services of assigned vehicles and equipment. Preventative maintenance shall be performed at least once each 6,000 miles or six (6) months, whichever comes first. Equipment on hours-based preventative maintenance schedules will be serviced in accordance with recommended manufacturer's specifications.

- ***Vehicles using GASOLINE:*** All services shall be scheduled through the VMCC. The VMCC will contact the Department/Agency assigned to a vehicle when services are due. Assigned drivers or their designated Transportation Liaison shall communicate with and follow the instructions from the VMCC. Such servicing is to include an oil and oil filter change, an inspection of the air filter, chassis lubrication and a visual inspection of the belts, hoses, tires, and fluid levels.

- ***Equipment and Vehicles using DIESEL:*** The assigned Department/Agency shall maintain preventative maintenance schedules internally and schedules shall be based on recommended manufacturer's specifications. The Department/Agency is responsible for scheduling services directly with the vendor and should use a VMCC approved vendor when feasible. All acquired services, regardless of VMCC approved vendor, must adhere to the County's Procurement Policy located in Chapter 2, Financial and Accounting, Article I of the County Policy Manual.

Repairs: Department/Agency shall coordinate all repair services of assigned vehicles and equipment. Mechanical trouble or deficiencies concerning vehicles shall be brought to the attention of the Department/Agency Head and/or designated Transportation Liaison.

- ***Vehicles using GASOLINE:*** All needed repairs or vehicle component replacements shall be scheduled through the VMCC. The Department/Agency Transportation Liaison will coordinate with the VMCC when repairs are needed. All repairs exceeding $699 will require approval from the Director of General Services or his/her designee prior to services being performed.

- ***Equipment and Vehicles using DIESEL:*** All needed repairs or vehicle component replacements shall be scheduled by the Department/Agency assigned to the vehicle. The Department/Agency is responsible for scheduling services directly with the vendor and should use a VMCC approved vendor when feasible. All acquired services, regardless of VMCC approved vendor, must adhere to the County's Procurement Policy located in Chapter 2, Financial and Accounting, Article I of the County Policy Manual.

Warranty or Recall: Each Department/Agency shall ensure that warranty or recall notices are properly addressed and reported to the Department of General Services.

- ***Vehicles using GASOLINE:*** The Department/Agency Head or Transportation Liaison shall contact the VMCC when warranty or recall notices are received. Any subsequent work shall be coordinated and scheduled through the VMCC.
- ***Equipment and Vehicles using DIESEL:*** The Department/Agency is responsible for coordinating all warranty and recall work directly with the vendor or manufacturer. This information shall be added to the Department/Agency's internal vehicle records.

State Inspections: Each Department/Agency shall ensure that their assigned vehicles are inspected in accordance with Virginia state inspection schedules.

- ***Vehicles using GASOLINE:*** Vehicle inspections shall be scheduled through the VMCC. The VMCC will contact the Department/Agency assigned to a vehicle when inspections are due.

- ***Equipment and Vehicles using DIESEL:*** All inspections shall be scheduled directly with the vendor by the Department/Agency assigned to the vehicle. All acquired services must adhere to the County's Procurement Policy located in Chapter 2, Financial and Accounting, Article I of the County Policy Manual.

Towing:

- ***Vehicles using GASOLINE:*** When a vehicle is inoperable, the driver shall call the VMCC to arrange for towing or on-site repairs, or for the transportation of the driver and any passengers to a safe location.

- ***Equipment and Vehicles using DIESEL:*** The Department/Agency assigned to the vehicle is responsible for contacting a local vendor for service. All acquired services must adhere to the County's Procurement Policy located in Chapter 2, Financial and Accounting, Article I of the County Policy Manual.

Responsibility for Cost of Maintenance and Repairs: Each Department/Agency shall ensure assigned vehicles and equipment are in good running order, making repairs and replacing all vehicle equipment components when necessary. Departments/Agencies shall be responsible for paying bills as allotted in their approved budget.

- ***Vehicles using GASOLINE:*** The VMCC pays vendors directly for all vehicle services and then invoices the Department/Agency that is responsible for the vehicle. The Department/Agency is responsible for ensuring that charges are accurately billed and paid in a timely manner.

- ***Equipment and Vehicles using DIESEL:*** The Department/Agency Heads are responsible for ensuring that charges are accurately billed and payment is made directly to the vendor in a timely manner.

Section 4.4 - Servicing Vendors

In accordance with the County's Procurement Policy located in Chapter 2, Financial and Accounting, Article I of the County Policy Manual, only vendors listed on the VMCC approved vendor list will be consider an approved vendor.

In some circumstances, the vendor from whom a vehicle or piece of equipment was purchased may be recognized as an authorized repair vendor, provided they perform such services as are needed. If the vendor is not listed on the VMCC approved list, the Department/Agency Head shall call the Department of General Services for instructions.

Section 4.5 - Vehicle and Equipment Assignment

To insure full and proper utilization, the County vehicles and equipment are assigned by the Department of General Services to a Department and/or Agency and managed by the Department/Agency Head or Transportation Liaison. While the needs of a specific employee may be used as justification for an additional assignment of a vehicle, the assigned vehicle is to be under the control of the Department/Agency Head for use throughout the Department/Agency.

The assignment of a vehicle shall be reviewed annually during the budget process at the discretion of the Director

of DGS. Vehicle assignments will terminate upon notification by the Director of DGS, unless the Department/Agency Head determines that the vehicle is no longer needed prior to such notification.

Assignment Criteria: Assignments will be approved only on the basis of one (1) of the following:

a. Law enforcement or emergency services – all vehicles shall be assigned vehicles.

b. An employee whose job duties require the constant use or continuous availability of a vehicle or specialized equipment, which cannot feasibly or economically be either transferred between Departments or Agencies. Such equipment may include medical supplies, a monitoring or testing apparatus or other supplies, equipment or material necessary to perform the Department/Agency's mission or function.

c. An employee, on 24-hour call, who must respond to emergencies on a regular or continuing basis where the emergency response is normally to a location other than the employee's official work station.

d. The vehicle is used for essential travel on a routine basis for essential administrative functions of the Department/Agency for which the use of a temporary assignment or personal mileage reimbursement is neither feasible nor economical.

Request for Assignment: Requests by Department/Agency for assignments are to be submitted to the DGS on the FLEET-1 Form, "Application for Assignment of County Vehicle or Equipment" (Attachment #1) Completed form must be signed by the Department/Agency Head. The form should be submitted at least 90 days prior to the need for the vehicle, when feasible.

Assignment - Informational Updates: Departments/Agencies are to keep the DGS advised of any changes regarding vehicle and equipment assignment, including changes in the principal assignee, location of vehicle or any factors that may affect vehicle utilization. The FLEET-1 Form, "Application for Assignment of County Vehicle or Equipment." (Attachment # 1) is to be used to advise DGS of any changes.

Recall of Assigned Vehicles and Equipment: The DGS has the authority to recall any vehicles or equipment to support County operations. The process for recall shall be as follows:

- The DGS shall notify the Department/Agency Head of the vehicle recall in writing.
- The Department/Agency Head may appeal the decision to the Director of the DGS in writing within 15 days.
- The Director of DGS shall make a final determination of any appeals and notify the appropriate Department/Agency Head within 30 days.

Section 4.6 - *Fuel Program*

1. ***Unleaded Fuel:*** Fuel shall be obtained using the **Voyager Fuel Card** assigned to each vehicle. Drivers MUST enter correct odometer readings, no tenths, into the card readers at commercial self-service fueling sites. Each card shall be assigned to a specific vehicle and only used for obtaining fuel for that vehicle only. It is the responsibility for the Department/Agency Head or designated Transportation Liaison to run reports to ensure consistent and correct odometer readings are entered. Correct odometer readings are critical to the VMCC system, and this requirement will be strictly enforced. Improper fuel transactions identified by the VMCC or DGS will be reported immediately to the respective Department/Agency who will have 15 days to investigate and respond to the DGS.

   Use only unleaded regular fuel in gasoline powered County-owned vehicles. Mid-grade or premium

blends are only to be used when regular is not available or the manufacturer requires the use of high-octane fuel in the vehicle.

A directory of **Voyager Fuel Card** locations can be found at:
https:// www.fleetcommanderonline.com/app/public/merchantLocator.do

a. ***Voyager Fuel Card Program Responsibilities:*** This card program is for gasoline (unleaded) fuel only and shall be managed in a manner consistent with all applicable County accounting policies and procedures related to the use of charge card programs. Department/Agency Heads assume ultimate responsibility for employees' use of the card, as well as the accountability for the physical security of the fuel cards.

A Voyager Fuel Card assigned to a vehicle can be only be used to purchase either **regular** unleaded gasoline or **E85** if the vehicle is capable of using E85.

b. ***DGS Responsibilities***:

- Periodically monitors Department/Agency card usage activity for delinquent payments, inactive cards, inappropriate purchases and proper mileage entry.
- Ensures Department/Agency Fuel Card users and Transportation Liaisons receive appropriate training and support from the fuel card vendor.

The DGS will electronically monitor all fuel card accounts in the program via the state website. If a Department/Agency has questions regarding the Voyager Fuel Card program, please contact:
Department of General Services at (757) 365-1658

2. ***Diesel Fuel***: Fuel shall be obtained at designated County owned fueling stations or using the purchasing card at commercial stations when authorized by the Department/Agency Head.

3. ***Payment of Bills:*** Departments/Agencies shall be responsible for paying bills as allotted in their approved budget.

- ***Vehicles using GASOLINE:*** Voyager pays vendors directly and then invoices the Department/Agency that is responsible for the vehicle. The Department/Agency is responsible for ensuring that charges are accurately billed and paid in a timely manner.
- ***Equipment and Vehicles using DIESEL:*** The Department/Agency using a County owned fueling station shall ensure drivers promptly inform the DGS of following; Department/Agency name, driver's name, vehicle/equipment number, number of gallons and the date of the transaction. Charges will be based on the vendor's average monthly charge per gallon.

Section 4.7 - Additional/Replacement Fleet

All budgetary requests for additional and replacement vehicles and equipment shall be planned and programmed in the annual budget cycle by the DGS. Department/Agency requests shall be submitted to the DGS as defined in Section 4.5, Assignments, using the FLEET-1 Form, "Application for Assignment of County Vehicle or Equipment." For all emergency replacement requests, Department/Agencies should contact the DGS.

Replacements shall be based on total cost to operate, mileage, and/or age. Total cost to operate shall have the highest value. Total cost shall take into consideration cost to purchase replacements, operational cost, maintenance cost, age, condition, and resale value. Replacements shall not be based on personal preference. Determination of replacements shall take place during budget preparation. Once a vehicle or equipment has been put out of service and the replacement has been received, the replaced vehicle or equipment will be returned to the DGS. If a

vehicle/equipment recommended for replacement is not replaced, repairs necessary to ensure that the vehicle/equipment is safe and reliable will be accomplished until a replacement is obtained.

Compact and mid-sized vehicles shall be specified whenever they can accomplish the mission for which they will be utilized. Full-sized vehicles are to be purchased only when justification shows that compact and mid-sized vehicles are not best suited for the intended mission.

Automatic transmissions shall be specified for automobiles and light trucks. Manual transmissions may be specified only when an automatic transmission is not suitable for a particular application.

Requests for four-wheel drive vehicles may be approved when a compelling need can be demonstrated.

1. ***Replacement Criteria for County Fleet***: County passenger vehicles will not be considered for replacement until they qualify for at least one (1) of the following criteria:
   a. Vehicle has over 85,000 miles.
   b. Vehicle is more than seven (7) years old.
   c. Vehicle has damage or needs repair that is greater than 80% of the NADA value.
   d. Director of DGS has determined that the overall condition of the vehicle has deteriorated to an "un-repairable" state.

2. ***Disposal Process for County Fleet:*** Once a vehicle has met the disposal requirements and the Director of DGS has notified the Department/Agency, the following steps shall be followed:
   a. Removal of all seals, decals, and equipment from the vehicle.
   b. Return the vehicle to the Department of General Services.
   c. If the vehicle is not drivable, the Department/Agency Head should contact the DGS. The DGS will make arrangements for the vehicle to be transported.
   d. The DGS will process the vehicle for surplus, which includes notifying the Department of Budget & Finance for asset management and fiscal purposes, as defined in Chapter 2, Financial and Accounting, Article I, Central Purchasing and Article V, Fixed Assets.

Section 4.8 - Annual Reporting Requirements

The Department of General Services will ultimately prepare the fleet budget recommendation to the County Administrator each year. The Departments/Agencies should submit information to DGS about their fleet needs for the upcoming fiscal year. DGS will then prepare a recommended budget request.

Each Department/Agency with assigned vehicles and equipment will be responsible for submitting an annual report to the DGS. The annual report shall include year, make, model, vehicle/equipment identification number, current mileage, last inspection date, fuel, repair and preventative maintenance costs (to include description of work performed) for each vehicle.

1. ***Vehicles using GASOLINE***: A report from the VMCC will satisfy all annual reporting requirements. The DGS will contact the Department/Agency directly, if discrepancies are found in the VMCC report, in which case the Department/Agency Head will have 15 days to reconcile the discrepancy.

2. ***Equipment and Vehicles using DIESEL:*** Departments/Agencies shall provide the annual report as defined above directly to the DGS.

Section 4.9 - Violation

Failure to comply with the Fleet Management Policy may result in disciplinary action, up to and including termination. The Director of General Services has the authority to remove from service any vehicles or equipment not being properly maintained or in need of repair.

ATTACHMENT A

FLEET-1 FORM

Isle of Wight County Department of General Services

"Application for Assignment of County Vehicle or Equipment"

Department/Agency: _____ **Date:** _____

Type of Request: *Select One*

Vehicle Assignment Details:

Class of Vehicle/Equipment: *Select One*

Date Needed:

Shared or Individual Use: *Select One*

Projected Annual Mileage:

Reason for Assignment Request:

Vehicle Description ***(this section only needs to be completed if you are requesting a pickup, SUV, cargo van or heavy equipment).***
Please describe what you want; 1/2 ton, extended cab, etc.

4x4 Justification: Provide a description or rationale for 4x4 to include off road usage.

Size Justification: Provide usage justification for any vehicle larger than a compact car.

For REPLACEMENT Vehicle/Equipme nt Re quests Only: ***Please provide the following information regarding the vehicle or equipment your requesting to be replaced, should your request be granted:***

Year:

License Plate Number:

Make:

VIN:

Model:

Current Mileage:

Additional Vehicle Information (if any; 4x4, specialized equipment, etc.)

Certification

I hereby certify that the information provided on this form is true to the best of my knowledge and that the vehicle/equipment being requested is the most cost effective means that meets my mission requirements.

Department/Agency Head **Date**

Department/Agency Transportation Liaison **Date**

Department of Gene ral Services Use Only

Request for **Additional Vehicle** Approved	**Yes**	☐	**No**	☐
Request for **Replacement Vehicle** Approved	**Yes**	☐	**No**	☐
Request for **Additional Equipment** Approved	**Yes**	☐	**No**	☐
Request for **Replacement Equipment** Approved	**Yes**	☐	**No The**	☐

reason your request was denied:

Director, Department of General Services **Date**

ARTICLE V - Use of County Equipment

(Adopted November 4, 2004; Revised September 17, 2015)

Section 5.0 - Applicability

County employees, appointees of the Board of Supervisors, members of the Board of Supervisors, Constitutional Officers' staff that adhere to the County's policies, volunteers, and all others who are required to adhere to the County's policies shall be governed by this policy Constitutional Officers and their staff not required to adhere to the County's policies, along with the Registrar, will use the County's policy as a guide relative to the use of County equipment.

Exceptions may only be granted on a case by case basis by the County Administrator or his/her designee after a request from the Department/Agency Head.

Section 5.1 - Authorized Use

The following examples are an attempt to cover most circumstances or conditions of use and should not be considered all inclusive:

a. *Official Use* - County-owned equipment is authorized "For Official Use Only." Such equipment is to be utilized to perform the functions and to conduct the operations and programs of the Department or Agency which is using the equipment. County equipment may be utilized both within and outside of the County for official use.

b. *Volunteers* - Volunteer workers may operate County-owned equipment while acting within the scope of their duties with the prior written approval of the appropriate Department/Agency Head.

Section 5.2 - Unauthorized Use

The following examples are an attempt to cover most circumstances or conditions of use and should not be considered all inclusive:

a. *Personal Use* - County-owned equipment may not be utilized for personal purposes. At the end of the normal workday, all County-owned equipment shall remain at designated County facilities, unless the employee will be working away from a County facility and requires the use of assigned County-owned equipment.

b. *Prohibition of Alcohol and Illegal Substances* - It is absolutely prohibited for County- owned equipment to be utilized if the operator is impaired by, or under the influence of alcohol, intoxicants, drugs, or illegal substances.

c. *Notification* - It is the volunteer or employee's responsibility to notify the appropriate Department Head, Agency Head or County Administrator of any condition or situation (medical or otherwise) which would impede his/her ability to operate County equipment. The County reserves the right to revoke the volunteer or employee's authorization to operate County equipment should such situations or conditions warrant.

Section 5.3 - Equipment Operating Practices

a. *Training* - Department Heads/Agency Heads are responsible for ensuring that their employees and volunteers are properly licensed and/or trained to operate County equipment.

b. *Avoidance of Accidents* - Equipment users must operate County-owned equipment in such a manner so as to avoid an accident.

Section 5.4 - Violations

The County Administrator's Office will review all violations of this policy. Violations may result in disciplinary action, as appropriate.

CHAPTER 5: BUILDINGS AND GROUNDS

ARTICLE I - Prohibition of Tobacco Use on County Owned Property

(Adopted March 21, 1996; Revised May 21, 2009)

Tobacco use has been identified as a major health problem in the United States. It is one of the leading causes of premature death, and chronic disability in our Country.

The Board of Supervisors of Isle of Wight County is dedicated to providing a healthy, comfortable and productive environment for staff, employees and citizens.

The use of all tobacco products, including cigarettes, cigars, pipes, chewing tobacco, and snuff is prohibited inside any building or vehicle owned or leased by the County of Isle of Wight. Such prohibition shall apply at all times, day or night. This policy shall apply to all staff, employees, visitors or other persons conducting business within the buildings and vehicles of Isle of Wight County. The use of tobacco products is strictly prohibited within twenty-five (25) feet of the Young-Laine Court Building.

The Board of Supervisors of Isle of Wight County adopts this policy in a sincere appeal to all staff, employees and citizens to cooperate in helping create a truly healthy, smoke-free environment for all concerned.

ARTICLE II - Distribution/Display of Outside Communications/Materials

Employees of the County are to be protected from intrusions on their time by announcements, posters, bulletins, and communications of any kind from individuals and organizations not directly connected with the County government. The distribution and/or display of materials or information which publicly endorses or supports groups or organizations involved in a commercial endeavor for profit or political campaigns or religious groups is prohibited. Any materials that are distributed/displayed or made available on County property to County employees shall be approved in advance by the County Administrator or his/her designee may regulate the time, place and manner of such distribution/display. Materials may not be distributed/displayed in County buildings or on County property without approval of the County Administrator or his/her designee.

All requests to circulate, distribute or display materials in County buildings or on County property shall be directed to the County Administrator or his/her designee for approval.

Expression which is libelous, slanderous, or defamatory under State law, or is of or promotes any religious denomination, is prohibited. Furthermore, the County Administrator or his/her designee shall regulate the distribution of material where there is a reasonable basis for the belief that such publication or expressive activity would create a clear and present danger of the commission of unlawful acts, or the violation of County policies, regulations, ordinances, or State or federal law, or would materially disrupt and/or interfere with the orderly operation of County government or which violates the privacy rights of others.

ARTICLE III - Boykin's Tavern

Section 3.0 - General Use

a. The Tavern and grounds should be open to the public for viewing, interpretation and educational uses.

b. The use of the Tavern for local government and community organizations should be limited to the conference room and classroom, Rooms 11 and 8 respectively, with access to said rooms and kitchenette utilizing the main hallway.

Rental of these rooms for organizations and groups should be restricted in accordance with guidelines to be established. When this use is allowed, the areas of the Tavern in which the antiques are located should be set apart by rope barriers.

Also, the public use should be limited to very small functions, for events such as weddings such as performed by the Clerk of the Court, formal portraits and small group meetings.

Section 3.1 - Facility Request - Use Agreement

Boykin's Tavern is a significant historical structure in Isle of Wight County and requires careful and gentle use; as such, we understand that the occupancy and use of Boykin's Tavern classroom and conference room are subject to the following guidelines:

a. Room #11, on the second floor, will be available for public conference meetings and special events after approval from the Department of Tourism. Please be advised that there is no audio/visual equipment or Internet access available at this time.
b. Inside functions are limited to a maximum of 48 persons.
c. The kitchenette can only be used for food warming, in microwave.
d. No food or beverages are allowed to be placed upon the tables without adequate protective covering.
e. No food or beverages shall be allowed on the second floor other than Room #11 & Room #8.
f. No open flame may be used at any time, to include, but not limited to, no lighted candles, and no fires in the fireplaces.
g. As a public facility, no smoking will be allowed in Boykin's Tavern.
h. Due to the age of the floors, no high heels can be worn therein.
i. No decorations may be affixed to walls, floors, ceilings, or furnishings.
j. This facility is not suitable for indoor children's parties.
k. Parents or person in *loco parentis* will be responsible for their children's conduct while in the facility.
l. Facility Use Fees may be charged for the use of the facility to cover costs of operation (e.g. electricity and/or repairs related to normal use of a historic structure) and personnel (e.g. use of Tourism docent.) Such Use Fees as set by the Board of Supervisors (See Section 3.2)
m. The Tavern will be opened for you and locked by Tourism staff. This assures the safety of the building. County Staff must leave their Driver's License in lieu of deposit, to be returned upon receipt of the Tavern key.
n. The premises must be cleaned and returned to the same condition after the event as they were prior to the event.
o. The contracting party shall be responsible for cost of replacement or repair for any damages done to the facility or any contents thereof.
p. Persons or organizations not residing or located in the County of Isle of Wight shall have a local County resident or organization as sponsor to be responsible.
q. No music is allowed.
r. One is responsible for clean-up room(s) which you use. This means you must remove your garbage from the building.
s. Use fees must accompany a completed application in order for your request to be considered.

We further understand and agree to the following:

a. This permit may be cancelled by the County at its discretion.
b. We are responsible for any and all damages to the site, building and/or furniture/equipment for the duration of the time and dates listed on the application and understand that we may not be permitted to use the property again if we fail to accept these responsibilities.
c. We agree to indemnify and hold harmless Isle of Wight County, and their officers, employees, and agents from any and all claims, demands, suits, causes of actions, or judgments any persons had, now has or may have in the future concerning the event which is subject of this agreement (Government organizations

exempt from this requirement).

d. Isle of Wight County is not liable for anything we do or sponsor while using these facilities.
e. Do we have liability insurance? Yes_No _

If yes, please attach a copy of the certificate of insurance.

_____ _____

Date of Application Signature of Applicant

_____

Sponsor (if necessary)

Section 3.2 - Facility Request - Use Fees

a. Rooms #8 and #11 may be used for a fee or $100.00 for a minimum of two hours. Use after two hours is $75.00 per hour.
b. Hours of rental
Daytime - 9:00AM to 4:00 PM when the Tavern is not open for public viewing.
Evening - 6:00PM to 11:00 PM Monday - Friday
c. Use fees will not be collected from County sponsored activities under the direction of the County (e.g. Local Government meetings). To obtain a key, the County employee must leave a $50.00 deposit or their driver's license if using the Tavern other than the Tavern's normal hours. Deposit will be returned when key is returned.
d. Use fees will not be charged for the following:
1. School related groups composed of school personnel that are considered to be educational professional organizations or directly connected to school division programs (e.g. PTA)
2. Isle of Wight County Historical Society
3. Fire Departments, rescue squads and lifesaving crews of Isle of Wight County.
e. However, Groups connected with #1, #2, #3 will need to pay for docent's time.
f. A reduced fee for community and/or civic groups based in Isle of Wight will be $25.00 per hour. Minimum use of two hours.

(Make check payable to County of Isle of Wight)
Deliver or mail to: Department of Tourism
Post Office Box 37 130
Main Street
Smithfield, VA 23431-0037

Section 3.3

Facility Request - Application
(To be completed by the applicant)

(Please print or type)
Name of Organization _____
Contact Person _____
Address_____
City_____State_____Zip _____
Telephone (Home) _____ Telephone (Work) _____

Date of Event:_____ Day of Week: _____
State Time:_____ Ending Time: _____

Name/Purpose of Event: _____

Space/Room Request:
_____ Room #11 (1762 Conference Room - Seating Capacity of 25 Maximum)
_____ Room #8 (Classroom)

Number of participants (Maximum of 48 inside Tavern):
_____ Adults
_____ Children (please see Guidelines #10 and #11)

Will food be provided and/or served by your organization at this meeting:
(Microwave available for warming)
_____ No
_____ Yes, will provide light refreshments (Please Specify)

To be completed by County Tourism Official:

_____ Facilities Request Form and Agreement completed by Contact Person/Applicant with payment for Facility Use Fees

_____ Request for Use approved by Tourism Department_____(date) and by whom _____

Total Fees Collected $_____ Cash $_____or Check # _____

Section 3.4 - Acceptance of Loan Items

The loans for display of antiques, artifacts and other items of historical note will be accepted upon the following terms and conditions:

a. Any valuations or prices shown as stated by the lender are not to be considered as appraisals by the County.
b. The County will not alter, repair, or clean any objects loaned without the lender's permission.
c. Should any loss, damage, and/or deterioration be noted, the lender will be notified by the County.
d. Unless noted in an agreement, it is understood that the object listed may be photographed or reproduced for promotional, educational and catalogue purposes.
e. If the lender has knowledge of special conditions governing the objects listed such as copyright, lien, custom bonds, ownership, etc., the lender must inform the County in writing at the time of the loan.
f. All costs of insurance, packing, crating, transportation and custom formalities will be borne by the County. Should the lender withdraw the object from the County prior to the end of the loan period the lender will be responsible for those costs.
g. Value is to be determined by lender and stated in writing at the time of the loan.
h. The County may have an appraisal done of the value of the item.
i. The loan period must be stated in writing at the time of the loan and must be definite.
j. Any use of the items loaned will be limited to in-house display or storage unless special permission is given in writing by the lender.
k. In order to pick up the item, lender must give the County at least two (2) weeks' notice in writing.
l. Although the County will use its best efforts to preserve, maintain, and secure the item for the benefit of the lender, the County will not be responsible for any loss, theft or damage incurred to said item while in the possession of the County pursuant to the loan.

ARTICLE IV - Parks and Recreational Facilities

(Revised December 15, 2005, August 21, 2009, November 18, 2010, May 12, 2011, May 17, 2018, May 16, 2019)

Section 4.0 – Facility Usage & Rentals (Carrollton Nike Park, Otelia J. Rainey Community Center, Tyler's Beach Park and Fort Boykin's Historic Park)

(Revised December 15, 2005, May 17, 2018, May 16, 2019)

Application and Fees - Anyone wishing to rent out any of these facilities must fill out an Application/Permit form at Nike Park and fees must be paid up front in order to hold the area. For additional information, please call (757) 357-2291 between the hours of 9:00 a.m. and 5:00 p.m.

There will be no refunds, unless cancellation is made by Parks and Recreation. In appropriate cases, upon certification by the Director of Parks & Recreations, the County Administrator is authorized to grant a waiver of facility usage and rental fees. Inclement weather will not result in a refund unless Parks and Recreation facilities are closed.

Pursuant to Code of Virginia Section 15.2-1806 (1950, as amended) the Board of Supervisors is authorized to fix fees for County parks and recreation facilities. The Board hereby delegates to the County administrator the authority to set such fees on an annual basis.

The Director of Parks and Recreation in conjunction with the Director of Budget and Finance will review the County's facility usage fees annually and make a recommendation to the County Administrator. Fees for facility usage will be posted on the County's website and will be made available to the general public through the Parks and Recreation Department.

Carrollton Nike Park

Picnic Areas - Rental hours 8:00 a.m. until Dusk (30 minutes before dark)
Area A (Shelter) maximum of 200 participants
Area B (Woods) maximum of 100 participants

Note: Groups over 200 participants must meet special requirements and special authorization is required (Must rent both A & B areas).

Recreation Hall - Rental areas 8:00 a.m. until 10:00 p.m. (Setup and take down time must be included in the time of rental)
Meetings - Maximum of 100 participants
Banquet - Maximum of 80 participants

All rental fees must be paid in full at the time of reservation. Reservations made less than 2 weeks prior to rental must be paid in cash, money order or cashier's check. Renters are also responsible for cleaning tables and placing materials in the trash receptacles. Failure to do so may result in revocation of future use privileges.

Athletic Fields (Softball/Baseball) - Day use (9:00 a.m. until dusk - 30 minutes before dark)

Payment in full must be made at the time of reservation for the use of the fields. If fund raising rules apply payments for team registration and lights are to be made 2 days prior to tournament.

SPECIAL NOTES: Fields will only be prepared by the Department of Parks and Recreation. Parks & Recreation reserves the right to cancel the use of the field at any time due to inclement weather conditions or due to unanticipated circumstances.

Otelia J. Rainey Community Center

Rates for the use of Otelia J. Rainey Community Center's Shelter and Recreation Hall are the same as the Nike Park rates.

Listed below are the maximum number of participants.
Shelter - Maximum of 50 participants
Recreational Hall - Maximum of 36 participants

Fort Boykin's Historic Park

Rates for the use of Fort Boykin's Historic Park's Shelter are the same as the Nike Park rates.
Listed below are the maximum numbers of participants.
Shelter – Maximum of 50 participants

Section 4.1 - Riverview Park Memorial Gardens - General Procedures

All individuals honored in the Riverview Park Memorial Gardens will be memorialized in accordance with the following:

- Individuals or groups to be memorialized shall receive such authorization from the Board of Supervisors or its designee prior to the memorialization.
- The tree selection for memorials will be limited to Dogwood, Live Oak or Japanese Snowbell.
- Donor may have input as to the location of the planting within a designated area.
- Any type of dedication service with each planting will be the responsibility of the donor.
- Donations will cover the cost of the tree, the planting of the trees, and the plaque. The plaque provided by the Department of Parks & Recreation will include: In Memory of
  Dates
  Date of Presentation
- Participation in the tree-planting program will require a minimum donation of $150.
- Special plants in vistas will be designed by the Department of Parks & Recreation with cost estimates based on the actual cost of materials plus a minimal administrative charge.
- The Department of Parks & Recreation will provide maintenance of the area.

NOTE: Donors will not be allowed to provide additional plantings in or around the area of their designated tree planting.

Tree Replacement - In the event of disease or a situation where a tree does not survive, the Department of Parks & Recreation will replace the tree at no charge to the donor.

Section 4.2 - Riverview Park Memorial Gardens - Application Procedures

- Applications with designated payment are to be submitted to the Department of Parks & Recreation.
- Applications will be submitted to the Isle of Wight County Board of Supervisors for authorization (first Thursday of each month).
- Notice will be provided to applicant of acceptance or denial.
- Location of planting will be determined.
- Applicant will be notified of proposed date of planting.

Any deviation from the aforementioned policies and procedures will require prior authorization from the Isle of Wight County Board of Supervisors.

Section 4.3 - Riverview Park Memorial Gardens - Application

Isle of Wight County Memorial Garden

13036 Nike Park Road Carrollton, VA 23314
Phone (757) 357-2291 / Fax (757) 365-0112

Applicant Information

Name:_____

Address:_____

Phone Number: Day (_____)_____Night (_____)_____

Donation is in memory of: _____

Dates:_____to _____

Write a brief statement as to the contribution that he/she made to the community:

Type of Tree: ____ Live Oak _____Dog Wood _____Japanese Snowbell

There will be a one-time donation of $150 (see attached)

Make all checks payable to: Isle of Wight County Department of Parks & Recreation and mail to the above address.

NOTE: All applicants will be presented to/and approved by the Isle of Wight County Board of Supervisors.

Date of Board Action _____ Approved _____ Denied _____

Section 4.4 - Facility Use Agreement, School Board of Isle of Wight County and Board of Supervisors of Isle of Wight County *(Adopted April 3, 2003)*

a. *Term* - The County and School Board agree that this agreement shall continue until terminated by either party upon written notice of not less than sixty (60) days to the other party.

b. *Fees and Charges* - All fees and charges for use of the facilities are waived between the parties.

c. *Facilities and Equipment Use* - The School Board and the County agree to share the use of facilities and equipment whenever possible. Any damage created by improper use will be the responsibility of the using agency. The School Board and County agree that each reserves a right of entry and inspection of facilities being used by the other at any reasonable time.

The following school facilities may be made available during non-school hours and after school programs have ended: for designated classrooms, gymnasiums, restrooms, cafeterias, auditoriums, multi-purpose rooms, outdoor fields, facilities and other areas as mutually agreed.

d. *Facilities Scheduling* - Facilities use will require the making and use of appropriate reservation forms. Applications for use should be made a minimum of eight weeks in advance to ensure proper scheduling. Application for use from community groups or the general public will not be approved until after this time has expired. It is the intent of this agreement that the School Board and County shall have preferred status in the use of said facilities over other parties.

The School Board and the County agree to notify each other immediately of any conflict in scheduling that arises so that alternative space for use when these situations occur may be provided.

e. *Facilities Supervision* - The user of the facilities shall be responsible for providing adequate supervision during the periods of use. The using party will be responsible for the behavior and conduct of all program participants including spectators. A responsible person will be designated by each party using the facility.

f. *Cooperative Development of Recreational Facilities* - The parties hereto, recognize the mutual benefit for the citizens of the County and agree to jointly undertake development of recreational facilities whenever possible. When such joint or cooperative development is proposed, the parties may enter into separate written agreements to provide details as to rights and obligations of the parties with respect to the development of said joint facilities. This cooperative development shall include consideration of possible recreation facilities in the design of future schools.

g. *Maintenance of Facilities* - Maintaining school property shall be the responsibility of the School Board. Maintaining County Park and Recreational facilities shall be the responsibility of the County. The incidental and ordinary costs of making schools available for park use (such as heat and light) or making parks available for school use are deemed to be offsetting. However, direct costs incurred in making facilities available which are over and above the incidental or ordinary shall be reimbursable by either party to the other. Reimbursable costs shall include, but are not limited to, repair of the facility damage due to vandalism occurring during times a facility is in the control of the other party; direct costs of extensive janitorial services required as result of the activity of the party; special modifications of a facility which are required to be made to accommodate use by the other party. The parties each hereby agree to maintain the premises of the other in good repair while they are under the control of the other and to bear the cost for required repairs, which are attributable to a breach of this duty.

h. *Liability/Enforcement of Rules and Regulations* - Each party will be responsible to the other party for any and all costs, damages, or expenses arising from any accident or other occurrence while said party is using said facility.

Each party may promulgate or enforce its own rules and regulations concerning the use of the facility while being used by said party.

Nothing herein however shall be deemed to waive any limitations upon liability through sovereign immunity which exist for both parties as to third parties.

i. *Amendments and Modifications of this Agreement* - The parties may amend this contract by agreement. Such amendments shall be effective upon the approval of the School Board and the Board of Supervisors and upon the signature of the chairman of the School Board and chairman of the Board of Supervisors

j. *Assignment* - Neither party shall assign its use of the others facilities as hereinabove provided; however, either party may enter into agreements with other parties or agencies to permit the use of these facilities under the said party's supervision and control.

k. *Non-discrimination* - The parties each agree that while in or upon the facilities of the other, that at no time shall it discriminate against any person on the grounds of face, religious affiliation, color, national origin, disability or age.

Section 4.5 - Tyler's Beach Boat Harbor - User Fee *(Adopted May 12, 2011)*

a. *Intent* - Incorporate a fee that will subsidize a portion of the expenses that are incurred by regular users of the Tyler's Beach Boat Harbor.

b. *Process*

- Incorporate a fee that will not exceed an annual payment of $250.00.
- Fee will be applied to all applicants.
- User fee period will be January 1 until December 30 of any current year.
- Applicant will be billed each January. Payment must be received within 45 days of the billing date.
- Individuals who make application after July 1 of a current year will incur a cost of $125.00.
- All users must file and adhere to components of the "Tylers Beach Boat Harbor Docking Agreement."
- **NO REFUNDS FOR ALL OR A PORTION OF A FEE FOR ANY REASON.**

c. *Services Provided*

- Opportunity to utilize space to moor a watercraft within the boundaries of the Tyler's Beach Boat Harbor.
- Use of electricity.
- Use of fenced yard to make repairs to watercraft.

Section 4.6 - Tyler's Beach Boat Harbor - Docking Agreement

(Adopted November 4, 2004, Revised August 21, 2009, May 12, 2011)

Name of Vessel:_____
Vessel holds: _____ Va. Registration #_____
Documentation: _____
Registered Owner:_____
Mailing Address: _____
_____
Physical Address:_____
_____
Phone# _____(Day) _____(Night)

I, the undersigned, agree to the following conditions for docking or mooring my vessel at the Tyler's Beach Boat Harbor, Isle of Wight County (the "Boat Harbor"):

a. All vessels utilizing the Boat Harbor for docking or mooring are to be registered with the Isle of Wight County Department of Parks and Recreation.
b. My vessel shall be kept in good operating order.
c. My vessel shall not interfere with the reasonable operation of other boat owners located in the Boat Harbor.
d. I shall be responsible for any damage created by the use of, or the rafting of my vessel to other vessels located in the Boat Harbor.
e. I shall not litter or leave debris at the Boat Harbor associated with my use of, or the maintenance of my vessel.
f. Any maintenance associated with my vessel that requires storing and/or blocking of the vessel will be

done in the designated area.

g. Any unloading of crab pots or other equipment associated with the operation of commercial fishing will not be left on site for more than twenty-four (24) hours.

h. That all courtesies will apply when utilizing the established loading and unloading dock.

i. That overnight stays on boats moored in the harbor are prohibited and furthermore no camping or overnight stays are permitted on the property.

I, the undersigned, further understand and agree to the following:

a. Any vessel that is inoperable will be located so as to not interfere with the use of operable vessels and the owner will have thirty (30) days to get the vessel in operable condition.

b. Any vessel that sinks, is the responsibility of the owner and shall be refloated by the owner within a seven-day (7) period.

c. Any vessels that sink two (2) times in any sixty-day (60) period must be removed from the Boat Harbor at the owners' expense.

d. Any pollution of the water and or property associated with the Boat Harbor created by me and/or my agents, representatives or invitees and/or my vessel will be cleaned up at the expense of the owner within ten (10) days.

Any violation of these requirements shall cause the cancellation of this agreement and result in the removal of the above-named vessel from the Boat Harbor.

If such violation requires the Isle of Wight County Department of Parks and Recreation to remove a vessel and or debris from the Boat Harbor due to the negligence of a vessel owner, such removal will result in the County of Isle of Wight billing the responsible party applicable fees with payment due within thirty (30) days of receiving such bill. If payment is not received within said time period, Isle of Wight County may seize and, after providing thirty (30) days written notice, sell the vessel at public auction. Cost incurred by auction will be paid by boat owner.

I understand and agree to the conditions of this agreement and will abide by the conditions of this agreement.

Signature _____ Date _____

Witness _____ Date _____

Section 4.7 - Park Concessionaires (Carrollton Nike Park, Otelia J. Rainey Community Center, Tyler's Beach Park, and Fort Boykin's Historic Park)

(Original Section deleted, and new Section 4.6 adopted November 18, 2010, Revised May 16, 2019)

a. *Intent* - To allow outside organizations the opportunity to sell or vend concessions inside the parks.

b. *Process*

- Vendors will make application to the Department of Parks and Recreation to set up concessions in the park.
- The Director of Parks and Recreation will evaluate the applications and ensure that all local and state laws and guidelines are adhered to.
- The fees will be set based upon the type of event.
- The concessions application will not apply to The Isle of Wight County Fairgrounds. Vendor fees for the County Fair will be set by the Isle of Wight County Fair Committee.

NO REFUNDS FOR ALL OR A PORTION OF A FEE FOR ANY REASON.

c. *Guidelines*

- All events must be open to the public.
- Vendor will be required to provide proof of insurance with the County of Isle of Wight Named as additionally insured for the amount of $1,000,000 per occurrence. The amount of insured may go up depending on the nature of the event. Additionally, the sponsor must indemnify Isle of Wight County from any claims related to the event.
- Vendor is responsible for having all tent flame retardancy certificates inspected and temporary use permits for all tents over 800 square feet from the County's Department of Inspections.
- Vendor is required to provide proof the Department of Parks and Recreation that all food vendors have obtained Health Department permits.
- All vendors must have a permit from the Department of Parks and Recreation to sell wares or food on park property.
- Vendor's setup and location must be approved the Director of Parks and Recreation.
- Vendor is responsible for providing a list of all items for sale and prices.

Vendor will be held responsible for any damages to the facility.

Section 4.8 - Joel C. Bradshaw Fairgrounds at Heritage Park

(Adopted November 18, 2010)

a. *Intent* - To allow outside organizations with resources to host events within the fairgrounds through a co- sponsorship agreement with the Department of Parks and Recreation.

b. *Process*

- Organizations will make application to the Department of Parks and Recreation to host an event at the Fairgrounds.
- The Director of Parks and Recreation will evaluate the applications and ensure that the event falls under the event guidelines.
- The Co-Sponsorship agreement will state that Isle of Wight County will receive 10% of all gate receipts over $35,000 with a guaranteed use payment of $3,500.
- At the discretion of the Director of Parks and Recreation fees due to the County may be offset by goods and services of equal value.

NO REFUNDS FOR ALL OR A PORTION OF A FEE FOR ANY REASON.

c. *Event Guidelines*

- All events must be open to the public.
- Event sponsor will be required to provide proof of insurance with the County of Isle of Wight Named as additionally insured for the amount of $1,000,000 per occurrence. The amount of insured may go up depending on the nature of the event. Additionally, the sponsor must indemnify Isle of Wight County from any claims related to the event.
- Event sponsor will be required to provide security for the event. The County requires that all security personnel must off duty police officers or sheriff's deputies. Sponsor must a minimum three officers and at least one officer for every 200 people expected in attendance.
- The County will only co-sponsor events that are for entertainment, recreation, or educational purposes.
- The County has limited resources to maintain the site. Limits on the number of events annually

will be restricted based on the resources available to maintain the site.

- Event sponsor is responsible for having EMS staff on site for first aid and possibly Fire staff based on the nature of the event.
- Sponsor is responsible for having all tent flame retardancy certificates inspected and temporary use permits for all tents over 800 square feet from the County's Department of Inspections.
- Sponsor is responsible for obtaining kiddie ride permits for any amusement rides deemed necessary by the County's Department of Inspections.
- Sponsor is required to provide proof the Department of Parks and Recreation that all food vendors have obtained Health Department permits.
- All vendors must have a permit from the Department of Parks and Recreation to sell wares or food on park property.
- If alcohol will be sold or distributed on the property, the sponsor is responsible for obtaining a permit from the Virginia Department of ABC and Isle of Wight Department of Parks and Recreation.
- Event layout must be approved the Director of Parks and Recreation.
- Sponsor is responsible for providing a list of all other sponsors involved in the event, all vendors, the names of all security personnel, and all event staff and volunteers.
- Sponsor will be held responsible for any damages to the facility.

ARTICLE V - County Signage Guidelines

Section 5.0 - Purpose

While categories of outdoor County signage may vary, the purpose of these guidelines is to provide consistent standards to create a sense of continuity for County signage (in accordance with the County Sign Ordinance and VDOT regulations), to include:

- "Welcome" signs at the County's major gateways
- Signs for community identification
- Directional signage at the Courthouse Complex
- Identification of County facilities

Section 5.1 - Colors

Cream (cream background will reduce maintenance), colonial blue, burgundy, and black (lettering only). Brick is also appropriate.

Section 5.2 - Design Elements

Both pole mounted and monument style signs are appropriate. Brick accents should be considered as well as planter boxes and ground level lighting. All designs should reflect a traditional style.

Consideration will be given to accommodate design standards in the Towns of Smithfield and Windsor.

Section 5.3 - Seal and Logo

The adopted County Seal should be utilized on all county signage as visually appropriate. The County's Logo, "Isle of Wight County in Virginia" should be used whenever possible.

Section 5.4 - Materials

Pole signs should be sandblasted (raised lettering), using wood or a similar sturdy material. Brick with brushed aluminum raised cutout lettering is also appropriate.

ARTICLE VI - Energy Conservation Policy

(Adopted April 17, 2014)

We believe it to be our responsibility to ensure that every effort is made to conserve energy and natural resources while exercising sound financial management.

The implementation of this policy is the joint responsibility of the **Board of Supervisors, Administration, and Employees**. Its success is based on cooperation at all levels.

Each Director will be accountable for energy management in their respective area/building. The use of the various energy systems of each area/building will be the joint responsibility of the Director and the Buildings Operations Manager to ensure that an energy efficient posture is maintained on a daily basis. Energy audits will be conducted, and conservation program outlines will be updated.

The following shall be used as guidelines for implementation of this energy policy:

1. Every employee will be expected to contribute to energy efficiency in our facilities. Every person will be an "energy saver" and well as an "energy consumer."

2. All unnecessary lighting in unoccupied areas will be turned off. All lights will be turned off when employees leave the building. Employees will turn on lights only in the areas which they are working.

3. Exterior lighting will be used during scheduled activities otherwise exterior lighting will be minimized and used only for security purposes.

4. Each Director shall designate a position that will be responsible for the complete and total shutdown of his/her area/building each evening.

5. Space/personal heaters shall not be permitted in any area unless issued by the Department of General Services.

6. All windows and doors shall be kept closed when in heating or cooling seasons.

7. Filter replacement will be scheduled quarterly or monthly depending on the type and use of each system.

8. Desk lamps and other small personal lighting devices shall only use compact fluorescent light bulbs.

9. All electrical equipment not directly tied to each departments service to the public or located in a break room (i.e. refrigerators, microwaves, heaters and coffee pots) must be removed from County buildings.

10. All computers must be set in hibernation mode; and non-essential computers must be turned off when not in use or prior to close of business.

11. Programmable energy management devices and building automation systems will be used to maintain and effectively control all HVAC and some exterior and interior lighting functions.

ENERGY CONSERVATION POLICY GUIDELINES

HEATING Season	AVERAGE ROOM TEMPERATURE*
Offices	72
Entryways, Corridors & Stairways	68
Storage & Unoccupied Areas	60
Break Areas	70
Unoccupied Times	60/65 Bldg. Dept.

COOLING Season	AVERAGE ROOM TEMPERATURE*
Entryways, Corridors & Stairways	74
Unoccupied Areas	76
Break Areas	72
Offices	72
Unoccupied Times	78

*All temperature set points operate on a 2 degree deadband, this keeps the system from constantly switching modes and allows the system to be satisfied within 2 degrees up or down of the temperature setpoint.

CHAPTER 6: INFORMATION TECHNOLOGY

ARTICLE I - Computer and Telephone Network Acceptable Use Policy

(Adopted April 15, 1999; Revised May 24, 2007, August 21, 2014)

Section 1.0 - General Use

Isle of Wight County, represented by its County Board of Supervisors, is the sole owner of its governmental information and computer systems, including but not limited to computer equipment, operating systems, software, storage media, network accounts, electronic mail, web browsing, telephone systems, and wireless communication devices. These systems are to be used for business purposes in serving the interests of Isle of Wight County, and of our citizens in the course of normal operations. The County reserves the right to monitor these systems for any reason. The Director of Human Resources will be permitted to use or view any information contained in the Isle of Wight County's computer systems, micro or mainframe, telephone system, or wireless communication devices with authorization from the County Administrator for the sole purpose of conducting an administrative investigation.

Effective security is a team effort involving the participation and support of every employee and affiliate who deals with information and information systems. It is the responsibility of every system user to know these guidelines, and to conduct their activities accordingly.

In accordance with Section 15.2-1505.2 of the Code of Virginia, Chapter 6 of the County Policy Manual shall apply to all public officers and employees, which includes elected or appointed individuals of the County. Use of County owned computer, telephone, wireless communication, and other information technology related devices and peripheral equipment shall not be used for personal use to the extent that such use interferes with productivity or work performance and shall not be used to engage in political activities. For purposes of this Chapter, "political activities" shall have the same meaning as provided in Section 15.2-1512.2(c) of the Code of Virginia, as it may be amended from time to time.

Section 1.1 - Security

a. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. Individuals should not reveal their passwords to another person. If an employee is unavailable and the supervisor needs to retrieve information from the computer, the IT Department should be notified in order to grant temporary access.
b. Computers should be secured by locking the desktop when unattended. Computers should be logged off at the end of the work day and shut down on the weekends.
c. Employees must use extreme caution when opening e-mail attachments from unknown senders, which may contain viruses.

Section 1.2 - Unacceptable Use

a. Under no circumstances is an employee authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing County-owned resources.
b. Users are prohibited from using a County computing asset to actively engage in procuring or transmitting material that is in violation of the County's Non- Discrimination and Anti-Harassment Policy. Restrictions against inappropriate language apply to public messages, private messages, and material posted on Internet Web pages. Individuals shall not use language or access material that is obscene, profane, lewd, inflammatory, threatening, or disrespectful.
c. Individuals shall not attempt to gain unauthorized access to any computer system or go beyond personal authorized access. This includes logging into the system through another person's account or accessing another person's files.

d. Individuals shall not introduce malicious programs into the network or servers (e.g., viruses, worms, Trojan horses, email bombs, etc.). Individuals shall not make deliberate attempts to disrupt the computer system or interfere with network traffic.

Section 1.3 - Software

a. The installation of any copyrighted software for which the county or the end user does not have an active license is strictly prohibited. Employees may not duplicate any licensed software or related documentation unless expressly authorized to do so by agreement with the licensor. Employees may not give software to any outsiders, including clients, contractors, customers, or others.

b. The installation of personal or private software and all software downloaded from the internet is permitted only with approval from the Information Technology Department.

c. The use of software for personal use is allowed only during an individual's designated break times determined by the appropriate department head.

Section 1.4 - E-mail

a. The Virginia Freedom of Information Act identifies email as public record, which must be retained in compliance with the Virginia Public Records Act. The county maintains an email retention database to retain all email for a period of five (5) years.

b. Using county computer systems to send unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not request such material is prohibited.

c. Employees may not transmit messages or other communications by means that either mask or hide their identity or indicate that they are sent by someone else.

Section 1.5 - Violations

Violation of the above policies may result in all loss of system access as well as other disciplinary and/or legal action by the County of Isle of Wight.

Section 1.6 - Wireless Communication Devices *(Adopted February 13, 2007)*

Objective/Purpose - The purpose of this policy is to provide guidance to employees on the business use and acquisition of wireless communication devices.

The Agency or Department Head should ensure that wireless communication devices are provided only to those employees with a demonstrated need for this type of communication. Criteria to be considered for the assignment of devices to employees may include the following:

- The employee must be in a position where the majority of his or her time is spent out of the office during the normal work day;
- Use of a wireless communication device must be essential for the conduct of the employee's work;
- The employee is subject to being contacted for urgent or emergency purposes.

A request to obtain a wireless communication device shall be submitted in writing on the Request for Wireless Communication Device form to the County Administrator or his/her designee. The request must indicate why a specific wireless communication device is required. In order to maintain inventory, the request must state to whom the equipment will be assigned, their respective title, and the account code to be charged.

Usage - Employees are expected to exercise good judgment while using wireless communication devices. County wireless communication devices are provided in order to conduct official County business. In addition to County business, wireless communication devices may be used for emergency personal business.

The manager shall be responsible for a review of actual usage of wireless communication device time when an employee routinely exceeds the plans minutes allotted to them. Excessive personal use of the assigned equipment may result in the employee's loss of the device or other appropriate disciplinary action.

Employees are also prohibited from using wireless communication devices while operating vehicles unless the device is equipped with "hands-free" capability.

ARTICLE II - Distribution of Data Developed as Part of Isle of Wight County's Geographic Information System

(Adopted March 5, 1998, Revised August 21, 2006)

Section 2.0 - Purpose

The purpose of this policy statement is to provide direction to County staff regarding the reproduction and distribution of data contained in the County's Georgraphic Information System (GIS) in accordance with the Virginia Freedom of Information Act. This policy is intended to protect the integrity of the County's GIS while providing for reasonable public access to this data. It is the further intent of this policy to establish a standard for providing this data that will not unduly disrupt the daily workings of the Department of Planning and Zoning.

Section 2.1 - Public Inspection Standards

With the foregoing in mind, GIS data, which is open to public inspection under the Virginia Freedom of Information Act, will be provided in accordance with the following standards:

a. GIS data requested will be provided within a period of five (5) work days unless it is determined that it is practically impossible in which event the requestor shall be so informed and the County will have an additional seven (7) work days in which to provide the records or to petition the appropriate Court for additional time when the request is an extraordinary volume of records. However, before proceeding with a petition to Court, the County staff shall make reasonable efforts to reach an agreement with the requestor concerning the production of the records requested.

b. All data is stored as ARCINFO coverages in State Plane Projection Zone 5576, therefore, all data distributed by the Department of Planning and Zoning will be distributed in this form unless the GIS Coordinator determines that other forms of data can be provided without unreasonable disruption of the daily workings of the Department of Planning and Zoning.

c. In cases where the GIS Coordinator determines that existing data can be provided in a form different from the aforementioned or that new data can be created to meet a request, the requester will be charged a per hour rate for the time necessary to alter or create the data. This rate is set forth in "Fee Schedule for Geographic Data" as approved by the Isle of Wight County Board of Supervisors.

d. GIS data will be distributed in a medium that is mutually agreeable to the requestor and the GIS Coordinator.

e. GIS data is stored in layers by address grid, tax map page, or as a countywide coverage. Data will be distributed by layer for a specific address grid or map page or as a countywide coverage depending upon the form in which it is stored. For example, if a requestor wishes to obtain the right-of-ways and water features for address grid #20 he must purchase these two (2) layers for this grid. If he also wants the same layers for address grid #21 there will be an additional charge for these (2) layers. To determine how specific data layers are stored, refer to "Geographic Information System Data Layers." For the cost of the data per layer or countywide coverage, refer to "Fee Schedule for Geographic Data."

f. Data developed as part of the County's GIS will be distributed to other County departments and agencies at no charge.

g. As new data layers are produced by the Department of Planning and Zoning they will be added to "Geographic Information System Data Layers" and made available for distribution.

Section 2.2 - Fee Schedule

The following fee schedule was adopted by the Isle of Wight County Board of Supervisors on August 21, 2006.

Standard Services:

Digital Data	$15 per data layer in shapefile format
Tax Map Book	$45
Tax Map Book CD	$15
8 ½ x 11 map	$2
11 x 17 map	$5

Custom Services:

All customized digital and hardcopy mapping products, as well as specialty queries using the GIS will be billed at an annually established hourly rate for GIS services. Services will be billed in half (½) hour increments with a one (1) hour minimum charge.

ARTICLE III - Information Technology Equipment Lifecycle Policy

(Adopted March 18, 2004)

Section 3.0 - Executive Summary

The Information Technology Department is charged with making optimal use of all computing equipment in the County. Because local governments are charged with the task of responsibly using taxpayer money, technology equipment cannot be replaced at a rate that may be appropriate for the private sector. But even governments must be sensitive to the fact that using old and obsolete equipment is actually an irresponsible use of taxpayer money. The inefficient use of staff resources caused by equipment that no longer suits the function costs more than replacing the equipment. In general, private industry will replace equipment at the warranty termination, usually three years. The policy included herein extends the lifecycle to five years for most equipment. This seems to be a justifiable balance that uses the equipment to the absolute end of its physical useful life while protecting the enterprise from the lost staff time due to equipment downtime and staff inefficiencies using obsolete equipment.

Section 3.1 - Policy Specifics

New computing hardware is specified based on an anticipated average lifecycle of four to five years. To exploit the full useful life of computing equipment, hardware must be re-purposed. That is to say new computing equipment must be installed in positions that can make full use of the units capabilities and power. As the unit ages, it will be moved to a position where the equipment requirements are less intensive and replaced with a newer unit. The following policies shall be used to determine the proper placement of the new equipment:

Desktop system evaluation is warranted in 3 cases.

a. The system no longer functions due to hardware failure.
    1. Systems that can be repaired economically and meet the needs of a user will be returned to service
    2. Systems that cannot be repaired will be used for parts or surplused.
b. The system no longer fulfills the needs of the user.
    1. The system will be evaluated for use in another position and re-purposed if appropriate.
    2. The system will be replaced with a system appropriate for the needs of the user.
c. The system no longer cannot support an operating system or software upgrade.

1. Such systems will be evaluated for use in less demanding applications and only retired when they are no longer useful.

2. Retired systems shall be used for parts to support existing systems, if possible.

Section 3.2 - New Hardware Specification

a. The IT Department shall specify the needed configuration of all computing hardware. New computers shall be specified as follows:
   1. Processor – Latest version at the most cost-effective speed
   2. Memory – Shall be at least the amount *recommended* for the operating system installed.
   3. Hard disk size – Most cost-effective size. Must be sufficient for unusual tasks.
   4. Monitor – 17" standard. Larger for graphic work.
   5. Other components as specified by the IT Department.

b. New hardware shall be unboxed, setup, and installed by IT Department personnel.

Section 3.3 - New Hardware Placement

When new computer equipment is purchased, the Information Technology Department will consult the Department Head to determine where the equipment should be installed. New equipment shall always be installed at the Departmental positions where the computing needs are most intense and the hardware is the oldest. As a guideline, the IT Department will use the table below when installing new units.

Usage	Most Intensive Normal Use	Useful Life
5	Enterprise servers	4 years
4	Graphic/CAD design work, GIS data manipulation, and Departmental servers	3 years
3	GIS analysis, Graphic/CAD manipulation, and Database/Spreadsheet creation.	3 years
2	GIS viewing, Database/Spreadsheet average use.	4 years
1	Database/Spreadsheet light use, Word processing, Website research.	5 years
		(Not normally re-purposed)

Replacement of units shall be based on the following formula:

1. Replacement Score = Usage + (Months past Useful Life / 6).
2. Units with the highest Replacement Score will be replaced first.
   b. New units shall not replace equipment that has been in place less than one year.
   c. Units that cannot be re-purposed within the Department may be transferred to other Departments for their remaining life.

Section 3.4 - Conclusion

The vast majority of the staff positions at Isle of Wight County function at about Level 3 or Level 4 use. Generally the IT Department specifies hardware that will last approximately three years at a Level 3 use and 5 years at a Level 1-2 use. This policy provides replacement guidance for Information Technology equipment while ensuring the responsible use of taxpayer dollars.

ARTICLE IV - Public, Education and Government (PEG) Channel Access Policy

(Adopted June 3, 2004)

Section 4.0 - Policy Statement

County government programming shall be the sole responsibility of the County of Isle of Wight staff at the direction of the County Board of Supervisors. The County Board of Supervisors shall set the policies for government access use.

Programming shall provide County residents with direct, non-editorial information concerning government deliberations, services, programs and activities, and also to provide educational and public information materials sponsored by the County of Isle of Wight.

Section 4.1 – Objectives

- To provide comprehensive information about programs and services offered to Isle of Wight residents by County departments.
- To provide information pertinent to Isle of Wight residents from other local, state, and federal governmental entities.
- To widen the dissemination of information on the activities of the legislative and advisory bodies of the County of Isle of Wight.
- To expand community awareness of local government and its decision-making processes.
- To provide educational and public informational materials to County residents through cablecast presentations.
- To provide technical assistance to County departments in the exercise of their functions and to assist in the training of County employees.
- To improve emergency communications in the event of disaster or widespread service disruption.

Section 4.2 - Channel Designation

The Government Access Channel shall operate on cable channel 8 of the Charter Communications Inc. system in Isle of Wight County.

Section 4.3 - Types of Programs

As the technical capabilities of the channel increase, the following types of programs are authorized:

a. *Live cablecast* – Live coverage of selected meetings and events will be provided. This will consist of County Board of Supervisors and advisory board meetings, live call-in shows and other special programmed events.

b. *Taped-delayed cablecast* – Taped meetings, shows and events videotaped in advance for cablecast at a later time. Note: Some events will be cable cast live and will also be taped for later playback.

c. *Staff-originated programming* – Programs produced by the County Administrator's Office to include programs for County departments, issues related to County government or about groups/committees/boards, etc., that are affiliated with County government or which use public dollars. These programs could be either live or taped-delayed cablecasts.

d. *Outside-originated programming* - Material that is related to municipal, county, state, or federal government that is produced by an outside source that can be purchased, rented or borrowed for cablecast. Also, programs disseminated through satellite down-link that are related to local, state, or federal issues may be cablecast.

e. *Bulletin-board information* – Character generated messages related to County activities, programs, services and events sponsored in whole or in part by the County of Isle of Wight or other governmental unit affecting Isle of Wight citizens. This service will operate 24 hours a day when other programming is not scheduled.

Section 4.4 - Access Policy

- All programming cablecast over channel 8 must be government-related or authorized by the Board of Supervisors. Programs may include meetings, activities, programs, services and events of County departments and services, or other government entities.
- Final approval of all cablecast requests will be made by the County Administrator (or his/her designee) who administers the video program for the County of Isle of Wight.
- A weekly program log will be kept to record all programming, other than character generated messages,

cablecast during that week.

- The Government Access Channel is not to be utilized for programs, advertisements, promotions, etc. from the general public.
- Access to the channel shall be limited to County, government, or government sponsored functions and operations.
- Utilization of the channel for personal gain will not be permitted.

Section 4.5 - Access Priorities

Following is a list of general priorities that will apply to the Government Access Channel. The priorities may be altered on a case-by-case basis by the County Administrator's Office.

a. Programming of an emergency nature involving public safety or health matters.
b. Programming of or about meetings of policy-making bodies such as the County Board of Supervisors, etc.
c. Programming of various departments and their services.
d. Programming of county, state, federal government and/or County boards, commissions and authorities and/or agencies that use public dollars.
e. Programming produced by outside sources that are relevant to local government.

Section 4.6 - Management

Management and programming of cable channel 8 is provided by the County of Isle of Wight and administered by the County Administrator or his/her designee. Decisions regarding programs or schedules may be appealed to the County Administrator.

Section 4.7 - Political Programming

- No political programming will be permitted on the Government Access Channel with the exception of providing factual information on any ballot issue directly affecting Isle of Wight voters.
- Direct access to the Government Access Channel for political programming by individual candidates, or supporters of any candidate or issue, except as provided in the preceding paragraphs, will not be provided.
- Political programming related to candidate forums or public forums on ballot issues may be cablecast with a majority vote of the County Board of Supervisors and only as follows:
  a. The forum must address ballot issue directly affecting Isle of Wight voters; and,
  b. All candidates for a particular office or sides of a particular issue must have an equal opportunity to participate in the forum; and,
  c. The forum must be conducted in a dignified, respectful, and business-like manner; and,
  d. No forum sponsor or its agents or affiliates—including but not limited to political action committees—may publicly endorse or have a stated position on any candidate or slate of candidates during the election season, which for purposes of this Section is deemed to run from the opening of candidate filing for an election to the closing of the polls on election day. This section does not prohibit issue advocacy groups from being considered as forum sponsors.
- The County reserves the right to reject, suspend, discontinue, or change the playback schedule of any political program at any time without notice to the program's sponsor.

Section 4.8 - Editing Policy

a. *County meetings* – Any County meeting cablecast shall not be edited nor subjected to editorial comment. Meetings coverage shall be from gavel to gavel. Meetings may be videotaped in their entirety for later re-cablecast.
b. *Department Programs* – Any program videotaped by the County of Isle of Wight or on County of Isle of Wight equipment may be modified or edited as appropriate except as discussed in Section A above. Editing will be based upon an approved script dictated by scheduling and staffing requirements.
c. *Bulletin Board* – Messages programmed into the bulletin board portion of channel 8 may be submitted by

appropriate user departments, agencies, etc. Editing by the County Administrator's staff to provide clarity and maximum utilization of pages available may be required.

d. The County of Isle of Wight shall not be held responsible for the accuracy of any information cablecast over the channel that was submitted by outside sources.

Section 4.9 - Endorsement

At no time will cable channel 8 be utilized to endorse, market, or advertise an issue, candidate, specific person, company or brand name of a product for consumer use.

Section 4.10 - Promotions

Promotional announcements for County-sponsored events, programs, and activities will be permitted over channel 8.

Section 4.11 - Use of County Owned Equipment

- County-owned video equipment shall be restricted to authorized County activities, and its use shall be restricted to employees of the County of Isle of Wight or trained personnel under the direction of the County Administrator's Office.
- Loaning of equipment for personal or outside use shall not be permitted.
- Utilization of County-owned media production facilities shall be limited to County of Isle of Wight personnel or others trained and under direction of the County Administrator's Office qualified personnel.

Section 4.12 - Retention and Ownership of Tapes

- All videotapes shall be the property of the County of Isle of Wight.
- One VHS copy of all staff produced programs, meetings and events will be kept by the County for two years.
- It shall be a general policy not to retain original videotapes of staff produced programs, meetings and events. At any time, tape originals may be reused and the original material erased, at the discretion of the County Administrator's Office.
- Videotapes shall not be considered an official record of any meeting and there shall be no liability for inadvertent erasure or omission.

CHAPTER 7: MISCELLANEOUS – EMPLOYEE RELATED

ARTICLE I - Travel

(Adopted February 4, 1999; Revised December 19, 2002, August 7, 2003, October 6, 2005, July 6, 2006, February 13, 2007, April 2, 2009, October 15, 2015, July 1, 2020)

Section 1.0 - Intent/Purpose

The travel policy applies to all authorized travel while on County business within the geographical area of the County, as well as outside the jurisdictional area. It is the intent of this policy to assure fair and equitable treatment of all individuals traveling on County business at County expense. It is the purpose of these regulations to provide a reasonable and systematic means by which the cost of travel may be estimated for budget preparation and controlled for purposes of economy.

Section 1.1 – Applicability

(Revised July 1, 2020)

County employees, the Board of Supervisors, Constitutional Officers, other County boards and appointees of the Board of Supervisors, and all others who are required to adhere to the County's policies (all referred to in this policy as "employees") shall be governed by these regulations in expenditure of County funds (includes all county funding sources including grants and donations).

Section 1.2 - Official County Travel

(Revised July 1, 2020)

Travel on County business includes trips within or outside the County to conferences, conventions, workshops, seminars, educational and training courses, and other County related business meetings or purposes.

Employees are responsible for making their own travel arrangements. It is inherently understood in this policy that an individual traveling on official County business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, delays, or luxury accommodations and services unnecessary, unjustified, or solely for the convenience or personal preference of the traveler are not acceptable under this standard, and travelers will be held responsible for unauthorized costs and additional expenses incurred for personal preference or convenience.

Local Travel – County employees, who by the normal nature of their duties, are required to travel regularly within the county or district and are individually authorized by the appropriate department head, are eligible for reimbursement of transportation expense on a monthly basis. Travel Reimbursement Forms must be completed and approved by the Department Head for reimbursement.

Travel outside the County/District – Approved travel expenses outside the county for county purposes or purposes in the best interest of the county, such as training, conferences, professional meetings, etc., may be reimbursed to the limits of the policy for:

1. Transportation cost
2. Lodging
3. Meals
4. Registration costs
5. Necessary incidental expenses (parking, tolls, etc.)

Lodging – To receive reimbursement for lodging expenses, **an itemized hotel bill must be attached to the reimbursement form. Hotel room rates are allowable up to the GSA federal government rate during the dates of travel.** The County Administrator must approve room rates when they exceed the allowable state rate.

Registration Cost – Registration costs should be paid directly by the County. When an employee personally pays a registration fee, a receipt for payment must be obtained and is preferable to a canceled check for reimbursement purposes. Additional registration costs for recreational and entertainment activities will not be paid by the County.

Out-of-State Travel – Out-of-state travel begins when the employee leaves the State and remains in effect until the employee returns to the State. Out-of-state travel requests by employees and department heads must be approved by the County Administrator.

Travel with Others – When two or more employees are traveling to the same destination, maximum use shall be made of special group travel discounts and joint use of the transportation including taxi services, County-owned, or privately-owned vehicles. Travel with representatives of other government units is encouraged whenever possible for expense sharing.

Commuting – No reimbursement shall be made for use of a personal vehicle in commuting from an individual's home to his/her office.

Other Costs – Reasonable parking fees, tolls, taxi (Uber, etc.) charges, and expenses of a similar nature, when appropriate to the travel, are reimbursable upon submission of appropriate documentation of the same.

Pcards should be used for travel expenditures by employees who have been assigned a card. However, efforts should be made to avoid the use of Pcards for grant or federally funded travel. Exceptions for business reasons or economic benefit should be reviewed with the Finance Department. Checks for registration and lodging can be arranged with the Finance Department and Cash Advances for meals are available (Travel Advance Request Form) for staff without Pcards.

The County Administrator shall approve or disapprove all other expense reimbursements not clearly defined in the Policy or those which have been questioned. Any exceptions not approved prior to travel will not be paid.

Section 1.3 - Prior Authorization for Certain Travel

(Revised July 1, 2020)

Except in emergency situations expressly approved by the County Administrator or his designee, County employees who travel multiple days, or at least two (2) hours from the County Courthouse Complex must receive prior authorization for such travel and projected expenses (Exhibit A Travel Request Form), from their respective Department Head. Department Heads are required to submit such prior authorization request to Finance Office for spending authorization**.** Appropriate documentation for all such travel requests must include conference/meeting agenda, registration information, or other information acceptable to the Department Head, Finance Director and/or County Administrator authorizing such travel**. *Out of state travel requires County Administrator approval.***

See Exhibit A at the end of the Policy for the Travel Request form

Travel Authorization Procedure

A. Travel Request Forms should be submitted to the Department Head for all out of district travel. Prior to making travel arrangements, Travel Request forms for all ***out of state travel*** shall be submitted to the

Finance Office then forwarded to the County Administrator *to receive approval for travel*. Out of state requests will be returned to the Department Head giving authorization to make travel arrangements.

B. Upon return, the Travel Voucher, approved Travel Request Form, and supporting receipts must be submitted to the Department Head for approval, regardless of whether a reimbursement is due to the employee, to document the expenses incurred during travel. After approval by the Department Head, the forms and documentation should be forwarded to the Finance Department.

C. The Finance Department will determine that the travel form and receipts have been properly approved, that they are mathematically correct, agree to submitted receipts and are within the limits set by the Policy.

D. Trip Cancellation – When an employee cancels an approved trip and the County has paid airfare, registration and other related fees or issued a travel advance, a memo must be sent to the Finance Department explaining the cancellation. Non-refundable expenditures will be reviewed on a case by case basis by the County Administrator.

See Exhibit B at the end of the Policy for the Travel Voucher.

Section 1.4 - Reimbursement

Claims for reimbursement of travel expenses must be presented to the Department of Budget and Finance on the standard voucher adopted by the County and signed by the traveler and the person authorized to approve such expenditures. All such travel vouchers must be presented to the Department of Budget and Finance within sixty (60) days from the traveler's return date. Any expenses submitted past the sixty (60) day requirement will not be reimbursed.

The reimbursement voucher shall list all mileage, private or public transportation, lodging, meals, registration, and other travel expenses requested for reimbursement. This form must have itemized receipts attached. The reimbursement form must be approved by the department head and signed by the employee before being presented to the Finance Department for reimbursement.

For taxis, airport shuttles, and buses, receipts may not be available or provided; therefore, attach, if possible. A "Missing Receipt Affidavit" must be completed for any charges not accompanied by a receipt.

If an error in the reimbursement request is found, the requesting party will be informed and the error will be corrected before payment is made. Employees are expected to reimburse the County for any excess expenditure made with County Pcard. Employees will be notified of denied reimbursement expense requests.

See Exhibit B at the end of the Policy for the Travel Voucher.

Section 1.5 - Excessive Expenses

Any individual expense considered excessive may be disallowed. The County Administrator shall have discretion over any such expenses in dispute. In instances of travel not covered by this policy, or where the actual necessary costs exceed the maximum reimbursement allowed and the travel is in the best interest of the county, the County Administrator may approve reimbursement of actual cost beyond the maximums stated herein.

Section 1.6 - Direct Vendor Payment / Employee Cash Advance

(Revised October 15, 2015, July 1, 2020)

When possible, alternate arrangements to avoid the advance of taxpayer funds should be implemented. Employees should coordinate with the Department of Budget and Finance to arrange for payment of travel expenses directly to

the vendor for items such as conference registration and hotel lodging. A cash advance for may be provided to an employee who will incur justifiable overnight travel expenses while conducting authorized County business. Employees who have Pcards assigned will not obtain cash advances without specific approval of the County Administrator. Requests for more than $500 must be authorized by the County Administrator. The County Administrator shall have discretion over any expenses in dispute.

All requests for cash advances must include appropriate documentation, be approved by the Department Head and submitted to the Finance Department for provision in the accounts payable process 10 days prior to the planned event. Within fifteen (15) days of travel return, the travel voucher with any applicable supporting documentation of expenses must be submitted to the Finance Department, to include repayment (via a check or cash) of any unused funds due the County. Failure to follow these policies may jeopardize approval of subsequent cash advances.

Section 1.7 - Transportation

Transportation should be via the least expensive and most efficient method available and is reimbursable subject to the following guidelines.

Section 1.7.1 - Transportation - County Vehicles

(Revised October 15, 2015)

a. County vehicles are to be used whenever possible for ground transportation to and from a given destination, subject to the safe and economical condition of the vehicle or vehicles assigned and subject to availability.
b. Reimbursements for gasoline, parking, tolls and justifiable repairs to the County vehicle will be provided if documented with receipts.
c. If no fleet card is available, Pcards may be used but must be fully documented with receipts.

Section 1.7.2 - Transportation - Private Vehicles

(Revised February 13, 2007, October 15, 2015, July 1, 2020)

a. A private vehicle may be utilized only when other means of transportation are not available, or the use of a private vehicle better serves the County's purposes.
b. For use of a private vehicle, the traveler will be reimbursed at the mileage rate consistent with the rate established by the Internal Revenue Service, plus parking and toll fees if documented with receipts.
c. An odometer reading from the beginning to the end of the designated trip must be shown on the travel voucher for reimbursement of mileage for private vehicle use.
d. Allowable Mileage shall be mileage incurred in any one day in excess of the normal round-trip commute for that day between the employee's primary residence and assigned workplace.
e. Pcards shall not be used to buy gasoline for a private vehicle.
f. *Private Vehicle Exception*: If any employee chooses to drive a private vehicle when a county vehicle is available, reimbursement will be allowable but only at 50% of the approved mileage rate as described in the policy (generally the IRS reimbursement rate unless otherwise noted).

Section 1.7.3 – Transportation – Common Carrier

(Revised October 15, 2015)

Reimbursement for air, rail, or bus fare is limited to business or coach fare, substantiated by a receipt. Quotes must be obtained from more than one (1) common carrier, if multiple carriers exist, and documentation that the lowest fare available was used must be submitted on the travel request form.

a. Air travel may be used when such has been determined to be the most economical and feasible means of travel and should not exceed the regular tourist (coach) fare.

b. Whenever possible, the travel agency or airline should bill the County, or fees may be paid by Pcard. The name of the traveler and the business purpose must be stated on the vendor's invoice for payment.
c. If the cost of air travel is paid by the traveler, a copy of the paid ticket must be submitted to the Finance Department.

Section 1.7.4 – Transportation – Rental Vehicles

(Revised October 15, 2015, July 1, 2020)

a. Automobiles should be rented only when necessary for the purpose of County business and/or when considered economical. The most economical class of automobile, which will physically accommodate the passenger(s) and/or the intended purpose, should be rented. Rental cars should be shared by County personnel whenever possible.
b. Expenses related to the business use of the rented automobile such as parking, fuel, tolls, etc. will be reimbursed if documented with receipts, or may be paid by Pcard with documentation.
c. Traffic and parking fines are considered a personal expense.

If rental vehicles are used for both business and non-business purposes, reimbursement to the county for the non-business portion will apply.

Section 1.8 - Lodging

(Revised October 15, 2015, July 1, 2020)

a. Expenditures for lodging must be reasonable. The County will pay the prevailing single room rate per traveler at the place of lodging. Governmental rates should be requested where available, unless a more economical rate can be obtained.
b. The need for lodging shall be substantiated in the travel authorization request and will be based on the distance of travel and the nature of the business which requires the travel. To qualify for reimbursement, travel for business activity and/or training lasting more than one day, the commute to the event must be at least one hour more than the employee's normal commute. If the business activity and/or training is a single day, to qualify for lodging the night before the event, the commute to the event must require the employee to leave home 2 or more hours before a normal workday. To qualify for lodging following a single day event, the commute from the event must cause the employee to arrive home 3 or more hours later than after a normal workday. Where lodging is requested and the travel does not meet the requirements stated above, the justification for lodging must be submitted to and authorized by the County Administrator in advance.

Section 1.9 – Meals - Reimbursement

(Revised February 13, 2007, October 15, 2015, July 1, 2020)

<u>Daily Travel (not overnight)</u>

Normally, allowances shall not be paid to employees for meals if travel does not involve an overnight stay. Employees may be reimbursed for meals when the employee's job requires his/her attendance at a training or meeting of a board, commission, committee or council in his official capacity **and** the meal is preplanned as part of the meeting (meal would be consumed during the training/meeting period not before or after the training/meeting). Normal reimbursement rates still apply and an agenda must be included for payment. A meal purchased on the way to a local meeting or a lunch meeting created to discuss business does not constitute a meal for the benefit of the employer and will be denied.

<u>IRS Rules</u>

Meal reimbursements are not allowable for Travel that does not include an overnight stay except as a preplanned part of the meeting or for the benefit of the employer. In accordance with IRS regulations, any payments for

meals, other than inclusive in the meeting agenda, provided for the benefit of the employer, or those paid as a part of overnight travel, will be reported on the employee's or official's W2 form as *"taxable fringe benefit"*.

Additionally, employees should not provide meals (or any form of gifts) to or receive meals (or any form of gifts) from vendors which the county currently or may in the future or have in the past has/had contract(s) with. This is considered a conflict of interest and/or gifting and must be avoided.

Overnight Travel

Employees may receive non-taxable allowances for meals (per diem) when overnight travel is required.

a. Reimbursement allowances for the maximum of three (3) meals per day while on authorized County business, including tips, is limited to the rates approved by the County Administrator and remain in effect until updated:

b. Partial days of travel meal reimbursements will be allowed by the following schedule.
To be eligible, the employee must be required to:
- Breakfast per diem; depart duty station prior to 6:00 am
- Lunch per diem; depart duty station prior to 10:00 am or return to duty station after 2:00 pm
- Dinner per diem; return to duty station after 8:00 pm, if stopping for dinner causes a return after 8:00 pm Dinner will not be eligible
- Meals cannot be combined to receive a larger per meal allowance

e. Meals in excess of per diem amounts will be reimbursed only in exceptional situations and depending on cost variations in other metropolitan areas. In these cases, receipts must be submitted for all meals that exceed the per diem amount and include documentation explaining why the per diem amount was not sufficient. All exceptions must be approved by the department head and County Administrator.

f. *Note*: Use of a Pcard to pay any of the meal expenses is allowed; however, only the amounts allowed under this policy shall be paid by this method. Any excess or disallowed expenditures shall be reimbursed by the employee to the County when accounts are reconciled. Only actual expenses for the traveler may be put on the Pcard and fully detailed receipts must be attached to the transaction when reconciled.

e. If registration/hotel fees for a conference/meeting include meals, the per diem amount related to those meals will not be reimbursable.

f. Reimbursement for certain group-related business meals is permitted. The meal must be conducted in a setting considered appropriate for business, be business related, and of reasonable cost. The actual expenses must be supported by receipts retained and submitted with the travel payment voucher. Additionally, the date, amount, place and nature of the business conducted should be documented on the travel voucher. Agendas for these meetings are required to be submitted with reimbursement requests as supporting documentation.

g. In accordance with IRS regulations, any payments for meals, other than inclusive in the meeting agenda, provided for the benefit of the employer, or those paid as a part of overnight travel, will be reported on the employee's or official's W2 form as *"taxable fringe benefit"*. Normal reimbursement rates still apply. A meal purchased on the way to a local meeting or a lunch meeting created to discuss business does not constitute a meal for the benefit of the employer and will be taxed if approved by the County Administrator as an allowable reimbursement.

Section 1.10 - Incidental Expenses

(Revised October 15, 2015, July 1, 2020)

The following incidental traveling expenses will be reimbursed while on official County business:

a. Bridge and road tolls and ferry fares

b. Taxi, airport limousine or bus fares. Reasonable effort shall be made to obtain the most economical transportation to and from airports.

c. Parking fees

d. Conference or seminar registration fees

e. Fees for professionally oriented field trips sponsored by a conference or seminar

f. All other incidental charges for reimbursement must be authorized by the County Administrator. Whenever possible, the Pcard may be used to pay for allowable incidentals. Full documentation is required in the Pcard system, including receipts.

Section 1.11 - Disallowed Expenses

(Adopted February 13, 2007, Revised July 1, 2020)

Disallowed expenses include:

- Lost or stolen articles
- Alcoholic beverages
- Damage to personal vehicles, clothing or other items
- Services to gain entry to a locked vehicle
- Movies charged to hotel bills
- All expenses related to the personal negligence of the traveler, such as fines
- Entertainment expenses or Souvenirs
- Towing charges, and
- Any expense not supported by a receipt
- Meals included in registration
- Travel to and from work place
- Items purchased to be used as raffle/prizes
- Expenses of spouse, children or companions

This list is not all-inclusive. The County Administrator shall approve or disapprove all other expense reimbursements not clearly defined in the Policy or those which have been questioned.

Travel Forms referenced in this policy may be changed by the Finance Department as needed.

<u>Travel Expenses not Addressed by this Policy</u>

Any travel expenses falling outside the realm of this policy must be approved by the County Administrator.

Attachments:

Exhibit A, Travel Authorization Form

Exhibit B, Travel Reimbursement Form

Exhibit C, Travel Advance Request Form

Exhibit D, Missing Receipt Affidavit

Exhibit A Travel Authorization Form

TRAVEL AUTHORIZATION

REQUIRED FOR OUT OF DISTRICT TRAVEL

* * Please Fill Out Completely * *

Name: _____ Date of Request: _____

Reason for Travel: _____

Attach a copy of Conference/Meeting/Workshop/Training Information (REQUIRED)

Destination: _____

(Name, City, State, Zip)

List dates of Travel: _____

Meeting Begins_____am/pm on _____ and Ends at _____am/pm on_____

Did the County/Supervisor Request that you attend? ❒ Yes ❒ No

Does this trip require overnight accommodations? ❒ Yes ❒ No Nights: _____

(Leave more than two hours before or return more than three hours after usual work schedule/multi-day event)

Approval To Travel

Department Head: _____ Date: _____

Required for out of state Travel:

County Administrator: _____ Date: _____

Estimated Cost*

Department Code: _____

Registration: _____ Cost:_____

Travel: Mode: _____ Miles: _____Cost:_____

(County/personal vehicle) *(round trip)* *(total)*

Hotel: Number of Nights:_____ Rate Per Night: _____Cost:_____

Attach copy of Hotel Information *(incl taxes)*

Meals: Number of Meals: _____B _____L _____D Cost: _____

Maximum As of 7/1/2020 *$12* *$16* *$28* *(total)*

Other Expected Costs: _____Cost: _____

Code:_____ *(specify)* *(total)*

***READ REIMBURSEMENT POLICY FOR ALLOWABLE TRAVEL, MEALS & REIMBURSEABLE COSTS*

Total Estimated Cost of Travel: _____

EXPLANATION REQUIRED FOR REQUESTED EXCEPTIONS TO TRAVEL POLICY

_____

_____

_____

Department Head Exception Approval Signature: _____

☐APPROVED ☐DENIED COUNTY ADMINISTRATOR SIGNATURE _____

SUFFICIENT FUNDS AVAILABLE (REQUIRED FOR OUT OF STATE TRAVEL & EXCEPTIONS)

_____

Budget & Finance

**signed form to be submitted to Finance Department with itemized receipts as documentation of travel approval*

Exhibit B Travel Reimbursement Form

ISLE OF WIGHT COUNTY
TRAVEL VOUCHER

Name _____ **Travel Acct** _____

Date	[1]Destination To/From	Purpose	Mileage: Begin Odometer	Mileage: End Odometer	Mileage: Total Mileage	[2]Lodging	[3]Meals	[2]Misc.	[4]Explanation
				Total Miles	0				
				IRS Rate					
Travel Expense Summary				Subtotal:	$ -	$ -	$ -	$ -	

Total Expenses per Schedule		0
Amt. Billed Direct to County		
Total Paid By Employee		0
Less:	Cash Advance	
Balance	Due to Employee	0
	Due to County	0

This is to certify that this is a true and correct statement to travel expenses incurred in the conduct of Isle of Wight County business and in conformance with County Administrative Policy

Signature

Budget & Finance

Supervisor Approval

1.Must include street address to/from and/or mapquest/googlemaps documentation
2.Itemized receipts required (must be an eligible expense)
3.Hotel stays with free breakfast or meetings with meals included will not be reimbursed a per-diem for that meal
4.Agenda or similar document must be included for documentation of meeting/class

Exhibit C Travel Advance Request Form

TRAVEL ADVANCE REQUEST FORM

EMPLOYEE NAME		DEPARTMENT	

Employee Number:	PURPOSE OF TRIP:
This payment will be charged to: **Org**	DATE FROM: DATE TO:
Object	TOTAL DAYS OF ABSENCE:
Project Code if applicable	DESTINATION: *(include agenda/conference registration)* *City/State*
Project String if applicable	

RETURN CHECK TO:

TO _____ BY _____
(EMPLOYEE) (DATE)

Please complete below the estimate of expenses for trip. NOTE: Check the box for expenses requested for Travel Advance payment.

☐ TRANSPORTATION:	
☐ PRIVATE CAR ALLOWANCE (ESTIMATED MILES @ ___/mile):	
☐ LODGING:	
☐ MEALS: Number of Meals: _____ B($12) _____ L($16) _____ D($28)	
☐ REGISTRATION FEES:	
☐ OTHER (please specify):	
TOTAL TRIP COSTS	$
Advance Requested	$

This form should be submitted to Finance Department for payment 10 days in advance of travel.

_____ _____
COUNTY EMPLOYEE DATE

APPROVED FOR PAYMENT

_____ _____
DEPARTMENT HEAD DATE

_____ _____
FINANCE DIRECTOR DATE

_____ _____
COUNTY ADMINISTRATOR *(IF OVER $500)* DATE

Exhibit D Missing Receipt Affidavit

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA

MISSING RECEIPT AFFIDAVIT

Date of Purchase:	
Vendor Name:	
Amount of Purchase:	

Description of items & purpose of purchase:

Why is the original receipt or appropriate documentation missing?

I certify that I have contacted the vendor and was unable to obtain a copy of the purchase documentation. I also certify that this purchase was made for an official County business purpose.

Signature:	
Printed name:	

Reimbursement must be approved by the Department Head that has authority to approve purchases/reimbursements.

Department Head Signature:	
Printed Name:	

This form is to be used as documentation only if the actual receipt, invoice, internet order screen, or appropriate substitute is unavailable for a purchase. It must be filled out completely and signed by both the cardholder and Department Head.

ARTICLE II - Emergency Conditions and Unexpected Closings

(Adopted February 19, 2015; Revised July 1, 2017, July 1, 2019)

Section 2.0 - *Purpose*

(Adopted February 19, 2015)

This policy sets forth procedures to provide services and to protect employee safety during emergency conditions such as severe weather or during unexpected closings of one or more County facilities due to such causes as physical plant problems. Isle of Wight County is committed to public service and employee safety. Many County services become even more important to our citizens during emergencies such as severe weather or natural disaster. At the same time, for safety purposes, we do not wish employees to perform nonessential functions which may be a safety risk during severe weather. Similarly, loss of power or other physical plant problems may cause conditions which make it unsafe for citizens and employees to remain in one or more County facilities.

Section 2.1 - Policy

(Adopted February 19, 2015)

As a general rule, all County departments will remain open and operational during emergency conditions. Liberal leave may be approved for employees who are unable to report to work or who wish to leave work early or come to work late because of safety considerations.

There may be times, however, when conditions are so severe that County facilities are closed. All employees may be required to report to serve our customers during emergency conditions. While some will perform their regular duties, others may be assigned to report at a different time and location and to perform different duties from their regular jobs. Those employees who are not required to work will not be charged leave for the time the County offices are closed. Those employees engaged in snow/ice removal duties shall be compensated at the rate of time and one half for all hours engaged in those duties. Time and one half rate will apply for those hours regardless of other leave/holiday hours taken or hours scheduled during the week.

Definitions

Emergency Conditions – Emergency conditions shall include, but not be limited to, conditions such as severe weather, or extensive power outages. Such conditions may require a declaration of a local state of emergency by the County Administrator or Board of Supervisors.

Liberal Leave – Supervisors are encouraged to approve leave requests made by employees who feel it would be unsafe to report to or to stay at work because of severe weather or other emergency condition provided minimal staffing is maintained. Supervisors may grant the use of accrued annual leave or compensatory leave by employees to cover any absence designated as liberal leave.

Severe Weather – Severe weather conditions shall include, but not be limited to, natural weather conditions such as snow storms, hurricanes, tornadoes, floods, and/or anticipated occurrence of such conditions.

Unexpected Closings – The closing of one or more County facilities during regularly- scheduled operating hours to include delayed openings and early closings.

Section 2.2 - Operations When County Facilities Are Open during Emergency Conditions

(Adopted February 19, 2015)

All employees are expected to report to work as usual. However, employees may be asked to report at a different time and to perform emergency-related duties at a different site for all or a portion of their work hours.

Supervisors may grant the use of accrued annual leave, compensatory leave or leave without pay more liberally than usual to employees who feel that reporting to work for the entire day or for a portion of the day, or remaining

at work until the end of the day, would compromise their safety. Where appropriate, minimal staffing may be maintained.

Supervisors shall ensure that employees perform their work under safe conditions. Particular care should be directed to whether travel by employees is necessary during severe weather. In any case, employees who feel their personal safety is endangered should identify their concerns to their supervisor or department manager who shall address those concerns, including consideration of whether deferring the activity is appropriate.

If employees have been exposed to severe weather or other emergency conditions for extended periods of time, supervisors should ensure sufficient rest breaks and use judgment regarding return to regular duties.

Section 2.3 - Operations When County Facilities Are Closed During Emergency Or Unexpected Conditions *(Adopted February 19, 2015, Revised July 1, 2017, July 1, 2019)*

Employees Required to Work When County Facilities Are Closed

Twenty-four hour employees, including Fire, Emergency Medical Services, Sheriff's Office, and Emergency Dispatch, report to work regardless of facility closings and emergency conditions. There is an increased need for their services during emergencies and thus are exempt from this policy. Employees whose positions have been designated as Essential under Chapter 7, Article III, Emergency Response and Sheltering, Section 3.1 Assignments, also report to work on a regular schedule or as instructed by their supervisor, unless their supervisor instructs them not to report. Employees who are assigned to emergency response teams shall report as instructed or scheduled in accordance with Chapter 7, Article III, Emergency Response and Sheltering. No other employees are expected to report to work unless they are instructed to do so by their supervisor.

Employees Who Do Not Report to Work As Instructed When County Facilities Are Closed

When an employee has been notified to report to work during an emergency situation, reporting is mandatory unless the absence has prior approval by his/her supervisor or department director. Employees refusing to report to work will be subject to disciplinary action up to and including termination. Please reference Chapter 7, Article III, Emergency Response and Sheltering, Section 3.7, Exemption from Disaster Assignments for a listing of exemptions from any or all emergency response duty.

Section 2.4 - Compensation When County Facilities Are Closed During Emergency or Unexpected Conditions *(Adopted February 19, 2015; Revised July 1, 2017)*

Employees in temporary and on call positions will be paid only for hours actually worked. Employees in regular part-time (those regularly scheduled for 20-29 hours per week) and full- time positions who are not required to report to work will not be charged leave for the time the County facility or facilities are closed, and will be paid for the number of hours they were scheduled to work.

Employees who are on approved sick, annual leave or compensatory leave will not be charged leave for the time the facility they would have reported to is unexpectedly closed.

Non-exempt employees, unless otherwise exempted in Section 2.3, who are required to work when a County facility or facilities are unexpectedly closed will receive time and one half rate for their hours worked during the closure. Time and one half rate will apply for those hours regardless of other leave/holiday hours taken or hours scheduled during the week.

Exempt employees who are required to work when a County facility or facilities are unexpectedly closed will receive compensatory time off equal to the hours worked to be taken at another time. Any compensatory time

earned by an exempt employee required to work when a County facility or facilities are unexpectedly closed shall be used within 90 days and should be utilized prior to any other types of paid leave. If not utilized within 90 days, the compensatory leave is not available for utilization or payment.

Section 2.5 - Decisions Regarding Closings

(Adopted February 19, 2015)

The County Administrator or his/her designee shall decide what the County position on closing or delayed opening shall be after conferring with the applicable staff. The County Administrator or his/her designee, in consultation with the affected Department Director, shall decide whether to close or delay opening an individual County facility in cases where conditions such as loss of power affect one or a limited number of sites.

Section 2.6 - Notifications of Closings

(Adopted February 19, 2015)

All Day Closings/Delayed Openings - If it is determined that, due to severe weather conditions, offices should be closed or operating hours should be adjusted, the media listed below will be notified so that public announcements may be made. In addition, a message shall be recorded on the voice mail line and notification will be sent via the IWAlert system.

The Inclement Weather Hotline, (757) 365-6304, is the most reliable source for accessing information about closings, delayed openings, or adjusting hours of operation due to severe weather conditions.

Employees may receive instructions concerning reporting to work from the following media sources:

TV: CBS – Channel 3 WTKR
NBC Channel 10 WAVY
ABC – Channel 13 WVEC

Mobile/Other: IWAlert System

The delayed opening time is intended to allow employees sufficient time to travel safely to work and to permit time for snow removal operations. For the safety of employees, employees shall not report prior to the delayed opening time, unless instructed by their supervisor to do so in order to carry out an essential function related to the emergency conditions.

Early Closings - The announced early closing time is the earliest time at which an employee may leave work without being charged leave. It is intended to allow employees sufficient time to travel home safely. Employees who stay at work later than the early closing time shall not receive additional pay or time off.

ARTICLE III - Emergency Response and Sheltering

(Adopted April 2, 1998; Revised May 6, 2004, July 12, 2007, November 5, 2008, October 18, 2010, July 1, 2019)

Section 3.0 - Objective

To set forth the guidelines and procedures for employees to follow due to the occurrence of severe weather or other problematic conditions.

Section 3.1 – Assignments

(Revised July 1, 2019)

All County employees are obligated to report for duty during a state of emergency when called upon. Each Department Director is responsible for determining which positions are considered essential personnel and non-

essential personnel. Essential Personnel are defined as those providing services which must continue regardless of or pursuant to a state of emergency including, but not limited to the following functions:

a. Work units providing immediate assistance to the public for the provision of public safety, public utilities services, and/or similar activities on a twenty-four hour basis.

b. Operation and maintenance of equipment essential in clearing highways, roadways, streets, and parking lots of snow or other debris.

c. Dissemination of essential information to the public on a continual basis regarding road conditions, shelters, or other emergency services.

d. The County Administrator or his designee, depending on the nature of the emergency, may declare other services essential to County operations.

Non-essential personnel are defined as those not designated as essential in providing regular County services which must continue regardless of or pursuant to a state of emergency. Non-essential personnel are assigned to Emergency Response Teams for shelters or other duties during an emergency.

"Essential Personnel" are required to report to work in an emergency situation. "Non-essential Personnel" are required to report to work in an emergency only if they receive an assignment to shelter or other duty. Additional employees may be called for duty in the event the County Administrator or his/her designee determines it necessary.

Section 3.2 - Notification of Disaster Response Assignments

(Revised October 18, 2010, July 1, 2019)

The Human Resources Department will notify each employee of their designation as either essential or non-essential personnel, as well as notify non-essential personnel of their Emergency Response Team assignment, during onboarding or when a change to their designation or team assignment is made.

When an employee has been notified to report to work during an emergency situation, reporting is mandatory unless the absence has prior approval by his/her supervisor or department director. Those refusing to report to work will be subject to disciplinary action up to and including termination.

Note: See section 3.7 for a complete listing of exemptions from disaster assignments.

Section 3.3 - Shelter or Other Emergency Response Team Assignments

(Revised November 5, 2008, July 1, 2018, July 1, 2019)

If an emergency occurs, and Emergency Response Teams are activated, shelter or other disaster response assignments will be made and will remain in effect until rescinded. The County reserves the right to assign or reassign employees to shelters or other activities and to adjust work periods, as it deems appropriate based on need. Shelters will remain open as long as warranted by the emergency. After the first seventy-two (72) hours of the disaster, the County will attempt to release employees to normal operations. Employees assigned to shelter duty will be required to attend shelter training as needed.

a. In the event shelters are activated, non-essential employees will be notified of their assigned:
   1. Shelter location and anticipated shift.
   2. Designated County contact's name and applicable contact information.

3. Shelter Manager's and contact information.

b. Shelter Managers will be provided with:
   1. The name and work contact information of employees assigned to their respective shelters.
   2. Designated County contact's name and contact information.

c. Department Directors will be provided with a list of their employees who are assigned to shelter or other Emergency Response Team duties.

Section 3.4 - Notification to Report to Disaster Response Assignment

(Revised July 1, 2019)

In the event it is necessary to activate employees during emergency conditions, employees will be given as much advance notice to report for duty as possible based upon the immediate or potential need to activate personnel, as dictated by the emergency situation.

Alert and Standby Procedures:

Essential Personnel: Managers or their designees will notify their employees to be on standby and remain alert for further instructions.

Non-Essential Personnel: Emergency Response Team members will be notified through IW Alert message and/or official County email when they are raised from standby to alert status. When on alert status, employees are responsible to monitor messages from IW Alert and County email for further instructions and be ready to report for duty when activated.

Activation – Report for Duty: When it is determined that personnel will be activated:

Essential Personnel: Managers or their designees will notify their essential employees of their assignment and the time and location to report for duty.

Non-Essential Personnel: Emergency Response Team members will be notified through IW Alert message and/or official County email when they are raised from alert status to Activated. Activated employees will be notified of the designated work location and the specific time they are to report.

Department Directors will be notified when their personnel have been activated for Emergency Response Team duty.

Lack of notice will not be accepted as an excuse for not reporting.

Normal Work Day: If notification to report for duty is received during the normal workday, employees may be excused from work to take care of personal matters before reporting, time permitting.

Section 3.5 - Transportation to the Designated Work Location

Once an employee is notified to report for duty, it is the employee's responsibility to:

a. Arrange for transportation to and from the assigned location.
b. Immediately contact his/her Manager if it is not possible to report for duty at the specified time and advise the Manager when he/she will be able to report for assignment. The Managers will notify the appropriate Department Director if employees do not report for duty as specified.

Section 3.6 - Compensation

(Revised November 5, 2008, July 1, 2019)

Those employees called to duty during an emergency shall be compensated in accordance with the following County policy:

Exempt employees in positions that normally require after hours emergency response (i.e., Emergency Services, E-911) will not be compensated for time worked outside of normal business hours; however, all other exempt personnel required to work outside of normal business hours will be eligible for compensatory time at the straight time rate off equal to the number of hours worked to be taken at another time. If the employee is unable to utilize the compensatory time within 90 days, straight time pay may be approved by the County Administrator.

Nonexempt employees in positions that normally require shifts operating twenty-four (24) hours per day, seven (7) days per week (i.e., Emergency Services, E-911) will not receive additional compensation for time worked during an emergency unless as otherwise provided by this policy or the FLSA; however, all other non-exempt personnel working outside of normal business hours will be eligible for overtime pay at a rate of time and one half. Non-exempt personnel working at an emergency shelter when county facilities are closed will be paid at the rate of time and one half for all hours worked at the shelter, in addition to being paid their regular pay for regular hours worked. Non-exempt personnel working an emergency assignment including shelter duty while county facilities are open for business shall be paid their regular working hours and will not receive additional compensation for time worked during an emergency unless as otherwise provided by this policy or the FLSA. Nonexempt employees called to duty after their normal working hours shall receive no less than two (2) hours' compensation, regardless of the actual time spent at the shelter. Exempt employees will earn no less than two (2) hours compensatory time.

To be eligible to receive compensation, employees must:

a. Keep a daily record of time worked using check in/out logs at the work location and on their timesheets.

b. Transmit all the completed official forms along with the employee's copy/copies of the appropriate forms to the onsite manager for verification and approval before leaving the worksite. The Manager will return the verified forms to the employee's Department Director within four days of receipt.

Section 3.7 - Exemptions from Disaster Assignments

Exemptions from any or all emergency response duty, or for particular dates, may be granted only by the Department Director or his designee for the following reasons:

a. Personal health condition, whether chronic or acute; disease or disability, whether temporary or permanent substantiated by a doctor's written medical statement, specifying the particular nature of the illness that prevented the employee from carrying out the responsibilities.
b. Employee on leave that was approved prior to news of the condition or situation constituting emergency or severe weather condition.
c. Child or relative living in the employee's home with an acute illness or disability and the employee is the only caregiver. This illness or disability must be substantiated by a doctor's written medical statement.
d. Pregnancy, when the employee provides a doctor's written statement that shelter duty would be physically harmful.
e. Employee is unable to report for duty because of weather conditions, road inaccessibility, and damage to personal residence, etc.

Written requests for temporary or permanent exemption from shelter duty should be sent to the Human Resources Director.

ARTICLE IV - Communications Protocol

(Adopted March 22, 2007)

Section 4.0 - Introduction

The County of Isle of Wight actively pursues opportunities to accurately inform the public about all aspects of its operations to the extent permitted under privacy statutes and exemptions under freedom of information laws. The County also recognizes the vital role played by the news media in a democratic society, and on-going cooperation with the news media enhances the dissemination of information about the County's programs and activities. The free flow of information is vital to the County's residents' ability to participate in local government and to the County's ability to effectively govern. All care must be taken to ensure that information provided to the public and news media is accurate, timely, and complete and reflects the official position of the County organization.

Section 4.1 - Purpose

This administrative policy establishes guidelines for providing information to the news media. These guidelines are in no way intended to hinder open communication between employees and the public or news media. They are, however, intended to ensure an accurate, consistent and reliable flow of information about County activities. They are also designed to ensure the County's compliance with the guidelines of freedom of information regulations.

Section 4.2 - Definitions

a. The **Director of Information Resources and Legislative Affairs (DIRLA)** is the County's primary contact for the news media and is responsible for the coordination and monitoring of information disseminated to the public. The County Administrator and/or the DIRLA is responsible for ensuring County-wide compliance with this administrative policy.

b. **Official County positions**. The County often takes a position or has an established policy toward issues facing the community or the County organization. These positions are either approved by a majority of the Board of Supervisors or formulated by the County Administrator and affected Department Heads.

c. **Dissemination of information through the news media**. Providing information to the public through the news media may include interviews with news reporters, letters to the editor, Blogs, guest editorials or columns in newspapers, appearances on television or radio news talk shows, or similar instances. In most cases, this will involve local newspapers; however, it also includes national trade publications. These guidelines do not address the placement of advertisements, newsletters, promotional fliers, brochures, and other media in which the content of the information is determined solely by the County.

d. **Personal opinions.** As citizens of the United States, everyone has the right to form and express opinions about public issues. A distinction must be drawn, however, when an individual is acting in the role of representing the County organization. When speaking for the organization, employees' comments must reflect the official County position on programs and issues. Personal opinions may or may not be the same as positions taken by the organization as a whole, and they should not be used when speaking publicly, responding to reporters' questions or submitting written material (such as letters to the editor) as a County employee.

Section 4.3 - Procedures

The DIRLA is primarily responsible for preparing, coordinating and monitoring the dissemination of County-related information to the news media. Department Heads are responsible for ensuring their staff are aware of and adhere to the provisions of this policy. Departments and/or individual County employees who, in the course of their official duties, receive requests for interviews from news reporters must first contact the DIRLA, except under circumstance noted regarding newsworthy events below.

For news media requests for County documents filed under the Freedom of Information Act (FOIA), the department receiving the request shall follow procedures established by the County Attorney's Office for handling

such FOIA requests. If the reporter's request is for pre-existing documents only, as opposed to a request for an interview with a County official, the department receiving the request may provide the documents, but the DIRLA should be notified of the request.
The DIRLA is responsible for informing the County Administrator of reported media contacts which are not deemed to be of a routine nature.

The DIRLA will review each interview request from reporters and coordinate a timely response. This may involve facilitating interviews with the appropriate spokespersons, and/or providing requested information to news reporters. Particular care is to be taken to respond in a timely manner whenever possible, balancing the deadline needs of news reporters with the time requirements of County staff responding to requests.

When a designated County spokesperson releases information to news reporters, the spokesperson must provide a summary of the issues discussed to the DIRLA immediately after the contact/release of information. This should include: a brief summary of the issues discussed, any information regarding follow-up or additional interviews the reporter is planning to request, description of any materials provided to the reporter, and projected dates for printing/airing of the story. The summary should also identify any request for information the reporter made that the spokesperson could not satisfy. This will enable the DIRLA the ability to coordinate additional interviews with appropriate spokespersons.

If, in the course of providing information to a reporter, the interview evolves into other areas of controversial or sensitive issues outside the reporter's originally stated request, the spokesperson should stop the interview and refer the reporter to the DIRLA. It should be understood that stopping the interview at this point is not intended in any way to hinder the process, but rather to ensure that the appropriate spokesperson addresses the questions asked by the reporter.

Department directors have primary responsibility for official public statements or announcements issued by their respective departments. Department directors may delegate responsibility for media relations to a departmental spokesperson (on a case-by-case basis), according to the needs and resources of each department to provide specific information to the news media regarding operational activities of their respective departments. (For example Parks & Recreation personnel at the County Fair). Names and contact information for all departmental spokespersons shall be provided to the DIRLA and shall be updated as changes occur. These individuals must comply with all provisions herein.

In cases where a reporter is requesting information or interviews relative to topics which may be time-sensitive or controversial, department directors must notify the DIRLA. It is permissible to e-mail or fax the specific details, so long as a follow-up call is immediately placed to alert appropriate staff that the e-mail or fax has been sent. If it is not possible to contact the DIRLA, the County Administrator's office should be contacted directly.

If asked by a news reporter to give an opinion about particular issues or programs, County employees should explain that giving personal opinions on behalf of the County is not appropriate or part of their responsibility. It is, therefore, advisable to decline comment and offer to direct the news reporter to the DIRLA.

It is appropriate for County employees involved in a newsworthy event (i.e. fire, water main break, ribbon cutting, Parks and Recreation event, etc.) to communicate with reporters about facts surrounding the specific event. This may include the County employee initiating contact with a reporter to promote an up-coming event to enhance attendance. However, the information provided to reporters should be released in coordination with the staff person in charge of the event or the person designated as the spokesperson for the event and coordinated with the DIRLA. Information should be limited to the facts pertaining to the event or the safety and welfare of the public, and employees should only comment on areas directly related to their job tasks. Information that may be sensitive

or have implications relating to litigation or personal privacy should not be discussed. In addition, information or speculation which deals with broader issues or policies of the County should be referred to the DIRLA.

County employees who attend Board of Supervisors, Planning Commission, or other similar meetings may, in response to a reporter's request, provide clarification regarding actions taken by the meeting participants. Only factual information directly related to the issue may be provided. If the reporter asks for speculation regarding the implications of these actions, those requests should be referred to the DIRLA.

When determining what information to immediately release, County staff members are advised to consider privacy, litigation, personnel factors and potential public controversy before speaking and to err on the side of caution. Because of the importance placed on statements by County officials, staff should refer any requests about which they are unsure to their supervisor and/or the department head.

Department directors who become aware of issues or events that may have the potential for generating news coverage must report such activity to the DIRLA. This is not limited to controversial or sensitive issues, but it may also include incidences of positive actions and accomplishments that could be of interest to the news media or general public.

During times of emergency, when the County's Emergency Operations Center is either fully or partially activated, staff must take extra care to ensure that information released to the media is coordinated with the Emergency Coordinator and the DIRLA. Specific provisions for the distribution of information during emergencies, outlined in the County's Emergency Operations Plan, shall take precedence during times of EOC activation.

No portion of this policy should be interpreted as to infringe upon the provisions of applicable freedom of information statutes. The County of Isle of Wight adheres to all freedom of information statutes and encourages the timely flow of accurate information to both the public and the news media.

ARTICLE V - Records Management

(Adopted April 2, 2009)

Section 5.0 - Purpose

It is the intent of this policy to ensure that Isle of Wight County officials and employees understand and adhere to the management of County records in accordance with the *Virginia Public Records Act*, and to provide guidance for the management of County records to ensure the availability of information essential to the conduct of business. A sound program allows for the easy location and retrieval of information, protection of permanent records, and systematic disposal, in accordance with the law, of records no longer needed for business or historical reasons.

Section 5.1 - Applicability

All public officials, county employees, official appointees of the Board of Supervisors, and all others who are required to adhere to the County's policies shall be governed by these regulations.

Section 5.2 - Governing Regulation

The Virginia Public Records Act, 1976, as amended, established a single body of law, applicable to all public officers and employees, to ensure that the procedures used to manage and preserve public records will be uniform throughout the commonwealth. This includes both state and local programs. In summary, the *Virginia Public Records Act* stipulates:

- Public officials are legally responsible for creating and maintaining records that document the transactions of government as it conducts business. These records provide evidence of the operations of government and accountability to citizens. Public officials must maintain this information according to established

retention requirements regardless of the format in which they are kept. These public records must be available for appropriate access throughout their retention period.

- The medium upon which such information is recorded has no bearing on the determination of whether the recording is a public record. Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business.
- The archival and management function is vested to the State Library Board (§42.1-85). The program is managed through the Virginia State Library's archives and Records Division. Program guidance is contained in the *Virginia Public Records Management Manual.* It provides essential guidance to Records Officers and others who have responsibility for the Commonwealth's records. The manual is available on the Library of Virginia's web site http://www.lva.lib.va.us/whatwedo/records under the link for online records management publications and forms.
- No agency shall sell or give away public records (§42.1-86.1). No agency shall destroy or discard a public record unless:
  - the record appears on a records retention and disposition schedule approved pursuant to §42.1-82 and the record's retention period has expired;
  - a certificate of records destruction, as designated by the Librarian of Virginia, has been properly completed and approved by the agency's designated records officer; **and**
  - there is no litigation, audit, investigation, request for records pursuant to the *Virginia Freedom of Information Act* (§ 2.2-3700 et seq.).

  After a record is destroyed or discarded, the agency shall forward the original certificate of records destruction to The Library of Virginia (§42.1-86.1).
- Each agency shall ensure that records created after July 1, 2006 are destroyed or discarded in a timely manner (§42.1-86.1) in accordance with the retention periods identified in the Library of Virginia's *Locality General Schedules.*
- The *Virginia Freedom of Information Act* (FOIA) (§ 2.2-3700 et seq.) guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees. The stated purpose of FOIA is to promote an increased awareness by all persons of governmental activities.

  The County of Isle of Wight adheres to all freedom of information statutes and encourages the timely flow of accurate information to both the public and the news media. Departments receiving a FOIA request shall follow procedures established by the County Attorney's Office for handling such FOIA requests. In addition, while the department receiving the request may provide the documents, the Director of Information Resources and Legislative Affairs (DIRLA) should be notified of the request. (For additional guidance, see Isle of Wight County Policy Manual Chapter 7: Miscellaneous – Employee Related, Article V, Section 5.3)

Section 5.3 - Definitions

Archival record - means a public record of continuing and enduring value useful to the citizens of the Commonwealth and necessary to the administrative functions of public agencies in the conduct of services and activities mandated by law that is identified on a Library of Virginia approved records retention and disposition schedule as having sufficient informational value to be permanently maintained by the Commonwealth.

Electronic record - means a public record whose creation, storage, and access requires the use of an automated system or device. Ownership of the hardware, software, or media used to create, store, or access the electronic record has no bearing on a determination of whether such record is a public record.

Essential/vital public record - means records that are required for recovery and reconstruction of any agency to enable it to resume its core operations and functions and to protect the rights and interests of persons.
Hold order – refers to a legal directive that identifies and suspends the retention period of County public records until the order is rescinded (i.e., the record must be maintained regardless of its standard retention schedule).

Private/personal record - means a record that does not relate to or affect the carrying out of the constitutional, statutory, or other official ceremonial duties of a public official, including the correspondence, diaries, journals, or notes that are not prepared for, utilized for, circulated, or communicated in the course of transacting public business.

Public record or record - means recorded information that documents a transaction or activity by or with any public officer, agency or employee of an agency. Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a public record. Public record shall not include non-record materials, meaning materials made or acquired and preserved solely for reference use or exhibition purposes, extra copies of documents preserved only for convenience or reference, and stocks of publications.

Records retention and disposition schedule - means a Library of Virginia-approved timetable stating the required retention period and disposition action of a records series. **Approved retention periods for locality records are available on the Library of Virginia website http://www.lva.lib.va.us/whatwedo/records under the link for General Schedules for Virginia Localities.** The terms administrative, fiscal, historical, and legal value of a public record shall be considered in appraising its appropriate retention schedule. The terms "administrative," "fiscal," "historical," and "legal" value shall be defined as:

Administrative value: records shall be deemed of administrative value if they have continuing utility in the operation of an agency.

Fiscal value: records shall be deemed of fiscal value if they are needed to document and verify financial authorizations, obligations, and transactions.

Historical value: records shall be deemed of historical value if they contain unique information, regardless of age, that provides understanding of some aspect of the government and promotes the development of an informed and enlightened citizenry.

Legal value: records shall be deemed of legal value if they document actions taken in the protection and proving of legal or civil rights and obligations of individuals and agencies.

Section 5.4 - Procedures

A. Records Officers

1. ***Records Administrator*** - The *Virginia Public Records Act* requires that each agency and locality designate at least one (1) records officer to serve as a liaison to the Library of Virginia for the purposes of implementing and overseeing a records management program and coordinating legal disposition, including destruction of obsolete records (§42.1-85). The County Administrator, or his/her designee, shall serve as the Records Administrator of Isle of Wight County.

2. ***Departmental Records Officer*** – Each department head shall designate a departmental records

officer, and as desired, divisional records officers to act as points of contact to coordinate record management responsibilities. The name and phone number of each designated records officer will be provided to the Records Administrator. Departmental Records Officer responsibilities will include:

a. Provide oversight for the departmental or divisional records program as assigned.
b. Approve and coordinate the preparation, inventory, and packing of records designated for storage.
c. Identify vital and permanent records and take appropriate action to ensure preservation.
d. Identify for destruction, records no longer required in accordance with the Library of Virginia's General Retention Schedules.
e. Certify compliance with the County's Record Management Policy annually.

3. ***Employees*** – each employee will be responsible for adhering to the *Virginia Public Records Act* and this records management policy as well as the practices and procedures established by their departments.

B. Records Retention and Disposition

Records *cannot* be destroyed without an approved records retention and disposition schedule from the Library of Virginia. This information is published by the Library of Virginia in the Locality General Schedules which lists record series and provides instructions and guidance for their care, how long they are to be maintained and procedures for disposing of them. (Approved retention periods for locality records are available on the Library of Virginia website http://www.lva.lib.va.us/whatwedo/records under the link for General Schedules for Virginia Localities.) (§42.1-86.1)

Records *cannot* be destroyed before the end of their retention period nor should they be retained longer than their retention period unless the record is associated with an ongoing litigation, audit, investigation, request for records pursuant to the *Virginia Freedom of Information Act* or is subject to a hold order. (§42.1-86.1)

Records created after July 1, 2006 which contain identifying information shall be destroyed within six (6) months of the expiration of the record's retention period unless the record is associated with an ongoing litigation, audit, investigation, request for records pursuant to the Virginia Freedom of Information Act, or is subject to a hold order (§42.1-86.1). Identifying information is defined as social security number, drivers' license number, bank account number, credit or debit card numbers, personal identification numbers (PIN) electronic identification codes; automated or electronic signatures and passwords (§18.2-186.3).

1. *Retention Schedule* - Use of the Library of Virginia *Locality General Schedules* will provide records officers guidance in performing the following duties:
   - Preservation of records needed for legal, fiscal or administrative purposes.
   - Identification of records that can be legally destroyed.
   - Determination of when records may be transferred to inactive storage or to another repository for permanent storage.

2. *Record Reformatting* - Paper documents can be converted to electronic or photographic images. Reformatting is not always the best solution and should be considered carefully. Often reformatting is seen as a solution to storage problems; however, records should not be reformatted solely for space-saving purposes. Before deciding to reformat your records, explore alternatives such as destroying records past their retention dates, purging files of unnecessary and duplicate information or transferring records to

storage. Low use, inactive paper records with retention periods of less than 20 years should generally be kept in their original form and stored in the most secure, low-cost space available.

3. *Record Destruction* - Records that are no longer required and are beyond their legal retention period should be destroyed. **Records that are required for audits, investigations or litigation may not be destroyed until the required action is completed.**

   a. *Record of Destruction*. – Prior to the destruction of any record, a Certificate of Records Destruction (RM3) (available at the Library of Virginia website under the Records Management Publications and Forms link: http://www.lva.lib.va.us/whatwedo/records). The RM3 must be completed and be authorized by the Departmental Records Officer and approved by the Records Administrator. When completing the RM3, follow the Library of Virginia's directions (available at the Library of Virginia website: http://www.lva.lib.va.us/whatwedo/records under the Records Management Publications and Forms link). Only after the original RM3 is signed by the Records Administrator can the records be destroyed. After destruction, the original RM3 is to be signed and dated to certify destruction and is to be returned to the Records Administrator. A copy of the RM3 will be made for the county records and the original forwarded to the library of Virginia as evidence of proper disposal.

   b. *Method of Destruction* – The type of information and its format determines the method of destruction. Usually disposition by recycling or daily trash pickup is appropriate. However, if records contain personal, private or confidential information they must be destroyed to prevent unauthorized access to them.
      - *Recycling* – is the preferred method of destruction for paper records with no special disposition requirements.
      - *Trash* – records that do not contain private, sensitive or confidential information may also be destroyed by placing them in a trash receptacle.
      - *Shredding* – is the most popular method of destroying sensitive, private or confidential information. If you do not have access to a shredder, contact the Records Officer to make arrangements.
      - *Electronic data* – electronic data cannot simply be deleted it must be obliterated to be destroyed. The County's Information Technology Department will provide assistance and guidance on the destruction of electronic data.

CHAPTER 8: MISCELLANEOUS – GENERAL (NON-EMPLOYEE)

ARTICLE I - Committee Member Absenteeism

(Adopted February 7, 2002)

Any committee member who is absent from three consecutive meetings may have his/her appointment terminated and new appointee names by the Board of Supervisors as his/her replacement. The secretary of each committee, or chairperson if there is no secretary, shall report to the Office of the County Administrator of Isle of Wight County, Virginia when any committee member has missed three consecutive meetings of said committee. The matter will then be considered by the Board of Supervisors at its next regular meeting following said notification.

ARTICLE II - Pledge of Allegiance

At its July 16, 1998 meeting, the Board adopted a formal policy to recite the Pledge of Allegiance at the Board's regular meetings starting August 6, 1998.

ARTICLE III - Use of County Seal

(Adopted November 17, 2005)

Section 3.0 - Intent/Purpose

The Board of Supervisors of Isle of Wight County, having obtained registered copyright and/or service mark protections for the County seal, believes it may be appropriate and useful to allow certain organizations or persons to use the seal under certain limited situations. It is, therefore, the Board of Supervisors' intent to allow such use of the County seal by parties not affiliated with County government all in accordance with the requirements set forth in this policy.

Section 3.1 - General

The County Administrator is authorized to issue limited licenses for the use of the County seal, subject to the terms and conditions set forth in this policy.

Section 3.2 - License Application Process

a. No person shall be granted a license unless and until a license application, as developed and changed from time to time, has been submitted and approved by the County Administrator or his designee.

b. Such a license application shall contain, at a minimum, the following information:
   1. The name of the person or organization seeking the license;
   2. The purpose for which the County seal is to be used; and
   3. Renditions of how the County seal will be presented.

c. A license shall only be granted if the County Administrator or his designee determines that:
   1. No commercial use of the seal will be made;
   2. That the proposed use of the seal will not present the County in an unfavorable light, nor in any manner deemed likely to be offensive to a significant portion of the population;
   3. That the seal will tend to create positive publicity for the County; and
   4. That the use of the seal is not likely to create the perception of official County action or endorsement of any private, political or commercial undertaking.

d. The granting of a license hereunder shall be memorialized in the form of an agreement, signed by the County Administrator or his designee, and by the applicant or the applicant's authorized agent, containing, at a minimum, the following provisions:
   1. The applicant shall agree that no use of the seal shall be made by the applicant except as set forth in the application, and that any other use of the licensed seal shall constitute a breach of the

agreement, and infringement of the copyright or service mark;

2. The applicant shall agree that infringement of the copyright or service mark or other violation of the agreement shall cause irreparable damage to the County such that injunctive relief shall be proper;
3. The applicant shall agree that, in the event the seal is placed on any tangible goods or fixtures in a manner not licensed by the County, the County shall have the right to take possession of such goods or fixtures pending the conclusion of any litigation related to such use; and
4. The applicant shall agree that any presentation of the seal shall be accompanied, as applicable, by the appropriate designation indicating copyright or service mark protection.

Section 3.3 - Application Fee

There shall be an application fee for each license granted of fifty dollars ($50.00) to defray the costs of processing the application.

ARTICLE IV - Social Media Policy

(Adopted March 20, 2014)

Section 4.0 - Purpose

Isle of Wight County's social media focus is to network and relay information to county residents, businesses and visitors. We encourage individuals to post questions, comments, and concerns. We invite individuals to express their thoughts whether they are supportive, dissenting or critical; however, these comments should be appropriate and criticism should be constructive. Our social media sites are for online discussion only and they should not be used as a public forum.

We recognize the internet is a 24/7 medium, and your comments are welcome at any time; however, given the need to manage limited staff resources, we generally only monitor comments and postings during regular business hours.

Once posted, Isle of Wight County reserves the right to delete submissions that contain:

- False Information
- Obscene language or sexual content
- Pornographic Images
- Personal attacks of any kind
- Comments or content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, genetics, status with regard to public assistance, national origin, physical or intellectual disability or sexual orientation
- Spam, advertising or include links to other sites
- Threatening or slanderous comments about any person or organization
- Comments that are clearly off topic and/or disruptive
- Comments supporting illegal activity
- Promotion of particular services, products, or political organizations
- Support of or opposition to political candidates, political organizations or ballot propositions
- Infringement on copyrights or trademarks
- Personally, identifiable medical information
- Information that may compromise the safety, security or proceeding of public systems or any criminal or civil investigations

Violations of the Social Media Policy can result in the user being banned from the County's social media sites. Comments used on these sites have no reflection on county staff or employees. Administrators on these sites may report or remove information listed in the above policy.

ARTICLE V - Public Notice

(Adopted December 18, 2014)

Section 5.0 - Purpose

(Adopted December 18, 2014)

In order to properly comply with the public notice requirements, as set forth in the relevant sections of the Code of Virginia (1950, as amended), public notices are required to be published in a newspaper having general circulation in Isle of Wight County, Virginia. As such, this policy is intended to ensure proper legal notice of upcoming legislative acts are placed in such a manner as to comply with the provisions of the Code of Virginia (1950, as amended).

Section 5.1 - Responsibility

(Adopted December 18, 2014)

It shall be the responsibility of the Isle of Wight County Attorney's Office to ensure compliance with this policy. In that regard, all public notices required by the Code of Virginia (1950, as amended) shall be handled exclusively by the Isle of Wight County Attorney's Office for proper dissemination to the media and payment thereof.

Section 5.2 - Distribution

(Adopted December 18, 2014)

All official public notices shall be sent to *The Smithfield Times* and *The Tidewater News* for publication in order to meet all applicable legal requirements for public notice.