

AMHERST TOWN COUNCIL
AGENDA – WEDNESDAY, FEBRUARY 14, 2018
Meeting at 7:00 p.m.
Town Hall, 174 S. Main Street, Amherst, VA 24521

A. Call to Order – 7:00 p.m. - Mayor Tuggle

B. Pledge of Allegiance - *I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.*

C. Invocation - *Any invocation that may be offered before the official start of the Amherst Town Council meeting shall be the voluntary offering to, and for, the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the audience is required to attend or participate in the invocation, and such decision will have no impact on their right to participate actively in the business of the Council. Copies of the policy governing invocations and setting forth the procedure by which a volunteer may deliver an invocation are available upon request at the Town Hall.*

D. Citizen Comments - *Per the Town Council's policy, any individual desiring to speak before the Council who has not met the agenda deadline requirement will be allowed a maximum of three minutes to speak before the Town Council. Any individual representing a bona fide group will be allowed a maximum of five minutes to speak before the Town Council. Placement on the agenda is at the Mayor's discretion.*

E. Public Hearings and Presentations

1. Presentation by Erin Minter – *Ms. Minter is coming to present findings from the group exploring the possibility of a YMCA in the Town of Amherst.*

F. Consent Agenda – *Items on the consent agenda can be voted on as a block if all are in agreement with the recommended action or discussed individually.*

1. Town Council Minutes – *Drafts of the January 10, 2018 meeting is **attached**. Please let Vicki Hunt know of any concerns by Wednesday morning such that any needed corrections can be presented at the meeting.*

2. West Court Street Water Line Award of Bid – *The low bidder for the West Court Street Water and Sewer Line replacement is George E. Jones. The Utilities Committee recommends approval of the bid award, and all necessary documents to proceed with the project, including the contract and financial documents.*

G. Correspondence and Reports

1. Planning Commission – *February 7, 2018 meeting minutes - **attached***

2. Staff Reports

- a. Town Manager Monthly Report - **attached**
- b. Police Chief Monthly Report - **attached**
- c. Office Manager Monthly Report - **attached**
- d. Clerk of Council Monthly Report- **attached**
- e. Public Works Monthly Reports- **attached**
- f. Town Attorney Monthly Report – **attached**

3. Council Committee Reports – *see **attached** listing of committee responsibilities*

- a. Finance Committee – *Mrs. Carton*

- b. Community Relations – *Mr. Higginbotham*
- c. Utilities Committee – *Mr. Watts*

H. Discussion Items

1. **Personnel Manual Changes**– *Sara Carter*– *Staff recommends incorporating several of the separate policies into one consolidated personnel manual. Staff will be bringing additional policy consolidations in the coming months to make the policy manual topic oriented, rather than organized by date of adoption.*
2. **FOIA Policy Deletion**- *Sara Carter*- *Staff recommends deletion of the FOIA policy from the Policy Manual. Compliance with FOIA is required by State Code, and maintaining a separate policy that must be updated as Code and practice changes is impractical and cumbersome.*
3. **Utilities Maintenance CIP Request**- *Charles Thompson*- *Staff recommends a series of changes to the Utilities Maintenance CIP for this fiscal year. There are items that are listed that are not needed at this time, and some suggested changes as to how the other money should be spent.*
4. **Water Treatment Plant Improvement Bids** – *Sara Carter*- *Staff is working with the contract engineer and the Health Department to determine the best way to proceed with the project, as the bids were over budget. Staff has submitted a request to VDH to complete a portion of the project now, with additional work in the future if the CDB issues are not resolved.*
5. **Sewer Sliplining Project** – *Sara Carter*- *The 90% drawings for this project have been completed, and staff met with the Town Engineer on the project last week. The next step for completion is the easements for portions of the line that do not currently have deeded right-of-way. Staff is requesting that the easements be accepted by the Town Council in bulk, and that the Mayor be empowered to execute the deeds to complete the dedications as they are received.*
6. **Committee on Town County Cooperation** – *Open to be appointed.*

I. Matters from Staff

J. Matters from Town Council

K. Anticipated Town Council Agenda Items for Next Month

L. Citizen Comments

M. Adjournment

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on January 10, 2018, at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street. Council members Kenneth S. Watts, Kenneth G. Bunch, Mark A. Stinnett, and Rachel A. Carton were present. André Higginbotham was absent. Town Manager Sara E. Carter, Interim Town Manager Peter Huber, Town Attorney W. Thomas Berry, Office Manager Tracie Wright, Clerk of Council Vicki K. Hunt, and Police Chief Robert A. Shiflett, II, were present.

Mayor Tuggle extended his gratitude to those that attended the reception held prior to tonight's meeting at 6:30 p.m. welcoming Sara E. Carter as our new Town Manager and commemorating the service of Interim Town Manager Peter Huber and Office Assistant Carrie Brown.

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Kenneth S. Watts.

Mayor D. Dwayne Tuggle opened the floor for citizen comments. No comments were made.

Dean Rogers, Amherst County Administrator, came forward on behalf of Amherst County to request the use of Brockman Park to hold a County Fair on August 16-19, 2018. The Fair would be held on the back lots with parking at the front. Plans for the Fair would include vendors, rides, wineries, and a stage for bands. Grading and stone work to be performed at the County's expense at the back entrance to allow trailers to enter the park.

After discussion, Mr. Watts made a motion that was seconded by Mr. Stinnett to allow the County of Amherst to hold a County Fair on August 16-19, 2018, at Brockman Park, the County to provide liability insurance, grading and gravel at the back entrance, and repair any property damage to parking and other areas. The motion carried 4-0-1 with Mrs. Carton and Messrs. Stinnett, Watts and Bunch voting "Aye." Mr. Higginbotham was absent.

Town Attorney William Berry was directed to prepare a lease agreement between the Town of Amherst and the County of Amherst for the use of Brockman Park for the County Fair to be held on August 16-19, 2018, for Council's consideration.

Interim Town Manager Peter Huber reported that on January 3, 2018, the Planning Commission held a public hearing on a special use permit requested by Reggie Catlett, owner of JAK, LLC, that would, if approved, allow JAK, LLC to do light machining and processing of electrical equipment and components in the former Brockman building located at 488 S. Main Street (TM#95A56), after which by a vote of 5-1-1 a motion carried to recommend that Town Council approve the special use permit requested by Reggie Catlett.

Copies of the special use permit application, advertising notice, list of adjacent property owners and notice, sign affidavit, Table of Zoning Use, and an excerpt from the Town's Comprehensive Plan regarding Economic Development, were provided to Council.

Reggie Catlett, Owner, JAK, LLC, was present to answer questions.

Mayor Tuggle opened a duly advertised public hearing on the special use permit request at 7:23 P.M.

There being no one present who wished to speak on the matter, the public hearing closed at 7:24 P.M.

After discussion, Mr. Bunch made a motion that was seconded by Mrs. Carton and carried 4-0-1 to approve the special use permit requested by Reggie Catlett to allow JAK, LLC to do light machining and processing of electrical equipment and components in the former Brockman building located at 488 S. Main Street (TM#95A56). Mrs. Carton and Messrs. Watts, Bunch, and Stinnett voted "Aye." Mr. Higginbotham was absent.

Council Members were provided with a copy of the Councilor's and Mayor's Handbook and the most recent VML summary of the Freedom of Information Act (FOIA) and Conflict of Interest Regulations.

Mrs. Carton made a motion that was seconded by Mr. Bunch and carried 4-0-1 to approve the minutes from the November 30, 2017, and December 13, 2017, meetings. Mrs. Carton and Messrs. Watts, Bunch, and Stinnett voted "Aye." Mr. Higginbotham was absent.

After discussion, Mr. Watts made a motion that was seconded by Mrs. Carton to authorize Town Manager Carter to accept financial assistance up to \$150,000, as principal forgiveness (grant) from the Virginia Department of Health for the Water Plant Sludge Processing and Mid-Basin Chlorination Project as set out in resolution adopted on March 8, 2017, as recommended by Interim Town Manager Peter Huber. The motion carried 4-0-1 with Mrs. Carton and Messrs. Watts, Bunch, and Stinnett voting "Aye." Mr. Higginbotham was absent.

After discussion, Mrs. Carton made a motion which was seconded by Mr. Bunch, and carried 4-0-1 to authorize Mayor Tuggle to execute a contract in the amount of \$18,000 with the Berkley Group for an Organization Strategic Assessment (OSA) for the Town of Amherst to include one specific focus area on utilities. Mrs. Carton and Messrs. Watts, Bunch, and Stinnett voted "Aye." Mr. Higginbotham was absent.

Mr. Watts made a motion that was seconded by Mrs. Carton and carried 4-0-1 to accept the Town's FY17 audit report and authorize the printing of a final edition. Mrs. Carton and Messrs. Watts, Bunch and Stinnett voted "Aye." Mr. Higginbotham was absent.

Discussion on purchase of new police vehicle is deferred to the February meeting. Chief Robert A. Shiflett, II, is directed to present an itemized list for purchase of "mission critical" items at the February meeting.

Discussion on upgrades to police department officer workspace is deferred to the February meeting. Chief Robert A. Shiflett, II, is directed to obtain bids from local cabinet makers.

Mr. Bunch made a motion that was seconded by Mr. Stinnett and carried 4-0-1 to authorize the Utilities Committee to award tentative bids for installation of sediment removal equipment and for the replacement of water lines and a sewer force main to be ratified by Council at the February meeting. Mrs. Carton and Messrs. Watts, Bunch and Stinnett voted "Aye." Mr. Higginbotham was absent.

After discussion, Mrs. Carton made a motion that was seconded by Mr. Watts to accept the prices and terms stated in the proposal by First National Bank of Altavista and move the Town's banking services to First National Bank of Altavista as recommended by staff. The motion carried 4-0-1 with Mrs. Carton and Messrs. Watts, Bunch and Stinnett voting "Aye." Mr. Higginbotham was absent.

After discussion, Mr. Watts made a motion that was seconded by Mrs. Carton to solicit request for proposals for audit services for a multi-year term of a minimum of three years with a future option by Council to extend the term to five years as recommended by staff. The motion carried 4-0-1 with Mrs. Carton and Messrs. Watts, Bunch and Stinnett voting “Aye.” Mr. Higginbotham was absent.

After discussion, Mr. Stinnett made a motion that was seconded by Mr. Bunch and carried 4-0-1 to credit VRS time when calculating leave time for FTE Town employees effective January 10, 2017. Mrs. Carton and Messrs. Watts, Bunch and Stinnett voted “Aye.” Mr. Higginbotham was absent. Town Manager Carter was directed to prepare and present a revised personnel policy reflecting the Council’s decision at the February meeting.

Discussion on appointment to Joint Committee on Town County Cooperation was deferred to the February meeting.

After discussion, Mr. Watts made a motion that was seconded by Mrs. Carton and carried 4-0-1 to contract Precision Doors and Hardware for the replacement of doors and locks at various locations at the Town’s Utility Plants at a quote of \$13,281.55. Mrs. Carton and Messrs. Watts, Bunch and Stinnett voted “Aye.” Mr. Higginbotham was absent.

After discussion, Mr. Stinnett made a motion that was seconded by Mrs. Carton and carried 4-0-1 to authorize Town Manager Carter to endorse a Site Assessment and Planning Grant application to Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund, which funds would be used in support of the redevelopment of the Old Mill Property, 140 Union Hill Road, Amherst, VA, owned by Lazy River, LLC, owned by developer Dave McCormack (Tax ID# 96 1 1A, 96 1 1-7). Mrs. Carton and Messrs. Watts, Bunch and Stinnett voted “Aye.” Mr. Higginbotham was absent.

By consensus the services of Peter Huber to the Town of Amherst is extended through the Berkley Group for an additional two weeks of time to be spread out over a period of approximately four weeks past January 15, 2018.

Chief Robert A. Shiflett, II, was directed to take the lead and work with other staff to get the Code Red system up and running again.

Tracie Wright thanked everyone for their support, understanding and patience during the passing of her father.

Mayor Tuggle extended condolences to Council Member Higginbotham on the passing of his father.

Mayor Tuggle opened the floor to citizen comments.

Clifford Hart, 219 Garland Avenue, Amherst, VA, came forward to express concern about the speeding on Garland Avenue. Chief Shiflett will follow up with law enforcement and Mr. Hart.

Peter Huber thanked the Mayor and Council Members for their kindness and allowing him the ability to work for the Town.

There being no further business, the meeting adjourned on a motion by Mr. Stinnett seconded by Mrs. Carton at 8:35 P.M.

D. Dwayne Tuggle
Mayor

Attest: _____
Clerk of Council

DRAFT FOR APPROVAL

Michael S. Agee
Steven A. Campbell
Randy W. Beckner
Bradley C. Craig
Wm. Thomas Austin
David P. Wilson
James B. Voso
Randy L. Dodson
Chad M. Thomas



Edwin K. Mattern, Jr. (1949-1982)
Gene R. Cress (1935-2014)
Sam H. McGhee, III (Retired)
Stewart W. Hubbell (Retired)
J. Wayne Craig (Retired)

January 18, 2018

Ms. Sara Carter
Town Manager
Town of Amherst
186 South Main Street
Amherst, VA 24521

RE: West Court Street Waterline Replacement
Project
Town of Amherst
M&C Commission No: 3663

Dear Sara:

Bids were received on the referenced project on January 16, 2018 (2:00 pm deadline) by the Town of Amherst. The bids were publicly opened and read aloud shortly thereafter.

A total of five (5) bids were received. A tabulation of the bids is attached for your records. The apparent low bidder is George E. Jones & Sons, Inc. with a total lump sum bid of \$340,000.00. Mattern & Craig's construction cost estimate for the project was \$358,000.00. George E. Jones & Sons, Inc. is a licensed Virginia Contractor (#2701006013A). We have spoken directly with references provided, and all had positive remarks concerning their work. Based on past work performed for the Town of Amherst and other local entities, they are qualified to perform this work.

Based on our review of the bids, we hereby recommend award of the contract to George E. Jones & Sons, Inc. in the amount of \$340,000.00 after receiving approval from VDH of the WBE/MBE solicitation items. Our firm can prepare Notice of Award and contracts once you are ready to proceed.

Very truly yours,

MATTERN & CRAIG

A handwritten signature in blue ink that reads 'B.C. Craig'.

Bradley C. Craig, P.E.
Project Manager

BCC/anf

I:\3663\Clerical\Letters\Carter 1-18-18.docx



701 First Street, S.W. • Roanoke, Virginia 24016
(540) 345-9342 • Fax (540) 345-7691

www.matternandcraig.com

Bid Tabulation
For
West Court Street Waterline Replacement Project
Town of Amherst
January 16, 2018 @ 2:00 p.m.
Commission No. 3663

Contractor	Bid Security (5%)	Receipt of Addenda	Total Bid (Lump Sum)
George E. Jones & Sons, Inc.	✓	✓	\$340,000.00
Counts & Dobyys	✓	✓	\$531,581.00
Concrete Foundations Inc.	✓	✓	\$700,000.00
J&W Grading	✓	✓	\$553,000.00
Best GC	✓	✓	\$469,888.00

**UTILITIES COMMITTEE
MINUTES**

January 23, 2018
7:00 PM

Attendees: Ken Watts, Chairman and Kenneth Bunch
Staff: Sara Carter, Pete Huber, Becky Cash, and Charles Thompson

The meeting was called to order by Mr. Watts at 7:00 pm.

The Committee toured the Town Water Treatment Plant, guided by Becky Cash.

The Committee discussed the bids for the West Court Street Waterline project and recommends approval to the Council for acceptance of the bid.

The Committee requests that staff work with the engineers and the low bidder for the Water Treatment Plant improvements to determine if there are ways that the project can be brought closer to the budgeted amount. Staff will follow up on this and bring additional information to the committee and the Council.

The meeting adjourned at 8:13.

**Town of Amherst
Planning Commission Minutes
February 7, 2018**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill in the Council Chambers of the Town Hall at 174 S. Main Street at 7:00 PM on February 7, 2018.

It was noted that a quorum was present as indicated below:

A Kevin Belcher	P William Jones
P June Driskill	P Kenneth Bunch
P Ted Finney	P Clifford Hart
	P Michael Mozingo

Town Manager Sara Carter and Clerk of Council Vicki Hunt, in her capacity as Secretary to the Commission, were present.

The minutes from the January 3, 2018, Commission meeting were approved on a motion by Mr. Bunch seconded by Mr. Finney and carried 6-0-1 according to the following:

June Driskill	Aye	Clifford Hart	Aye
Kevin Belcher	Absent	Kenneth Bunch	Aye
Ted Finney	Aye	Mike Mozingo	Aye
William Jones	Aye		

Sign Ordinance

The 2016 Analysis prepared by Signage Foundation, Inc., pertaining to the effects of *Reed v. Town of Gilbert* (576 U.S., June 2015), on sign ordinances and how cities and towns must comply with the Supreme Court ruling was previously distributed to the Commission. Town Manager Sara Carter gave an oral report on a proposed new sign ordinance.

After discussion, on motion by Mr. Hart which was seconded by Mr. Bunch, the Commission approved to hold a public hearing on the proposed new sign ordinance at the Commission's March meeting. The motion carried 6-0-1 according to the following:

June Driskill	Aye	Clifford Hart	Aye
Kevin Belcher	Absent	Kenneth Bunch	Aye
Ted Finney	Aye	Mike Mozingo	Aye
William Jones	Aye		

Amherst County EDA - Business Friendliness Initiative

Town Manager Sara Carter gave an oral report on a study by the Amherst County EDA on efforts to improve the County's business friendliness and possible participation by the Town in the project.

Town Manager Sara Carter was directed to invite Victoria Hanson, Executive Director, Amherst County EDA, to the Commission's next meeting to provide further information on its study on efforts to improve business friendliness in the County.

There being no further business, on motion of Mr. Mozingo seconded by Mr. Finney and carried 6-0-1 the meeting adjourned at 7:13 PM.

June Driskill, Chairperson

Attest: _____

FOR APPROVAL

Town Manager's Report for the February 14, 2018 Town Council Meeting

Committee	Report
A. Industrial Development Authority	No meetings/no report
B. Planning Commission	Met on February 7th
C. Board of Zoning Appeals	No meetings/no report
D. Property Maintenance Investigation Board	No meetings/no report
E. Public Safety and Community Relations Committee	No meetings/no report
F. Finance Committee	No meetings/no report
G. Utilities Committee	Met on January 23, 2018 Minutes included in F.2.
H. Personnel Committee	No meetings/no report
I. Joint Committee on Cooperation	No meetings/no report
J. Town/Sweet Briar Sewer Use Advisory Commission	No meetings/no report
K. Region 2000 Regional Commission	No report
L. Central Virginia Metropolitan Planning Organization	No report



AMHERST POLICE DEPARTMENT



DAILY SHIFT REPORT

January Monthly Totals

DATE: 01-01-18/01-31-18	SHIFT WORKING:
OFFICER:	VEHICLE:
MILEAGE START OF SHIFT:	MILEAGE END OF SHIFT

CALLS FOR SERVICE	NUMBER
KEYS LOCKED IN VEHICLE	14
ALARM	10
PHONE COMPLAINT	27
BOLO	6
MISSING PERSON	
SHOPLIFTING	2
PROBLEM WITH OTHERS	17
DOMESTIC	
CHECK WELFARE	4
NOISE OR DOG COMPLAINT	3
TRAFFIC CRASH	5
EMS CALLS	
SUDDEN DEATH	1
ECO	
FUNERAL TRAFFIC	
OTHER	34

OFFICER INITIATED	NUMBER
BUILDING CHECKS	308
CHECKING DETAIL	
BUILDING SEARCH	3
TRAFFIC SUMMONS	50
DRUNK IN PUBLIC	
EXTRA PATROLS	61
WARRANT SERVICE	
PROPERTY WALK AROUNDS	11
WARRANTS OBTAINED	3
PARKING TICKETS	
MISD. INVESTIGATION	1
FELONY INVESTIGATION	4
NARCOTICS INV.	5
SEARCH WARRANT	
PUBLIC RELATIONS	15
CITIZEN CONTACT	103

ARREST	NUMBER
MISDEMEANOR	2
FELONY	1
EPO	
ECO	
PPO	
NARCOTICS VIOLATION	
DUI / DUID	2

TRAFFIC STOPS TICKETED	NUMBER
SPEEDING	44
EQUIPMENT VIOLATION	
RECKLESS DRIVING	
SUSPENDED LICENSE	
INSPECTION STICKER	2
REGISTRATION	1
Overlength	3

WARNINGS	NUMBER
SPEEDING	31
EQUIPMENT VIOLATION	27
RECKLESS DRIVING	
SUSPENDED LICENSE	
INSPECTION STICKER	2
REGISTRAION	3
SEAT BELT / TEXTING	

OTHER	NUMBER
ASSIST OTHER OFFICER	61
ASSIST OTHER AGENCY	43
COURT	10
REPORTS	7
SCHOOL / TRAINING	
MEETINGS	12
TOWED / IMPOUNDED VEH	



AMHERST POLICE DEPARTMENT



DAILY SHIFT REPORT

January Monthly Totals

Total Calls: 294

Approximately 5000 miles patrolled.



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

To: Town Council
From: Tracie Wright
Date: February 7, 2018
Re: January 2018 Monthly Report

Utilities – 1,266 bills were cut totaling \$218,750.49.

A/P – A total of 71 checks were cut totaling \$186,768.90.

Meals and Beverage Tax – 16 Businesses paid \$28,407.91 in Meals and Beverage Tax for the month of December.

Taxes – Late notices were sent out for License Fee bills. Bank liens will be the next step of collections around March 1, 2018.

Collections – One lien was placed on a property for non-payment of dormant utility charges.

- 1115 Union Hill

A/R – Sweet Briar College Sewer Billing was sent out for second quarter.

Banking – Transition to First National Bank of Altavista has begun. It is anticipated that the transition should be complete within three months.

Budget – New account lines that follow the Uniform Accounting System have been issued to the Department Heads to begin building on their budgets.

Year-End – All quarterly and yearly tax information has been submitted to the appropriate agency. W2's were issued to all employees.

Upcoming –

- Completing December Financials.
- Complete Audit RFP
- Complete January Financials.
- Submit compiled budget to Sara Carter by end of February.
- The Office Assistant position has been filled. Jeannie Moyer of Amherst will start February 20th.

**Clerk of Council Report
January 2018**

Committee Meetings

Industrial Development Authority

E-mail Chairman Addison in re 2-5-18 meeting cancellation; receive confirmation; notify Authority members; post cancellation on website

Planning Commission

Receive and review agenda package for 1-03-18 meeting; post agenda package to website; prepare for and attend meeting on 1-03-18; draft minutes for approval; post to Town website

Town Council

Receive and review agenda package for 1-10-18 meeting; prepare for and attend 1/10/18 meeting; draft minutes for approval; post to Town website

Recodification of Town Code

Meet with Attorney Tom Berry on 1/31/18; cross reference current Chapter 8.01 with Municode Proof; e-mails with Berry, Wright, Carter, Town Manager

Town Website Management

Monitor website; develop and update content

Event Banner

Receive and review Rotary Club Pancake Day Banner Permit Application request; prepare application and permit forms; correspond with VDOT; receive Pancake Day Permit from VDOT; miscellaneous e-mails

Town Council/Miscellaneous

Quorums: Confirm quorums for IDA, Planning Commission and Town Council meetings by e-mail and/or telephone contact.

Town of Amherst Committees as of January 31, 2018 – Update; See Attached.

Town of Amherst Committees as of January 31, 2018

Appointed/Term Expires

TOWN COUNCIL

D. Dwayne Tuggle, Mayor	01/01/17	12/31/18
Kenneth S. Watts	01/01/17	12/31/18
Andra A. Higginbotham	01/01/17	12/31/18
Mark A. Stinnett	01/01/17	12/31/18
Rachel A. Carton	01/01/17	12/31/18
Kenneth G. Bunch	11/08/17	12/31/18

PLANNING COMMISSION

June Driskill, Chairperson	06/08/16	06/30/20
Kenneth G. Bunch	12/13/17	12/31/18 (TC rep)
William Jones	04/08/15	06/30/19
Ted Finney	07/01/17	06/30/21
Kevin Belcher	05/14/14	06/30/18
Clifford Hart	04/08/15	06/30/19
Michael Rhett Mozingo, Sr.	08/09/17	06/30/18

BOARD OF ZONING APPEALS

Gary Mays, Chairman	04/08/15	08/31/20
Ed Carton	11/10/14	08/31/19
Teresa Tatlock	07/10/16	08/31/21
Marvin Hensley	08/31/17	08/31/22
Kevin James Akershoek	12/11/13	08/31/18

INDUSTRIAL DEVELOPMENT AUTHORITY

Lewis Addison, Chairman	04/08/15	06/30/19
Sharon Watts Turner	01/17/17	06/30/18
Gary Jennings	05/10/17	06/30/21
Jacob Bailey	06/08/16	06/30/20
Manly Rucker	05/10/17	06/30/21
Vernon Wood	05/14/14	06/30/18
Richard Wydner	04/08/15	06/30/19

PROPERTY MAINTENANCE INVESTIGATION BOARD

C. Manly Rucker, III	05/10/17	06/30/20
Bessie H. Kirkwood	04/08/15	06/30/18
Glenda Hash	06/08/16	06/30/20

REGION 2000 REGIONAL COMMISSION/MPO

D. Dwayne Tuggle	01/11/17	12/31/18
Jack Hobbs	01/11/17	12/31/18

Appointed/Term Expires

JOINT COMMITTEE ON COOPERATION(TOWN/COUNTY)

Andra' A. Higginbotham	1/11/17	12/31/19
Kenneth S. Watts	1/14/15	12/31/17
Rachel Thompson	1/13/16	12/31/18

(3 Appointments from Amherst County)

TOWN/SWEET BRIAR SEWER USE ADVISORY COMMISSION

Clifford Hart	02/08/17	12/31/18
Kenneth S. Watts	01/11/17	12/31/18

YMCA EXPLORATORY COMMITTEE

Erin Minter, Chairperson	05/10/17
Tracy Wilburn	05/10/17
Erin Calhoun	05/10/17
Paul Robert Munn	08/09/17
Rebecca A. Fitzgerald	08/09/17

TOWN COUNCIL COMMITTEES (FOR THE 01/01/17-12/31/18 TERM)

FINANCE COMMITTEE

Rachel A. Carton (Chairman) and Kenneth S. Watts

- Monitor the budget development process.
- Review accounting procedures, budgets, and bookkeeping activities.
- Interface with auditors.

PUBLIC SAFETY AND COMMUNITY RELATIONS COMMITTEE

Andra Higginbotham (Chairman) and Mark A. Stinnett

- Monitor implementation of the Town's public safety programs.
- Review Town beautification efforts and programs.
- Interface with citizens, business operators, Sweet Briar College, and VDOT.

UTILITIES COMMITTEE

Kenneth S. Watts (Chairman) and Kenneth G. Bunch

- Monitor the development and construction of capital improvement projects.
- Review proposed utility system upgrades and extensions.
- Interface and assist developers in coordinating Town policies with proposed new developments.

Utility/Town Maintenance and Construction Report

January--2018

Water Meter Read	1150
Water Meter Re-Read	44
Disconnects	14
VA-811 Service locations	10
Vehicle PM Work Orders	15
Pump Station/Plant Work Orders	20
Banners Installed/Dismantled	0
Water Services Installed/Replaced	13
Sewer Services Installed/Replaced	4
Minor Leaks ks Repaired	12
Major Leaks Repaired	1
Minor Sewer Problems Resolved	1
Major Sewer Problems Resolved	2

Man Hours

Meter Reading	80
Street/Sidewalk Maintenance	87
Safety Training	5
Bush Hogging	0
Flushing Water	2
Equipment Maintenance	78
Xmas decorations	72

Major Issues & Comments

Cold temperatures for long periods of time, causes frozen pipes, meters and ground movement. Difficult for staff to work in. Has caused over time situations

Routine/Annual Work

Projects/Unusual Work

Service Work Orders	Locating Un-marked/Unknown Water & Sewer System Assets
Meter Reading	Continue Safety and Shop/Yard Clean-up
Prev-Maint Work Orders	Staff has been working on finding water valves and addressing issues
Disconnects	Working on clearing water right of ways.
Re-connects	
Flushing Program in select locations	

Rutledge Creek WWTP

January 2018

Monthly Treated Flow Information

Total Treated Flow (Million Gallons)	Max. Daily Treated Flow (Mill Gal)	Avg. Daily Treated Flow (Mill Gal)	Min. Daily Treated Flow (Mill Gal)
6.752	0.271	0.218	0.148

Total Annual Treated Flow To Date (In Million Gallons): 29.698850

Facility Design Limitations Monthly Review

95% Effluent Flow Limitation Review:		95% Design Capacity Review:	
Permit Effluent Monthly Average Flow Cap (MGD):	0.38	Permit Effluent Monthly Average Flow Cap (MGD):	0.6
Current Month Average Effluent Flow (MGD):	0.22	Current Month Average Effluent Flow (MGD):	0.22
Current Month Percent Effluent Flow:	54%	Current Month Percent Effluent Flow:	36%

Monthly Nutrient Information

Phosphorus (Total)		Nitrogen (Total)	
Delivered Load To Date	31	Delivered Load To Date	248
Delivered Allocation	20	Delivered Allocation	84
Credits Available (needed)	489	Credits Available (needed)	3,728
% of Allocation Used	4.1%	% of Allocation Used	3,644
			2.3%

Number of Grease Traps Inspected under Pretreatment Program: 0

Tons of Treated and Dried Sludge Landfilled: 4 (Drying beds currently applied and drying)

Items Of Note:

- 1.) Facility has experienced a normal month with out any operational issues.

Grandview Drive WTP

January 2018

Monthly Treated Flow Information

Total Raw Flow (Mil Gal)	Max. Daily Treated Flow (Mil Gal)	Avg. Daily Treated Flow (Mil Gal)	Min. Daily Treated Flow (Mil Gal)
9.600	0.590	0.330	0.100

Total Finished Water (Mil Gal)	Max. Daily Finished (Mil Gal)	Avg. Daily Finished (Mil Gal)	Min. Daily Finished (Mil Gal)
7.580	0.490	0.260	0.020

Total Delivered Water (Mil Gal)	Max. Daily Delivered (Mil Gal)	Avg. Daily Delivered (Mil Gal)	Min. Daily Delivered (Mil Gal)
7.130	0.490	0.250	0.000

Total Monthly Backwash (In Million Gallons): 0.325

Water Storage Tank Daily Indexing

Union Hill --		Waughs Ferry		Sweet Briar College	
Full @ --	19.2 ft	Full @ --	50.0 ft	Full @ --	40.0 ft
Monthly Average --	15.0	Monthly Average --	45.1	Monthly Average --	30.2
Monthly Min --	12.7	Monthly Min --	43.0	Monthly Min --	25.0

Absent - Present Testing for Coliform Bacteria (Monthly)

Location	Result
Amherst Town Shop	Absent
Coley's Auto	Absent
Rutledge Hills Apt.	Absent
El Mariachi's	Absent
Amherst County Library	Absent
SMC Physical Plant	Absent
No Violations of Results	

Items Of Note:

- 1.) Facility has experienced a normal month with out any operational issues.
- 2.) HAA5 fourth quarter limit exceedance violation public notice sent out to billing customers.

Robert E. Lee Soil & Water Conservation

January 2018

Buffalo River Watershed Initiatives

- Working with landowners within the protected watershed to find conservation programs that fit their objectives on their land and protect drinking water sources. Five BRWS landowners are in the installation phase of their conservation projects.
- Working with two landowners regarding finding solutions to their extensive stream bank erosion on the Buffalo River.
- Utilizing ACSA funding for pollinator buffer strips was officially recorded at the January ACSA Board meeting. Created pollinator buffer strip brochure, flyer and webpage and started advertising this new conservation practice offered.
- **Amherst Tree Buffer Program:** Working with A. Ellis with the James River Association to plan and schedule 2018 ATBP projects. All projects will be funded through the JRA's NRW grant per the District agreement for installing riparian buffers within our District.
- Checked Amherst County watershed property transfers that were completed by the Amherst real estate office this quarter, updated watershed address database and sent 60 watershed booklets to new watershed landowners.
- Re-supplied all Amherst County display locations with watershed booklets and brochures.
- Working on preparing for the VA Save Our Streams training in partnership with the James River Association and on the Bees, Trees and Clean Water Workshop in partnership with the Chesapeake Bay Foundation.

Upcoming:

- Continue to work with watershed landowners and find conservation programs that meet their objectives and water quality goals. Work with the Chesapeake Conservancy with utilizing their high resolution GIS mapping tool to prioritize conservation project needs within the protected watersheds.
- Re-survey two tracts of priority watershed land that changed ownership for any land use changes and any source water impacts.
- Carry out District BMP verification for Amherst projects. Offered to do this work as a way to re-connect with landowners, see how their farms are presently functioning and potentially work with them on other conservation projects.
- Working with landowners within the protected watershed to find conservation programs that fit their objectives on their land. Three BRWS landowners are in the installation phase of their conservation projects. One BRWS landowner(s) are in the design stage of their conservation project. 2 landowners were not funded since all of the District's fiscal year 2018 cost-share was allocated.
- Re-surveyed 3 tracts of priority watershed land that changed ownership for any land use changes and any source water impacts.
- **Clark stream bank stabilization project:** Project was completed utilizing the ACOE permit. The active erosion has ceased and stream bank was successfully stabilized.
- Watershed booklets distributed to the Amherst Chamber of Commerce office at the new Amherst welcome center. The ACSA has approved donating money toward the Amherst pollinator garden to be planted at the welcome center. This project will increase awareness of pollinator gardens to Amherst County land owners.
- Developing the Amherst Tree Buffer Program to include pollinator buffer strips as an option. Landowners would be able to plant a hardwood tree buffer with a pollinator buffer strip or just a pollinator buffer strip to protect water at the source. ACSA local cost-share funding would be used to cover the costs of the projects. NRCS and Xerces Society guidelines will be utilized to install the projects. The project proposal with project cost-estimates has been sent to the Director of ACSA and will be reviewed at the October ACSA Board meeting.
- Planning an Amherst Field Day with the Amherst Virginia Cooperative Extension to be held on a farm in the protected watersheds of Amherst County on Sept 22nd. Focus will be on technical assistance and the following topics: Weed management in hay/pastures (VT- Dr. Flessner and Amherst VCE), Farmer's perspective and experience with her conservation project, Amherst Watershed Protection Program, and horse pasture management.

Upcoming:

- Continue planning the Amherst Field Day.
- Continue to work with watershed landowners on finding conservation programs that meet their objectives and water quality goals.

W. THOMAS BERRY
ATTORNEY AT LAW
TAN BARK PROFESSIONAL BUILDING, COURT STREET
P.O. BOX 354 * 402 COURT STREET
LOVINGSTON, VIRGINIA 22949

W. THOMAS BERRY

OFFICE PHONE
434-263-4886
Fax: 434-263-4285

February 2, 2018

Town of Amherst
P.O. Box 280
Amherst, VA 24521

Attn: Sara Carter- Town Manager

Re: Updated Report to Town Council
(January 2018)

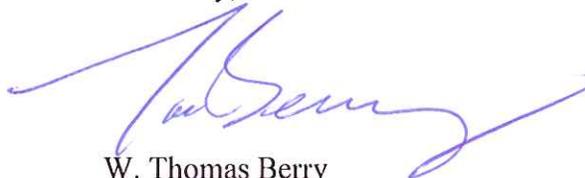
Dear Ms. Carter, and Council,

My report on work regarding the following matters:

1. Recodification: Began review of recodification. Met with Vickie Hunt and planned strategy for review and report to Municode.
2. Planning Commission: Did not attend meeting this month. .
3. Zoning Request- Review of procedures.
4. Town Council Meeting: Attendance at the monthly scheduled meeting on January 10, 2018 and closed session.
5. Miscellaneous: Bid procedures, personnel review, FOIA review and utility easements, County/Town Lease for Brockman Park.

Access to Town Attorney: My email address is tberry@tomberrylaw.com. Please feel free to use this email access provided, and I will promptly return any communication. Should any matter arise outside of those times, please call my home phone (434) 946-9501 or office phone (434) 263-4886. Both numbers have a recording feature.

Sincerely,



W. Thomas Berry
Attorney at Law

WTB/tpg

W. THOMAS BERRY, L.L.C.
ATTORNEY AT LAW
TAN BARK PROFESSIONAL BUILDING, COURT STREET
P.O. BOX 354 * 402 COURT STREET
LOVINGSTON, VIRGINIA 22949

W. THOMAS BERRY

OFFICE PHONE
434-263-4886
Fax: 434-263-4285

February 2, 2018

Sara Carter
Town of Amherst
P.O. Box 280
Amherst, VA 24521

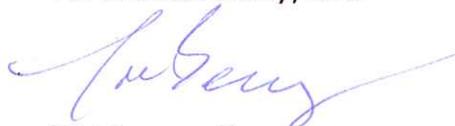
Re: Invoice

Dear Sara:

Please see enclosed invoice.

Sincerely,

W. Thomas Berry, LLC



W. Thomas Berry

WTB/tat
Enclosure

Invoice

W. THOMAS BERRY, LLC
 ATTORNEY-AT-LAW
 P.O. BOX 354/ 402 COURT STREET
 LOVINGSTON, VA 22949
 PHONE: (434) 263-4886

Date	Invoice #
2/1/2018	8350

Bill To
Town of Amherst c/o Sara Carter P.O. Box 280 Amherst, VA 24521

Description	Qty	Rate	Terms
			Due on receipt
			Amount
1/10/2018-MONTHLY MEETING	2	175.00	350.00
1/12/2018-PRELIMINARY WORK ON LEASE WITH COUNTY	1	175.00	175.00
1/15/2018-PRELIMINARY WORK ON LEASE WITH COUNTY	0.5	175.00	87.50
1/18/2018-PULLED LEASE	1	175.00	175.00
1/19/2018-PRELIMINARY WORK ON LEASE WITH COUNTY	1	175.00	175.00
1/25/2018-FINAL 1ST DRAFT ON LEASE WITH COUNTY	0.5	175.00	87.50
1/26/2018-FINAL 1ST DRAFT ON LEASE WITH COUNTY	0.5	175.00	87.50
1/30/2018- REVIEW CODIFICATION FOR DISCUSSION	2	175.00	350.00
1/31/2018-MET WITH VICKI HUNT ON CODIFICATION	2	175.00	350.00
Total			\$1,837.50
Payments/Credits			\$0.00
Balance Due			\$1,837.50



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

To: Town Council
From: Sara Carter
Date: February 9, 2018
Re: Policy Manual

In response to concerns about the existing Policy Manual being difficult to use, I have consolidated several policies into the Personnel Policy. In coming months, Council will be brought other unified policies that address Safety, Utilities, Finance, Administration, and Police. The goal in this effort is not to change the underlying policies, but to make them easier to find for each of the departments and for Council.

I have attached the following documents:

- The existing Index of Policies
- The proposed Index of Policies
- Policy 1- to be integrated into the Personnel Manual
- Policy 3- to be integrated into the Personnel Manual
- Policy 11- to be integrated into the Personnel Manual
- Policy 14- to be integrated into the Personnel Manual
- Policy 23- to be integrated into the Personnel Manual
- Policy 31- to be integrated into the Personnel Manual
- Policy 33- to be integrated into the Personnel Manual
- An underline/strikeout version of the Personnel Manual with the proposed changes.
- Policy 48- to be deleted, as FOIA is addressed in State Code, and will be superseded by State changes.

If you have any questions, please let me know.

Approved Administrative Policies

1/17/2017

	<u>Approved</u>
1. Electronic Communications Policy	7/21/05
2. Town Code Maintenance Policy	8/16/05
3. Return to Work Policy	8/25/05
4. Self-Inspection Safety Program	8/25/05
5. Incident Investigation Policy	8/25/05
6. (Combined with #7)	
7. Injured Worker's Procedure Manual	11/21/16
8. Safety Policy Statement	1/4/06
9. Bloodborne Pathogen	4/4/06
10. Confined Space Entry	4/4/06
11. Wireless Telephone Allowance Policy	6/10/15
12. Check Return Fee Policy	6/14/06
13. Personnel Policies	1/13/16
14. Uniform Policy (& Protective Clothing)	6/29/06
15. Notes on Raw Water Policies and Events	8/19/08
16. Finance Staff's Separation of Duties	11/30/06
17. Truck Hauled Waste (Septage Receiving) Policy	12/28/06
18. Pretreatment Program Procedures Manual	3/8/01
19. Customer Work Policy	7/1/07
20. Beautification Grant Program	5/14/03
21. Snow Plan	10/14/15
22. Drivers License Verification Policy	5/24/07
23. Vehicle Use Policy	3/3/14
24. Emergency Water Buy-Sell Policy	10/20/07
25. Collections Policy	12/14/16
26. Water Truck Permit Policy (Form)	10/16/07
27. Purchasing Policy	3/10/10
28. Utility Rate and Fee Policy	11/09/16
29. Bookkeeping Procedures Manual	12/9/15
30. Brockman Park Hunting/Trespassing Policies	9/18/00
31. Drug Screening Procedure	8/19/08
32. Use of Force Policy (Police Department)	8/14/08
33. Employee Time Card Policy	4/11/14
34. Banner Program Policy and Form	11/9/16
35. Identity Theft Policy	11/12/08
36. Street Light Repair Procedure	8/21/09
37. Fire Hydrant Flow Goals and Minimum Requirements	2/8/95
38. Street Light Policy and Form	2/10/10
39. Asset Inventory and Surplus Item Policy	9/8/10
40. Water System Hydraulic Study Standard	9/9/10
41. Seized Asset Policy	10/13/10
42. Fund Balance Policy	1/11/12
43. Police Department Residency Policy	1/12/11
44. Maintenance of Premises Enforcement Policy	8/9/12
45. Payment Acceptance Policy (ref Credit Cards)	6/11/14
46. Town Hall Building and Grounds Use Policy	8/13/14
47. VA811 Awareness Policy	10/29/15
48. Freedom of Information Act Policy	6/10/16
49. White Vehicle Policy	1/11/17

Approved Administrative Policies

	<u>Approved</u>
1. Town Code Maintenance Policy	8/16/05
2. Self-Inspection Safety Program	8/25/05
3. Incident Investigation Policy	8/25/05
4. Injured Worker's Procedure Manual	6/27/17
5. Safety Policy Statement	1/4/06
6. Bloodborne Pathogen	4/4/06
7. Confined Space Entry	4/4/06
8. Check Return Fee Policy	6/14/06
9. Personnel Policies	2/14/18
10. Notes on Raw Water Policies and Events	8/19/08
11. Finance Staff's Separation of Duties	11/30/06
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38. Town Hall Building and Grounds Use Policy	8/13/14
39. VA811 Awareness Policy	10/29/15
40. White Vehicle Policy	1/11/17
41. Police Policies	5/29/17
42. FY18 Employee Classification and Compensation Plan	6/14/17

ELECTRONIC COMMUNICATIONS POLICY

A. ~~Internet~~

The Town may provide electronic, digital and wire communications equipment for business purposes. The use of this equipment should not be for personal use. Messages received, sent, and stored on this equipment will be subject to monitoring from time to time and in the course of this monitoring may be read for content. Employees should be aware that there are stored records of all communications. There should be no expectation of privacy in any communications received, sent, or stored on equipment or service provided by the Town.

The Town may provide unlimited access to the Internet and the World Wide Web to its employees as one of the many resources available to assist them in doing their jobs better and more efficiently. Therefore, the Town may establish an Internet account that may be accessed by employees.

Employees may be provided with passwords and e-mail addresses to enable them to use the account; these addressees and passwords are not provided to make employees' usage confidential or private. E-mail records are business records of the Town. The usage of the Internet is subject to the same code of conduct which applies to all other actions in the workplace and using the Town's Internet account in a manner that violates any rules or regulations constitutes grounds for disciplinary action, up to and including discharge. The electronic use, transmission and storage of messages, files, images and sounds are subject to monitoring by the Town.

Employees must not share their passwords with any other individuals, including other employees or outsiders. Nor is it appropriate to attempt to subvert network security either by accessing the Internet without using your password or by seeking to discover other passwords to gain access. Employees are representatives of the Town when using the Town's Internet account. Accordingly, they are expected to act and to communicate professionally on the Internet, not to engage in any commercial or illegal activities, or to use the account for personal business.

The Town may have access to or maintain a log of all usage, including a list of employees who have used the Internet and the sites they visited. The Town will monitor this usage from time to time, and employees found to be abusing usage or using the Internet inappropriately will be subject to disciplinary action.

B. **Consent to Monitoring**

Employees will be required to consent to the monitoring of communications sent, received and stored on equipment provided by the Town or an electronic, wire, or digital services provided by the Town as a requirement for employment by the Town.

C. ~~Privacy~~

~~Computer identification files commonly referred to as a "cookies," will not be not placed on user computers automatically by the Town of Amherst web site. The Town is not responsible for the content or privacy practices of any link from its web site to another.~~

Commented [TM1]: Section A and B already included in Personnel Manual.

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Commented [TM2]: Recommended for deletion, as this policy was adopted in 2005, and technology has changed this practice.

TOWN OF AMHERST RETURN-TO-WORK POLICY

This policy addresses the Town of Amherst's deliberate, organized effort to return injured employees to productive employment as early as possible, compatible with physical restrictions and good medical practices.

A strong return to work effort yields several benefits including:

- acceleration of the injured employee's recovery;
- maintenance of an experienced workforce;
- reductions in future insurance costs; and
- improved employee relations.

The Town's first responsibility is the prevention of occupational injury and illness. Despite all best efforts, injuries and illnesses do sometimes occur. It then becomes the Town's responsibility to mitigate the impact of the injury or illness on both the employee and the Town. The Town of Amherst is committed to providing transitional work, on a temporary basis.

Transitional work is defined as:

- Appropriate work to allow the resolution of the injury and to prevent re-injury.
- Modification of the job according to the medical limitations.
- Setting a positive atmosphere and letting employees ease back into a routine by adjusting work expectations/encouraging employees to adhere to therapy schedules, and explaining the need for transitional work to the employee's co-workers to reduce peer resentment.
- Since make-work projects are of little or no value, a meaningful job.
- Work assignments that are temporary. Temporary transitional work assignments will be reviewed every seven days.

Procedure

1. The employee's supervisor shall review written correspondence from a medical provider which identifies specific employee restrictions.
2. The supervisor shall review these physical restrictions and plan tasks for the employee on a temporary transitional assignment.
3. The supervisor and employee will meet to discuss the temporary transitional work assignment.
4. The employee shall provide documentation signed by a medical provider to the supervisor as to any changes in the injured worker's physical restrictions.
5. The supervisor will re-evaluate all temporary work assignments every seven days.

INCORPORATED AS A WHOLE INTO THE UNIFIED PERSONNEL POLICY

Wireless Telephone Allowance Policy
Effective July 1, 2015

Town of Amherst employees are more valuable to the Town's workforce by being readily accessible while on duty and in the event of an emergency. The Town Council has determined that, in lieu of providing a wireless telephone for an employee's use while on duty, an allowance may be paid to full-time Town employees who provide their own wireless telephone service for the Town's use. This policy will enable the employee to select the wireless telephone service plan that best suits his individual needs for personal calls which are to be made on personal time.

At the end of each month the Town shall reimburse at the rate of \$45/month to all full-time Town of Amherst employees subject to the following understandings:

- A. The wireless telephone service shall have a number reached without toll from the Town Hall.
- B. The wireless telephone number shall be provided to the Town Manager for reasonable Town business use.
- C. Voice mail and text messaging services shall be provided in the employee's service plan. Information on the ~~on-the~~ carrier shall be provided to facilitate group text messages via email.
- D. The wireless telephone unit shall be normally carried by the employee both while on- and off-duty.
- E. The employee shall regularly check his voice mail and text messages.
- ~~F. The employee shall be required to provide proof of service and/or monthly expense amount by providing a copy of his latest bill or receipt to the Town Manager by December 31 of each year.~~
- ~~Due to the frequency of use and connection to automated alarm systems, the Treasurer shall reimburse the Director of Public Utilities 100% of his mobile phone service subject to these same understandings.~~

No employee shall be reimbursed for any wireline telephone.

Amended on June 11, 2014 & June 10, 2015; effective July 1, 2015

ALL INCORPORATED IN XI, LETTER C, OTHER THAN STRICKEN OUT PORTION

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Protective Clothing and Uniforms

General Policy

The appearance of the Town of Amherst's employees is a major factor in how the Town is perceived by the residents, non-residents and business operators of the community. All Town employees are expected to maintain a clean, neat and professional appearance while on duty.

It is recognized that the style of the protective clothing and uniform worn may necessarily vary dependent on the location of the employee and the type of work that employee does. The wearing of uniforms and protective clothing for some staff employed by the Town is relative to their working environment, and so the impact on employees may vary. If the employee normally works away from a fixed location (i.e. away from the Town Hall, water plant or sewer plant) that employee should be clearly identifiable as a Town employee.

This policy addresses the clothing to be worn by employees and the financial subsidy provided by the Town of Amherst towards the cost of purchase and maintenance of such clothing. This section applies to all clothing purchased by the Town of Amherst and sets out ownership, maintenance, and replacement requirements.

Application

- A. For the purposes of this section, clothing shall be defined as anything that is worn, including but not limited to the components of a uniform, protective clothing, safety equipment and hats.
- B. The Town of Amherst will furnish every employee appropriate safety equipment required by the work that employee does, in accordance with usual and customary workplace safety standards, as per the provisions of this section.
- C. The Town of Amherst will furnish any employee required to wear a uniform in the performance of his/her usual work responsibilities clothing with accessories as per the provisions of this section.
- D. All clothing purchased by the Town is the property of the Town. Nonserviceable clothing may be replaced on a one-for-one basis by turning in the nonserviceable item. All lost or negligently damaged clothing is to be replaced at the employee's expense.
- E. Employees will be responsible for exercising reasonable care of such items and when requesting replacements due to wear or damage, are required to return the original item. Where damage to such items is a result of the employee's deliberate misconduct or is due to the employee's gross or willful negligence, the employee will be responsible for cost of replacing the item.
- F. All uniform clothing worn by Town employees shall be neat, clean in appearance and free of rips, tears, and holes and shall not be missing any required parts such as buttons, patches, and accessories and free from obvious stains and other defects. The employee's supervisor shall be responsible for ensuring that the employee is appropriately dressed while on duty.

- G. Town uniforms and protective clothing are to be worn only while going to and coming from work and while actually at work for the Town of Amherst. Under no circumstances will Town employees wear Town uniforms or Town protective clothing while not working for the Town.
- H. Employees are responsible for laundering and other normal cleaning and maintenance tasks for uniform clothing.
- I. Supervisors are responsible for inventorying all uniform items and protective clothing and procuring needed items. This responsibility may be delegated to a subordinate employee.
- J. Uniform clothing within a Town department shall be consistent in color and style as specified by the departmental supervisor.
- K. Generally, the Town of Amherst will furnish normal clothing and safety gear to all full-time water and sewer employees up to the following limits. Part-time employees shall be furnished uniforms according to their specific circumstances.

Item Provided	Initial Issue	Replacement Policy	Style
Gloves	2	As worn	Latex
Dust mask	1	Return of worn out item	
Rainwear	1	Return of worn out item	
Ear protection	1	Return of worn out item	
Hard hats	1	Return of worn out item	
Hip waders	1	Return of worn out item	
Safety goggles or glasses	1	Return of worn out item	
Gloves	2	Return of worn out item	Rubber, Leather
Identification Badge	1	Return of worn out item	Picture card
Light Coveralls	1	Return of worn out item	
Insulated Coveralls	1	Return of worn out item	
Safety Boots	1	Annual \$125 allowance	
Pants	6	Return of worn out item	
Short Sleeved Shirt or Long Sleeved Shirt T-shirt	12Total	Return of worn out item	
Jacket	1	Return of worn out item	

- L. During inclement weather (heavy rain, sleet, snow, etc.) or during emergency or extraordinary situations, the supervisor may permit personal clothing appropriate for the situation, including turn-out gear, to be worn.
- M. Upon leaving the employ of the Town of Amherst, uniform clothing shall be returned to the employee's supervisor.

INCORPORATED INTO VI, LETTER H

Vehicle Use Policy

3/3/2014

It is the Town of Amherst's policy that:

- All drivers of Town owned, leased or otherwise operated vehicles must have a valid and appropriate license for the vehicle to be driven.
- Only Town employees, including those individuals working in a contract employee capacity, are authorized to drive Town vehicles.
- There shall be no personal use made of Town vehicles. Incidental and minimal use, such as travel to or from lunch or for minor personal errands on the way to or from work or during lunch break, if the errand requires only a minor deviation from the normal route traveled, shall be excepted from this provision.
- There shall be no non-employee use of Town vehicles.
- Permission from a supervisor shall be obtained before an individual who is not a Town employee is allowed to ride as a passenger in a Town vehicle.
- Employees are to use hands-free mobile communication devices unless the vehicle is pulled off of the road in a safe location.

INCORPORATED AS A WHOLE INTO IV, LETTER D

Drug Screening Procedure

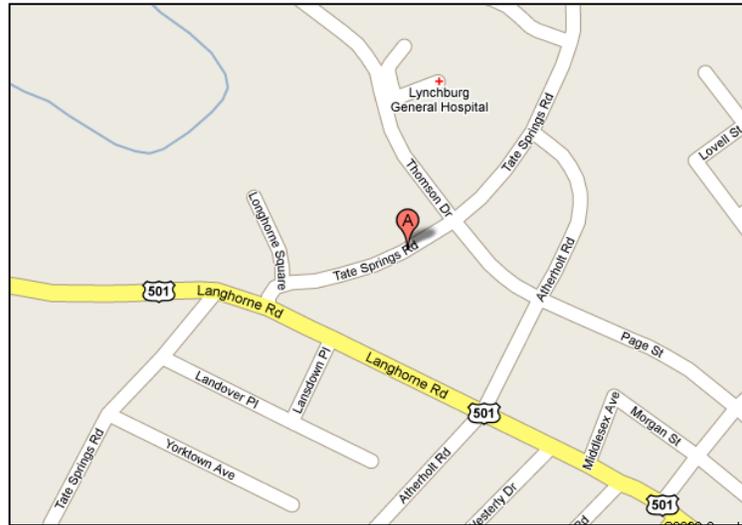
August 19, 2008

This procedure is intended to support Section XII of the Town of Amherst Personnel Policy.

1. The prospective new hire or current employee will be given a drug screening form (copies in the Town Hall vault) and a copy of this sheet.
2. The prospective new hire or current employee will be sent to Lab Corp for testing (directions and map below). Prospective new hires are to arrange for their own transportation. Current town employees will be reimbursed for transportation costs only if a Town vehicle is not available.
3. The prospective new hire or current employee will return “copy 4” from form sheet to his or her potential or current supervisor after the test has been completed.
4. The results will be transmitted to the Town Manager after the test has been read.

Location and Map

Lab Corp - 2025 Tate Springs Rd; Lynchburg, VA 24501 (near Lynchburg General Hospital)



INCORPORATED INTO XII, LETTER C AS A WHOLE, WITHOUT LOCATION AND MAP

Employee Time Card Policy

April 11, 2014

All employees shall complete a timesheet in the form required by the Town Manager with actual time for arrival at work and departure from work, including “clocking in” and “clocking out” for lunch and non-work activities.

Emergency or on-call work is to be noted on the timesheet as emergency/on-call work, along with vacation time, holiday, and sick leave. All non-scheduled and overtime hours are to be approved by the appropriate supervisor in advance.

Each employee is responsible for accurately completing his timesheet and turning it in to his supervisor the Monday following the end of the two-week time card cycle. Any timesheets turned in to the supervisor late will not be processed until the following pay cycle.

Each supervisor is responsible for reviewing the timesheets delivered to him by the employee and approving them. The supervisor is responsible for maintaining his own time sheet and for delivering all time sheets for his department to the payroll clerk by 5 P.M. on the Tuesday following the end of the two-week time card cycle.

OTHER THAN SUPERVISORS FOR EMPLOYEES IN HIS DEPARTMENT DUE TO EXTRAORDINARY CIRCUMSTANCES, NO EMPLOYEE MAY COMPLETE A TIME SHEET FOR ANOTHER EMPLOYEE.

INCORPORATED AS A WHOLE INTO VI, LETTER G

PERSONNEL POLICIES
OF THE
TOWN OF AMHERST, VIRGINIA



Effective July 1, 2006
Amended July 14, 2010
Amended December 12, 2012
Amended June 12, 2013; Re-amended August 14, 2013
Amended August 13, 2014
Amended October 8, 2014
Amended June 10, 2015
Amended December 13, 2015

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I. PURPOSE

The objective of these Personnel Policies (“Policies”) is to provide a uniform system of personnel administration for the staff of the Town of Amherst (“Town”), based on merit principles, equitable compensation, open competition in hiring and advancement, and equal employment opportunities.

It is the policy of the Town to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of the Town and its employees. THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY TOWN EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM AT-WILL MEANS EMPLOYEES CAN TERMINATE OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS APPROVED BY THE TOWN COUNCIL AND SIGNED BY THE MAYOR.

Additionally, it is the policy of the Town to strive for safety in all activities and operations, and to carry out the commitment of compliance with health and safety laws applicable to the Town by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

II. DEFINITIONS

Whenever responsibilities fall to the Manager under these Policies, he or she may designate another to fulfill his or her responsibilities.

- A. **Exempt Employee** – a salaried employee who performs executive, administrative or professional duties as defined under the Fair Labor Standards Act and its regulations. Full-time, part-time, and temporary employees may be exempt.
- B. **Full-time Employee** – an individual hired on either a salary or wage basis for an established position for an indefinite term who is expected to work a minimum of 28 hours a week.
- C. **Manager** – the Town Manager as appointed by the Town Council.
- D. **Part-time Employee** – an individual hired on either a salary or wage basis for an established position for an indefinite term who is expected to work an established period of time that is less than 28 hours per week.
- E. **Probationary Employee** – a full-time or part-time employee who has worked for the Town for less than three months.
- F. **Supervisor** – an exempt employee that has subordinate employees.
- G. **Temporary Employee** – an individual hired on a term basis, e.g., day, week, period of months or on a project basis.

III. EQUAL EMPLOYMENT OPPORTUNITY

A. Policy Statement

It is the policy of the Town to provide equal opportunity in employment and to administer employment policies without regard to race, color, religion, sex, age, national origin, or disability. This policy applies to every aspect of employment practices including, but not limited to the following:

1. Recruiting, hiring and promoting in all job classifications without regard to race, color, religion, sex, age, national origin, political affiliation or disability, except where such a factor can be demonstrated as a bona fide occupational qualification.
2. All decisions for hiring or promotions shall be based solely upon each individual's qualifications for the position to be filled.
3. Other personnel actions such as compensation, benefits, transfers, layoffs, training, assignments, will be administered without regard to race, color, religion, national origin, sex, age, political affiliation or disability.

B. Harassment

The Town of Amherst is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, the Town will not tolerate unlawful harassment of its employees by anyone, including any supervisor, co-worker, or third party. Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based on a person's race, color, national origin, religion, age, sex, gender or disability. Harassment that affects job benefits, interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment will not be tolerated.

Harassment may include derogatory remarks, epithets, offensive jokes, the display or circulation of offensive printed, visual or electronic, or offensive physical actions. Unwelcome sexual advances, requests for sexual favors, or other physical, verbal or visual conduct based on sex constitutes harassment when (1) submission to the conduct is required as a term or condition of employment or is the basis for employment action, or (2) the conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive workplace. Sexual harassment may include sexual propositions, innuendo, suggestive comments, sexually oriented jokes or teasing, or unwelcome physical contact such as patting, pinching, or brushing against another.

All Town of Amherst employees are responsible for helping to enforce this policy against harassment. Any employee who has been the victim of prohibited harassment or who has witnessed such harassment must immediately notify his supervisor so the situation can be promptly investigated and remedied. If it is the supervisor who is responsible for the harassment or reporting the situation to the supervisor fails to remedy the situation, complaints of harassment must immediately be reported to the Town Manager. If an employee believes it would be inappropriate to discuss the matter with the Town Manager, the employee may report it to the Mayor.

It is the Town of Amherst's policy to investigate all harassment complaints thoroughly and promptly. To the fullest extent practicable, the Town of Amherst will maintain the confidentiality of those involved. If an investigation confirms that harassment has occurred, the Town of Amherst will take corrective action. Corrective action may include discipline up to and including immediate termination of employment. The Town of Amherst forbids retaliation against anyone who has reported harassment or who has cooperated in the investigation of harassment complaints.

C. Violence in the Workplace

It is the policy of the Town of Amherst to prohibit workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect the Town or which occur on Town property, will not be tolerated.

Acts or threats of violence include conduct that is sufficiently severe, offensive, or intimidating to alter the employment conditions at the Town of Amherst, or to create a hostile, abusive, or intimidating work environment for one or several employees. Examples of workplace violence include, but are not limited to, the following:

1. All threats or acts of violence occurring on the Town of Amherst's premises, regardless of the relationship between Town of Amherst and the parties involved.
2. All threats or acts of violence occurring off Town of Amherst 's premises involving someone who is acting in the capacity of a representative of Town of Amherst.

Specific examples of conduct that may be considered threats or acts of violence include, but are not limited to, the following:

1. Hitting or shoving an individual.
2. Threatening an individual or his/her family, friends, associates, or property with harm.
3. Intentional destruction or threatening to destroy any Town of Amherst property.
4. Making harassing or threatening phone calls.
5. Harassing surveillance or stalking (following or watching someone).
6. Unauthorized possession or inappropriate use of firearms or weapons.

The Town of Amherst 's prohibition against threats and acts of violence applies to all persons involved in Town of Amherst 's operation, including but not limited to personnel, contract and temporary workers, and anyone else on Town of Amherst property. Violations of this policy by any individual on Town of Amherst property will lead to disciplinary action, up to and including termination and/or legal action as appropriate.

Every employee is encouraged to report incidents of threats or acts of physical violence of which he/she is aware. The report should be made to the supervisor. If it is the supervisor who is responsible for the alleged harassment or reporting the situation to the supervisor fails to remedy the situation, complaints of harassment must immediately be reported to the Town Manager. If an employee believes it would be inappropriate to discuss the matter with the Town Manager, the employee shall report it to the Mayor.

D. Accommodating Individuals with Disabilities

The Town provides equal employment opportunities to qualified individuals with disabilities. Reasonable accommodations will be provided to a qualified employee or applicant with a disability when that employee or applicant requests an accommodation. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. A request for an accommodation will be denied if the accommodation is not shown to be effective, places an undue burden on the Town, or if the employee poses a direct threat to the health and safety of him or herself or others.

E. Violations

An employee who believes that any portion of this policy is being violated should (1) inform the offending person(s) that the conduct is unwelcome and (2) report it immediately to the supervisor. **The report should be made in writing**; however, a report will also be accepted by phone or in person.

Charges will be promptly and thoroughly investigated and corrective actions taken if the charge is founded. If it is determined that a violation has occurred, appropriate relief for the employee(s) bringing the complaint and appropriate disciplinary action, up to and including discharge, against the person(s) who violated the policy will follow.

A non-employee who subjects an employee to harassment in the workplace will be informed of the Town's policy and appropriate actions will be taken to protect the employee from future harassing conduct.

In all cases, the Town will make follow-up inquiries to ensure that the harassment has not resumed.

An employee violating this policy will be subject to disciplinary action, including termination. The employee who brought the complaint will be provided information on the outcome of the investigation.

F. Retaliation

Retaliation is illegal and contrary to the policy of the Town. Employees who bring complaints of discrimination or who identify potential violations, witnesses interviewed during the investigation, and others who may have opposed discriminatory conduct are protected from retaliatory acts.

If an employee believes that he or she is being retaliated against, a written report should be made to the manager. Those who are found to be acting in a retaliatory manner will be disciplined for such conduct.

IV. RECRUITMENT AND SELECTION

A. Open Positions

All positions shall be open to all individuals who meet the minimum requirements for the position. The recruitment objective is to obtain well-qualified applicants for all vacancies and selection shall be based on the best-qualified person available at the pay offered for the particular position.

First consideration will be given to current employees who desire to fill an open position, if the current employee is qualified for the position and if the placement best serves the needs of the Town. The Manager may carry out open competition to fill any vacancy.

Employment decisions shall be handled in a manner consistent with the Virginia Conflicts of Interest Act.

B. Probationary Period

All new full-time and part-time employees serve a three month probationary period. During this period the employee must show that he or she is capable and willing to perform the job satisfactorily. At the end of the probationary period the employee will be evaluated by the manager to determine satisfactory performance. If satisfactory performance is attained the employee will be entitled to all the benefits of non-probationary status including utilization of the grievance procedure. In establishing a probationary period, the Town does not abrogate or modify in any way the employment-at-will status that applies to its employment relationship with all employees.

C. Hiring Authority

The manager has complete authority for hiring, promoting and discharging employees in accordance with these policies. The manager has the responsibility and authorization for administering the personnel system established by these policies.

D. Operators of Town-Owned Motor Vehicles

~~Any applicant or employee who will operate a Town-owned motor vehicle must possess a valid driver's license.~~

- All drivers of Town owned, leased or otherwise operated vehicles must have a valid and appropriate license for the vehicle to be driven.
- Only Town employees, including those individuals working in a contract employee capacity, are authorized to drive Town vehicles.
- There shall be no personal use made of Town vehicles. Incidental and minimal use, such as travel to or from lunch or for minor personal errands on the way to or from work or during lunch break, if the errand requires only a minor deviation from the normal route traveled, shall be excepted from this provision.

- There shall be no non-employee use of Town vehicles.
- Permission from a supervisor shall be obtained before an individual who is not a Town employee is allowed to ride as a passenger in a Town vehicle.
- Employees are to use hands-free mobile communication devices unless the vehicle is pulled off of the road in a safe location.

V. OUTSIDE EMPLOYMENT

The town considers itself to be the primary employer for all employees who are not temporary or part-time, and requires that activities away from the job must not adversely affect the employee's job performance or compromise the Town's interest.

Before seeking or accepting outside or self-employment, employees are cautioned to consider carefully the demands that such additional employment will create. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, refusal to travel, or refusal to work overtime or different hours. In addition, prior written permission must be obtained from the manager before such activities are commenced.

Employees will also avoid conflicts of interest and situations that give the appearance of the conflict of interest. Except for work done as a Town employee, the Town's public works employees are not to install water or sewer facilities, whether they are to be owned and operated by the Town or privately owned, that are or reasonably could be expected to connect to the Town's system.

In addition, employees are not to conduct any outside business during paid working time.

VI. EMPLOYEE COMPENSATION

The total compensation of employees consists of the regular pay and authorized overtime pay for full-time employees, the employer's contributions to employee benefits, holiday pay, and various forms of leave with pay. Part-time and temporary employees may also receive leave in certain circumstances. Leave policies, found in Section VI, should be reviewed.

A. Pay and Classifications; Compensation Plan

1. The compensation plan for employees of the Town shall consist of:
 - a. A classification system for all classified jobs.
 - b. A pay grade that sets a pay range for each classified position.
2. The rates of pay for each employee within a pay grade shall be set by the manager, upon recommendation from the subordinate supervisor (if any) and subject to approval by the Town Council. The normal entrance rate of pay for new employees shall be at the lower end of the pay grade for the position.
3. The Town Council shall consider updating the compensation plan annually concurrently with the Town budget process.

B. Hours of Work

1. The employee's supervisor shall establish the hours of work for all Town employees under his direction. The standard scheduled workweek for full time employees for which pay is paid consists of 40 hours, generally Monday through Friday.
2. Employees shall have two 15-minute rest breaks per day, which are included within the total required hours of work. Such breaks may not accumulate from one shift or one day to another. Flexible work scheduling may be used for the purpose of extending a meal break with the employee's start time being advanced or end time being extended as approved by his supervisor. Certain employees as approved by the manager have their meal break(s) included as a part of their regularly scheduled workday if required to stay on premises or duty during scheduled lunch breaks.
3. Flexible work scheduling may be considered within the standard workweek so long as the standard hours in a workweek, normally 40, are not altered. Some examples are:
 - a. Arrive earlier in the morning and leave earlier in the afternoon.
 - b. Arrive later in the morning and leave later in the afternoon.
 - c. Work four 10-hour days.
 - d. Work four 9-hour days and one 4-hour day.
 - e. Work some other similar permanent or seasonal scheduling option(s)
 - f. Add time to meal break and arrive earlier and leave later.

Other temporary or occasional flexible work schedules may include some combination of altered work start and stop times to allow employees to have medical appointments or take care of personal business during work hours without being charged leave. If flexible work

scheduling or compressed workweeks are instituted on an ongoing basis, the supervisor may approve such only after consultation with the manager.

4. If an employee is unable to report for work or expects to be late, the employee must contact his supervisor as soon as possible but no later than the beginning of his or her scheduled work period, giving the reason for his absence or tardiness. Paid leave may or may not be approved. If an employee has difficulty reaching his supervisor, he should leave a message reporting his absence but continue to attempt to contact with his supervisor. The responsibility to notify a supervisor(s) about absences or about tardiness always rests with the employee.
5. Hours of work, schedules, and duty assignments of short duration of individual employees or work units may be altered under authorization of the supervisor or manager within the established workweek as conditions warrant. Schedules may also be adjusted to meet FMLA and ADA requirements.
6. All Town employees are expected to be available for duty in the event of a weather emergency or civil crisis. In the event of a significant local weather emergency or civil crisis, it is the duty of each employee to (a) contact his supervisor for instruction on emergency work scheduling and (b) to maintain appropriate transportation to and from his residence and the Town/work site.
7. An employee's contact with his supervisor is to be either in person or by telephone. Calls from other individuals (such as family members) or to other individuals (such as co-workers) will not suffice except in the most extreme circumstances. If an employee cannot contact his supervisor, the employee is to leave a voice mail on his supervisor's mobile telephone and follow up with a call to either to the supervisor or the Town Hall to ensure that the supervisor knows the circumstances of the employee's situation and can react accordingly. Failure to adhere to this policy will be considered leave without approval and is therefore subject to an interruption in pay.

C. Performance Increases

The Town promotes excellence in its workforce. Pay increases within budget constraints may be given to that end. Each employee's performance will be reviewed at least annually concurrently with the budget process by his supervisor, and based on satisfactory performance and contributions to the organization pay increases may be given. In exceptional circumstances an employee's pay may be increased in less than a year for meritorious service or enhanced responsibilities. Pay increases are not automatic or guaranteed.

D. Overtime

For the purposes of computing overtime under the Fair Labor Standards Act, the work period shall begin at midnight on Friday.

Unless authorized by their supervisor to do so, employees should not work over 40 hours per week. Full-time employees who are not exempt under the Fair Labor Standards Act will accrue compensatory time at the rate of time and a half for all hours actually worked

in excess of 40 hours in a week during any work period except for non-exempt full-time police officers who will accrue compensatory time at the rate of time and a half for all hours actually worked in excess of 80 hours in any 14-day work period.

It is the policy of the Town of Amherst to give compensatory time off instead of paying for overtime. Exempt employees who are required to work beyond normal hours or on weekends and holidays shall be given compensatory time off at the discretion of the manager. The manager is responsible for limiting compensatory time accrual and shall report the accrual of any employee's compensatory time above 80 hours to the Town Council. Employees shall be paid for the value of the accrued compensatory time upon termination of their Town employment at their final rate of pay concurrent with the final paycheck. As part of a supervisor's responsibility for meeting departmental budgetary limitations, he is also responsible for limiting compensatory time accrual to that end.

However, when approved full-time staff positions are vacant and increased work hours are required of non-exempt full-time employees due to such full-time staff vacancies, the manager may approve monetary compensation for overtime work subject to limits of the annual operating budget. A written report of any overtime work involving monetary compensation shall be provided to the Town Council at its next regular meeting. The Town Council must approve all other instances of monetary compensation for overtime worked.

Note: The accrual of compensatory time is limited to 240 hours by the Fair Labor Standards Act except for public safety, emergency response and seasonal activity which is limited to 480 hours (Reference 29 U.S.C. § 207(a), (k) and (o)3A) and § 9.1-701 of the Code of Virginia).

E. Bonuses

The Town Council may grant a bonus to an employee to recognize superior service to the Town.

F. Retirement

The Town participates in the Virginia Retirement System for all employees eligible for retirement benefits pursuant to the rules and policies of VRS.

G. Time Cards

All employees shall complete a timesheet in the form required by the Town Manager with actual time for arrival at work and departure from work, including "clocking in" and "clocking out" for lunch and non-work activities.

Emergency or on-call work is to be noted on the timesheet as emergency/on-call work, along with vacation time, holiday, and sick leave. All non-scheduled and overtime hours are to be approved by the appropriate supervisor in advance.

Each employee is responsible for accurately completing his timesheet and turning it in to his supervisor the Monday following the end of the two-week time card cycle. Any timesheets turned in to the supervisor late will not be processed until the following pay cycle.

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Each supervisor is responsible for reviewing the timesheets delivered to him by the employee and approving them. The supervisor is responsible for maintaining his own time sheet and for delivering all time sheets for his department to the payroll clerk by 5 P.M. on the Tuesday following the end of the two-week time card cycle.

OTHER THAN SUPERVISORS FOR EMPLOYEES IN HIS DEPARTMENT DUE TO EXTRAORDINARY CIRCUMSTANCES, NO EMPLOYEE MAY COMPLETE A TIME SHEET FOR ANOTHER EMPLOYEE.

H. Protective Clothing and Uniforms

The appearance of the Town of Amherst's employees is a major factor in how the Town is perceived by the residents, non-residents and business operators of the community. All Town employees are expected to maintain a clean, neat and professional appearance while on duty.

It is recognized that the style of the protective clothing and uniform worn may necessarily vary dependent on the location of the employee and the type of work that employee does. The wearing of uniforms and protective clothing for some staff employed by the Town is relative to their working environment, and so the impact on employees may vary. If the employee normally works away from a fixed location (i.e. away from the Town Hall, water plant or sewer plant) that employee should be clearly identifiable as a Town employee.

This policy addresses the clothing to be worn by employees and the financial subsidy provided by the Town of Amherst towards the cost of purchase and maintenance of such clothing. This section applies to all clothing purchased by the Town of Amherst and sets out ownership, maintenance, and replacement requirements.

Application

- A. For the purposes of this section, clothing shall be defined as anything that is worn, including but not limited to the components of a uniform, protective clothing, safety equipment and hats.
- B. The Town of Amherst will furnish every employee appropriate safety equipment required by the work that employee does, in accordance with usual and customary workplace safety standards, as per the provisions of this section.
- C. The Town of Amherst will furnish any employee required to wear a uniform in the performance of his/her usual work responsibilities clothing with accessories as per the provisions of this section.
- D. All clothing purchased by the Town is the property of the Town. Nonserviceable clothing may be replaced on a one-for-one basis by turning in the nonserviceable item. All lost or negligently damaged clothing is to be replaced at the employee's expense.
- E. Employees will be responsible for exercising reasonable care of such items and when requesting replacements due to wear or damage, are required to return the original item. Where damage to such items is a result of the employee's deliberate misconduct or is due to the employee's gross or willful negligence, the employee will be responsible for cost of replacing the item.

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- F. All uniform clothing worn by Town employees shall be neat, clean in appearance and free of rips, tears, and holes and shall not be missing any required parts such as buttons, patches, and accessories and free from obvious stains and other defects. The employee’s supervisor shall be responsible for ensuring that the employee is appropriately dressed while on duty.
- G. Town uniforms and protective clothing are to be worn only while going to and coming from work and while actually at work for the Town of Amherst. Under no circumstances will Town employees wear Town uniforms or Town protective clothing while not working for the Town.
- H. Employees are responsible for laundering and other normal cleaning and maintenance tasks for uniform clothing.
- I. Supervisors are responsible for inventorying all uniform items and protective clothing and procuring needed items. This responsibility may be delegated to a subordinate employee.
- J. Uniform clothing within a Town department shall be consistent in color and style as specified by the departmental supervisor.
- K. Generally, the Town of Amherst will furnish normal clothing and safety gear to all full-time water and sewer employees up to the following limits. Part-time employees shall be furnished uniforms according to their specific circumstances.

<u>Item Provided</u>	<u>Initial Issue</u>	<u>Replacement Policy</u>	<u>Style</u>
<u>Gloves</u>	<u>2</u>	<u>As worn</u>	<u>Latex</u>
<u>Dust mask</u>	<u>1</u>	<u>Return of worn out item</u>	
<u>Rainwear</u>	<u>1</u>	<u>Return of worn out item</u>	
<u>Ear protection</u>	<u>1</u>	<u>Return of worn out item</u>	
<u>Hard hats</u>	<u>1</u>	<u>Return of worn out item</u>	
<u>Hip waders</u>	<u>1</u>	<u>Return of worn out item</u>	
<u>Safety goggles or glasses</u>	<u>1</u>	<u>Return of worn out item</u>	
<u>Gloves</u>	<u>2</u>	<u>Return of worn out item</u>	<u>Rubber, Leather</u>
<u>Identification Badge</u>	<u>1</u>	<u>Return of worn out item</u>	<u>Picture card</u>
<u>Light Coveralls</u>	<u>1</u>	<u>Return of worn out item</u>	
<u>Insulated Coveralls</u>	<u>1</u>	<u>Return of worn out item</u>	
<u>Safety Boots</u>	<u>1</u>	<u>Annual \$125 allowance</u>	
<u>Pants</u>	<u>6</u>	<u>Return of worn out item</u>	
<u>Short Sleeved Shirt or Long Sleeved Shirt T-shirt</u>	<u>12Total</u>	<u>Return of worn out item</u>	
<u>Jacket</u>	<u>1</u>	<u>Return of worn out item</u>	

- L. During inclement weather (heavy rain, sleet, snow, etc.) or during emergency or extraordinary situations, the supervisor may permit personal clothing appropriate for the situation, including turn-out gear, to be worn.

—Upon leaving the employ of the Town of Amherst, uniform clothing shall be returned to the employee’s supervisor.

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VII. HOLIDAYS AND LEAVE

A. Holidays

The following holidays are observed by the Town. Full-time employees shall be granted time off for these days without charging the time against leave balances:

- The first day of January (New Year's Day).
- The third Monday in January (King/Lee/Jackson Day).
- The third Monday in February (George Washington Day).
- The last Monday in May (Memorial Day).
- The fourth day of July (Independence Day).
- The first Monday in September (Labor Day).
- The second Monday in October (Columbus Day).
- The eleventh day of November (Veterans Day).
- The fourth Thursday in November (Thanksgiving Day).
- The day after Thanksgiving Day.
- The twenty-fifth day of December (Christmas Day).
- Any other day so appointed by the Town Council.

Whenever a holiday falls on a Saturday, the Friday before the actual day shall be observed as the holiday; whenever a holiday falls on a Sunday, the Monday after the actual day shall be observed as the holiday.

Employees who are scheduled by the supervisor to work at least a 40 hour work week during a week in which a holiday falls may receive his or her base rate of pay and an additional 100% (8 hours maximum) of his/her rate of base pay as compensation for that holiday. It shall remain the supervisor's option to allow either monetary compensation in accordance with the terms of this policy or a floater holiday. If an employee receives monetary compensation for the holiday, the employee will not be eligible to receive a floater holiday. Exempt supervisors will not be eligible to receive monetary compensation for a holiday.

Any day so appointed a "holiday" by the Town Council in excess of the eleven specific holidays listed in Section A shall be considered a "Town Hall/Town Shop Closed" day and leave time charged against annual leave for all full-time employees normally scheduled to work but not working that day. Such extra appointed holidays shall have no effect on part-time employees.

B. Leave

1. Annual Leave

Full-time employees will accrue paid annual leave for personal purposes at the following rates and shall be used on an hour for hour basis.

0 years	(1.85 hours/2 weeks)
1 - 10 years	(3.69 hours/2 weeks)
11 and more	(5.55 hours/2 weeks)

Individuals employed by the Town prior to July 1, 2001 shall be granted 6.46 hours of annual leave per 2 weeks after fifteen (15) years of service.

Annual leave shall be scheduled and approved in advance by the manager or supervisor. Annual leave shall not be used until all compensatory leave is used. Annual leave is not eligible at all times as the manager and supervisors have a primary obligation to insure that the Town's service to the citizens is carried out.

Each employee may accumulate a maximum of 120 hours of annual leave. Annual leave above that amount shall expire and may not be accumulated or used. Employees shall be paid for the value of the accrued vacation upon termination of their Town employment concurrent with the final paycheck.

Employees with previous VRS service shall be credited for that service in the calculation of their annual leave time.

2. Sick Leave

Sick leave shall accrue at the rate of 3.69 hours per two (2) weeks, and, when taken, shall be used on an hour for hour basis. Sick leave shall be used for:

- a. FMLA leave, pursuant to section D.1.
- b. Illness or injury incapacitating the employee and preventing the employee from performing assigned duties, doctor or dental appointments during working hours. Personal sick leave is charged on an hour-for-hour basis for all employees and is not considered an entitlement.
- c. An employee may elect to charge against earned sick leave credits an absence required by illness or death in the immediate family.

The "immediate family," in this application, includes only: the employee's or spouse's parents, wife, husband, children, brother, or sister, and any relative living in the household of the employee. The period of absence which may be charged against sick leave in this application may not exceed twenty-four work hours for an illness of one cause, for an injury, or for a death. Sick leave used as a result of death shall be continuous and within one week of the death.

An employee away from work for medical conditions which require absence in excess of one week or for FMLA purposes is required to (1) submit to the supervisor a written statement from the attending physician or health care provider, stating the earliest approximate date of return to duty and advising on the ability of the employee to perform the essential functions of his or her job with or without reasonable accommodations, and simultaneously (2) apply for leave under the Family and Medical Leave Act. The supervisor or manager has the prerogative of requiring a physician's or health care provider's letter with the above content prior to an absence of one week if in his or her judgment this information is necessary. Medical information and the personnel needs of the Town will be considered in determining the holding of the employee's position or placement in another position for which the employee qualifies. All medical

information will be kept confidential and will be kept separate from the employee's personnel file.

Exceptions to this policy may be considered on a case-by-case basis and approved by the manager. Sick leave is charged on an hour-for-hour basis for all employees and is not considered entitlement.

Each employee may accumulate a maximum of 520 hours of sick leave. Sick leave above that amount shall expire and may not be accumulated or used. All accumulated sick leave is forfeited upon separation from employment with the Town. Accumulated sick leave is not compensable for any reason.

3. Military Leave

An employee who is a member of a reserve force of the United States or of the Commonwealth of Virginia and who is ordered by the appropriate authorities to attend a training program or who is called into emergency active duty for the purpose of aiding civil authority under the supervision of the United States or the Commonwealth of Virginia shall be granted a leave of absence with full pay during the period of such activity, not to exceed fifteen (15) consecutive calendar days for training duty and five (5) working days for emergency active duty. The Town may, by motion of council, pay any such employee the difference between his or her pay and the pay received for the military duty.

4. Military Leave Without Pay

An employee who leaves the employ of the Town to join the military forces of the United States during the time of war or other declared national emergency or who is called to service in the Virginia Militia by order of the Governor shall be placed on military leave without pay commencing on the first business day following the last day of active employment with the Town. The employee on such leave is entitled to be restored to the position he or she vacated, provided the employee makes application to the Town not later than 90 days after the date of honorable discharge or separation under honorable conditions. Job restoration is further conditioned on the position still existing and the employee being physically and mentally capable of performing the work of the vacated position. This section does not override section VII B.3.

5. Civil Leave

An employee will be given time off without charge to leave or loss of pay for (a) performing jury duty, when subpoenaed as a witness to appear before a court, public body or commission, (b) performing emergency civilian duties in connection with national defense. The period of such leave shall be only as necessary for the performance of the activity, plus any necessary travel time.

6. Workers' Compensation Leave

When an employee is unable to report to work because of incapacity that is the result of a compensable injury under the Virginia Workers' Compensation Act,

the employee will receive for the first seven (7) days of absence full pay minus normal payroll deductions. The first seven days of Workers' Compensation leave will not be charged against the employee's consolidated leave balance.

If the absence is longer than seven days, the employee will receive for the period of absence the full compensation that is provided under Workers' Compensation Act. If the period of incapacity extends beyond twenty-one (21) calendar days, the employee will be required to reimburse the Town the amount of compensation awarded to the employee by the Town's workers' compensation insurance for the employee's first seven days of absence. This is an obligation owed to the Town and one which, if not reimbursed within 30 days, will be deducted from future monies (wages, terminal leave pay, etc.) owed to the employee by the Town.

7. Return to Work

This policy addresses the Town of Amherst's deliberate, organized effort to return injured employees to productive employment as early as possible, compatible with physical restrictions and good medical practices.

A strong return to work effort yields several benefits including:

- acceleration of the injured employee's recovery;
- maintenance of an experienced workforce;
- reductions in future insurance costs; and
- improved employee relations.

The Town's first responsibility is the prevention of occupational injury and illness. Despite all best efforts, injuries and illnesses do sometimes occur. It then becomes the Town's responsibility to mitigate the impact of the injury or illness on both the employee and the Town. The Town of Amherst is committed to providing transitional work, on a temporary basis.

Transitional work is defined as:

- Appropriate work to allow the resolution of the injury and to prevent re-injury.
- Modification of the job according to the medical limitations.
- Setting a positive atmosphere and letting employees ease back into a routine by adjusting work expectations/encouraging employees to adhere to therapy schedules, and explaining the need for transitional work to the employee's co-workers to reduce peer resentment.
- Since make-work projects are of little or no value, a meaningful job.
- Work assignments that are temporary. Temporary transitional work assignments will be reviewed every seven days.

Procedure

1. The employee's supervisor shall review written correspondence from a medical provider which identifies specific employee restrictions.
2. The supervisor shall review these physical restrictions and plan tasks for the employee on a temporary transitional assignment.
3. The supervisor and employee will meet to discuss the temporary transitional work assignment.
4. The employee shall provide documentation signed by a medical provider to the supervisor as to any changes in the injured worker's physical restrictions.
5. The supervisor will re-evaluate all temporary work assignments every seven days.

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C. Leave Without Pay

The following are the situations for which an employee may be on leave without pay status.

1. Family & Medical Leave

- A. Employees are entitled to participate in the benefits of the Family and Medical Leave Act (“FMLA”). FMLA leave is unpaid leave. The Town requires an employee to use accrued paid leave on an hour for hour basis in conjunction with FMLA leave.
- B. *Eligible Employees.* To be covered under the FMLA, an employee must have worked for the Town for twelve (12) months and must have worked at least 1,250 hours within the twelve (12) months preceding the start of the leave. Part-time and temporary employees who meet these requirements are eligible for FMLA leave.
- C. *Purposes for Which FMLA Leave May Be Taken.* FMLA leave may be used:
 - a. to care for an employee’s child after birth, or for the placement with an employee of a child for adoption or foster care (provided that the leave is requested and used within twelve (12) months of the birth, placement, adoption, or foster care),
 - b. to care for an employee’s spouse, child, or parent (does not include in-laws) who has a serious health condition,
 - c. When the employee is unable to work because of a serious health condition.

A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or an incapacity lasting more than three consecutive days and involving continuing treatment by a health care provider. Continuing treatment involves two or more treatments (or one treatment when the condition is such that continuing follow-up is or will be required) by a healthcare provider, pregnancy, prenatal care, or other chronic or long-term serious health conditions.

To qualify for leave due to the serious health condition of a family member, the family member must be incapable of self-care. To qualify for leave due to the serious health condition of the employee, the employee must be unable to work at all or unable to perform any of the essential functions of the employee’s position.

Employees are required to obtain a health care provider certification for all absences for which FMLA leave is being requested. A chronic or long-term health condition or pregnancy does not require a visit to the health care

provider for each absence; however, a statement by the health care provider that the absence was due to the chronic condition or pregnancy may be requested by the Town at its discretion.

D. *FMLA Benefits.*

a. *Leave.*

An eligible employee is entitled to twelve weeks of unpaid leave during a twelve-month period. The twelve-month period begins on January 1 and terminates on December 31 of each year. Employees will be required to use accumulated paid leave (sick, compensatory, annual, etc.) on an hour for hour basis concurrent with the FMLA leave. If FMLA leave is exhausted before the end of the twelve-month period, the employee will not be entitled to further FMLA leave during this period.

An employee is required to request FMLA leave in writing at least thirty days before the leave is to commence if the need for the leave is foreseeable. In circumstances when the leave is not foreseeable thirty days in advance, an employee must request the leave as soon as practicable. The Town may designate leave as FMLA leave without a request from an employee.

FMLA leave taken for a serious health condition of the employee or family member may be taken intermittently or on a reduced hours basis.

FMLA leave taken for birth, adoption, placement, or foster care cannot be taken intermittently unless approved in advance. If both spouses work for the Town, the total FMLA leave that may be taken for this event by both employees is twelve weeks, pro-rated between as the spouses choose. FMLA leave taken for the birth, adoption, placement, or foster care of a child must be taken within the twelve months following the event.

Should the Town obtain information that the employee was not FMLA eligible or the event did not qualify under FMLA, the designation of FMLA leave previously given may be withdrawn.

b. *Job Restoration*

Upon return from FMLA leave, an employee is entitled to be restored to the same position that was held before the start of the FMLA leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. If an employee is unable to return to work after the FMLA leave benefits have been exhausted, the employee will not have a right to return to his or her position even if there are unused accrued leave balances.

Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave will cause a substantial and grievous economic injury to the Town. A key employee is a salaried employee who is among the highest paid ten percent of the Town's workforce. A key employee will be notified in writing of his or her status in response to the employee's notice of intent to take FMLA

leave, unless circumstances do not permit such notice. If a key employee is already on FMLA leave when s/he receives notice that s/he is a key employee, the employee will be given a reasonable time to return to work before losing the right to job restoration.

c. Health Benefits.

If paid leave is used for FMLA purposes, an employee will maintain the same benefits as if working. If the employee is on leave without pay, continuation in the health care plan is permitted, provided that the employee continues to pay for his or her share of the premiums. If the employee fails to make his premium payments, the employee will be provided written notice of this failure and will be given an additional fifteen days to make payment in full. If payment is not made after this notice, health benefit coverage will cease.

If an employee does not return to work after the conclusion of the FMLA leave, the employee is responsible for reimbursing the Town for the Town's share of the health care premiums paid while on FMLA leave.

2. Extended Leave Without Pay

When special circumstances require an extended leave, the manager has the authority to grant an employee leave without pay provided that the operations of the Town's program(s) will not be adversely affected.

3. Disciplinary Leave Without Pay

An employee who is absent from work without prior approval shall receive no pay for the duration of the absence and may be subject to disciplinary action which may include dismissal. If extenuating circumstances exist for the unauthorized absence, due consideration will be given.

VIII. EMPLOYEE DEVELOPMENT

It is the policy of the Town to encourage employees to obtain training designed to develop the employee's value to the organization.

Education leave is discretionary and is normally taken with without pay. When an employee can demonstrate that the pursuit of the educational program will have an immediate and discernable benefit to the Town, leave with full pay may be granted by the manager. The conditions of such leave shall be subject to a case by case determination based on factors which include the nature of the education or training, length of the absence, work record of the employee, work requirements at the time of the request, and value of the education or training to Town.

The cost of training and related expenses undertaken at the direction of the manager shall be paid in full by the Town. In such case, the hours of training count as hours worked. For training requested by an employee, the employee may receive reimbursement of tuition costs if (1) the training was approved in advance by the manager and (2) the employee shows successful completion of the course as evidenced by the grade of C or better. If the training was not required by the Town, the hours do not count as hours worked.

IX. PERFORMANCE APPRAISALS

The work of each employee will be evaluated at least annually concurrently with the budget by his immediate supervisor. The supervisor will meet with the employee to discuss the year's performance. A written report of the appraisal will be prepared with a copy provided to the employee being appraised and a copy for the personnel files. If the employee believes that the report is unfair, he or she may submit comments to be attached to the supervisor's appraisal report within 10 calendar days of being provided a copy of the appraisal.

X. HEALTH AND SAFETY

A. Workers' Compensation

Workers' Compensation provides benefits for an employee in the event of certain occupational illnesses, injuries, or deaths. Any job related accident or workplace injury, no matter how insignificant, must be reported to the supervisor as soon as possible, but within 24 hours.

The Town may select a panel of physicians to whom employees must go for all work-related injuries. Supervisors are to inform employees of the physicians included in the panel. In the event an injury requires immediate medical attention, the employee may go directly to the nearest hospital emergency room; follow-up care must be with the panel of physicians. If the Town selects a panel, all employees will be notified.

B. Occupational Safety and Health

The Town attempts to provide a safe and healthy working environment for all employees by providing the necessary safety education and training. Employees shall follow all prescribed safety procedures when performing their daily activities and shall further exercise all reasonable and prudent judgment to ensure safety.

Each supervisor has the responsibility for ensuring that the various work centers are free from any recognized hazards that might lead to death or injury. Further, it is the responsibility of each employee to perform all work in a safe manner. All hazards, deaths, injuries, and illnesses that occur on Town property must be reported to the supervisor within the same day of the discovery or occurrence.

Employees are directed to utilize all applicable safety procedures and to perform all work in a safe manner. Employees are responsible for bringing to their supervisor's attention any potential hazards that might exist within their work area. Supervisors are responsible for developing and maintaining work safety rules and for providing these rules in writing to their subordinates.

1. Supervisors Safety Responsibilities

The first line supervisor is essential to the overall program and must be actively involved in loss control activities.

Specifically, the supervisor shall:

- a. Conduct accident investigations to ensure prevention of recurrence.
- b. Provide instructions in accident prevention and hazard recognition to employees.
- c. Enforce all established safety rules and procedures and firmly support and convey all safety policies to all employees.
- d. Take immediate action to ensure correction of all identified unsafe acts or conditions.

- e. Communicate any additional safety needs to the manager.

2. Duties of Employees

Every employee is required to adhere to all safety rules, procedures and practices, and to use personal protective equipment provided by the Town of Amherst.

Specifically, employees shall:

- a. **Report all injuries**, regardless of severity, to his supervisor immediately. If a supervisor is not available, the injury must be reported to the manager before medical treatment is sought, except in the case of emergencies.
- b. Report and, if possible, correct all unsafe conditions, procedures, or acts.
- c. Report for work free from the influence of alcohol or drugs.
- d. Avoid horseplay and mischief which could cause injury.
- e. Take all standard safety precautions to prevent injury to yourself or fellow employees.
- f. Follow all special or departmental safety rules, including personal protective equipment wearing requirements, specifically:
 - A. **HARD HATS** will be worn by all Town employees including supervisors in the following situations:
 - (1) At any work site where hard hat requirements are posted.
 - (2) All water, sewer, and street work.
 - (3) In the presence of high voltage electrical hazards.
 - (4) In any situation where a potential for head injury exists.
 - B. **GOGGLES** as eye protection are required where grinding, cutting, weed eating, blowing leaves, chipping or any other operation presents a potential hazard from flying debris.
 - C. **SAFETY SHOES AND GLOVES** must be worn when appropriate.

3. All Employees to Observe Rules

Failure to conform to the safety policies of the Town of Amherst shall be considered insubordination and, therefore, grounds for suspension or other disciplinary action.

C. Medical Insurance

The Town will endeavor to offer each full time employee a medical and hospitalization plan, the terms of which will be established from time to time by the Town. Coverage under the plan for each full time employee will be provided at no cost to the employee.

In addition, the Town will endeavor to provide optional coverage under the plan for each employee's spouse and dependent children which additional coverage the employee may elect to take by notice to the Town and agreement to pay via payroll deduction all additional premiums attributable to such additional coverage, subject to any conditions imposed by the Town's medical and hospitalization plan provider.

Any full time employee who is a member of the plan upon retirement may elect to continue his or her participation after retirement in the plan provided that such employee agrees to pay, and does pay promptly, any and all premiums attributable to his continued participation in the plan. In addition, any such employee who, at the time of retirement, is participating in any optional coverage under the plan for his or her spouse and/or dependent children may continue to participate in such optional coverage provided that he or she elects to do so by notice to the Town at the time of retirement and agrees to pay, and does pay promptly, any and all premiums attributable to such spousal and dependent children's coverage. It is the retiree's responsibility to deliver premiums to the Town Hall by the 15th of the prior month and maintain the appropriate paperwork as required by the Town's health insurance carrier. In other words, the Town staff will advise you when additional paperwork is needed and a check for the July health insurance needs to be received by June 15. For the purposes of this paragraph, retirement shall mean a status in which the former Town employee is eligible to receive retirement benefits from the Virginia Retirement System program.

Any right to participate in the plan shall terminate:

- a. In the case of a full time employee, his or her spouse, and dependent children, upon termination of the employee's employment.
- b. In the case of a retiree, upon notice of withdrawal from the plan by the retiree or failure to pay any premiums when due.
- c. In the case of a surviving spouse who is participating in the plan at the time of the retiree's death, upon notice of withdrawal from the plan, failure to pay any premium when due, or remarriage.

Except for retirees and family members whose health insurance is provided by the Town as of January 1, 2005, the Town of Amherst will not fund any portion of a retiree's health insurance.

D. Employee Assistance Program

The Town of Amherst provides an employee assistance program (EAP) to all employees.

EAP provides confidential assistance and/or referral to employees when personal problems or concerns are troubling an employee personally or when they are contributing to, or may contribute to, deteriorating job performance. The EAP is provided as a service to employees. In itself, use of the EAP, by self-referral or supervisory referral, is not an indication of illness, inadequacy, or disability. All people have problems in their lives; thoughtful, intelligent people seek appropriate assistance with their problems.

The Town recognizes that a wide range of problems, not directly associated with one's job function, may have an adverse effect on an employee's job performance. Further, personal problems of a family member can also affect an employee's job performance.

When marital or family discord, financial or emotional crises, alcohol or drug problems, illness, or other difficulties interfere with or threaten job performance or conduct, the Town offers assistance through the EAP. There is no desire to intrude on the employee's private life. These problems are recognized as progressive and potentially destructive, but they are also recognized as able to be solved or improved. The Town stands ready to assist employees and their families who are willing to help themselves.

Early recognition of the troubled employee, through application of job performance standards, is a proper function of management.

Employees with identifiable performance problems that are not the result of deficits in knowledge, skills, education, and/or working conditions may have personal problems affecting job performance.

The Town actively supports rehabilitation efforts, when applicable and appropriate, through employee group health benefits, sick leave, and disability policies. An employee may be referred to the EAP by Town supervisory personnel, colleagues, medical personnel, or union personnel, because of a condition that may affect his or her job performance or because the employee is troubled and seeks help. The decision to accept assistance is the responsibility of the employee.

Employees are encouraged to self-refer. Immediate family members are also eligible for employee assistance services.

An employee participating in EAP at the direction of his supervisor or manager shall be considered at work for the first session. Other sessions are to occur on the employee's time; sick leave shall not be used in connection with EAP.

All records and information about referral, assessment, and treatment will be maintained by the EAP and treated as confidential. No information concerning a client's personal problems will become a part of the employee's personnel record. Except as set forth herein and in situations of dangerousness, or as may otherwise be required by law, no information, oral or written, will be disclosed without the express written permission of the employee.

If an employee is referred by the Town to the EAP because of performance-related issues, the only information the EAP will disclose to the referring person is whether the employee has followed through on the EAP referral. Additional information will only be shared as stated in the previous paragraph.

Employees participating in the EAP will not be given preferential treatment, nor will they be subject to any special regulations by the Town. EAP participation will not immunize an employee against discipline, including discharge, by reason of an infraction of work rules or the rules of conduct. All employees will be evaluated strictly on job performance criteria, irrespective of their participation in the EAP. An EAP client may be disciplined for his or her continued unsatisfactory job performance.

An employee's job security or future career advancement will not be jeopardized as a result of

his or her participation in the EAP.

The immediate supervisor is responsible for monitoring an employee's job performance. In the case of deteriorating performance, the supervisor, following established procedures, should work with the employee in an effort to reestablish accepted levels of performance. Whether or not it appears that the substandard performance is or may be due to problems or impairment, the supervisor should refer the employee to the EAP only as part of a performance improvement plan.

In the case of a job-performance-related referral, the supervisor will do all of the following:

- Document, as part of a performance improvement plan, that the employee was made aware of the EAP as a resource
- Notify the EAP that a referral has been made
- Consult with the manager as appropriate.
- Complete an EAP referral form in order to provide relevant documentation of the performance problem to the EAP

The manager may refer an employee to the EAP. He should both:

- Document the referral in the employee's medical record
- Notify the EAP of the referral

Employees and their family members experiencing problems, whether or not they may affect the job performance of that employee, are encouraged to voluntarily seek information, referral, and related services on a confidential basis by contacting the EAP.

XI. ELECTRONIC COMMUNICATIONS

A. Internet

The Town may provide electronic, digital and wire communications equipment for business purposes. The use of this equipment should not be for personal use. Messages received, sent, and stored on this equipment will be subject to monitoring from time to time and in the course of this monitoring may be read for content. Employees should be aware that there are stored records of all communications. There should be no expectation of privacy in any communications received, sent, or stored on equipment or service provided by the Town.

The Town may provide unlimited access to the Internet and the World Wide Web to its employees as one of the many resources available to assist them in doing their jobs better and more efficiently. Therefore, the Town may establish an Internet account that may be accessed by employees.

Employees may be provided with passwords and e-mail addresses to enable them to use the account; these addressees and passwords are not provided to make employees' usage confidential or private. E-mail records are business records of the Town. The usage of the Internet is subject to the same code of conduct which applies to all other actions in the workplace and using the Town's Internet account in a manner that violates any rules or regulations constitutes grounds for disciplinary action, up to and including discharge. The electronic use, transmission and storage of messages, files, images and sounds are subject to monitoring by the Town.

Employees must not share their passwords with any other individuals, including other employees or outsiders. Nor is it appropriate to attempt to subvert network security either by accessing the Internet without using your password or by seeking to discover other passwords to gain access. Employees are representatives of the Town when using the Town's Internet account. Accordingly, they are expected to act and to communicate professionally on the Internet, not to engage in any commercial or illegal activities, or to use the account for personal business.

The Town will have access to a log of all usage, including a list of employees who have used the Internet and the sites they visited. The Town will monitor this usage from time to time, and employees found to be abusing usage or using the Internet inappropriately will be subject to disciplinary action.

B. Consent to Monitoring

Employees will be required to consent to the monitoring of communications sent, received and stored on equipment provided by the Town or an electronic, wire, or digital services provided by the Town as a requirement for employment by the Town. A signed statement acknowledging the receipt of the Personnel Policy document shall be proof of this consent.

C. Cell Phone Reimbursement

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Town of Amherst employees are more valuable to the Town's workforce by being readily accessible while on duty and in the event of an emergency. The Town Council has determined that, in lieu of providing a wireless telephone for an employee's use while on duty, an allowance may be paid to full-time Town employees who provide their own wireless telephone service for the Town's use. This policy will enable the employee to select the wireless telephone service plan that best suits his individual needs for personal calls which are to be made on personal time.

At the end of each month the Town shall reimburse at the rate of \$45/month to all full-time Town of Amherst employees subject to the following understandings:

- A. The wireless telephone service shall have a number reached without toll from the Town Hall.
- B. The wireless telephone number shall be provided to the Town Manager for reasonable Town business use.
- C. Voice mail and text messaging services shall be provided in the employee's service plan. Information on the carrier shall be provided to facilitate group text messages via email.
- D. The wireless telephone unit shall be normally carried by the employee both while on- and off-duty.
- E. The employee shall regularly check his voice mail and text messages.

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XII. Alcohol and Drug Free Workplace

A. Employee Responsibilities

1. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
2. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the manager within five days after the conviction.
3. No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
4. No employee shall be impaired by alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
5. No employee shall represent the Town in an official capacity while impaired by alcohol, illegal drugs, or medication.
6. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for Town.
7. If an employee is using prescription or non-prescription medication that may impair performance of duties; the employee shall report that fact to his or her supervisor.
8. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the supervisor or manager.

DISCIPLINARY ACTION. Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or non-prescribed use of medication, appropriate employee disciplinary action will be taken, up to and including termination.

B. Drug & Alcohol Testing

In order to achieve a drug-free work place, employees in, and applicants for, all positions shall be required to participate in all of the following alcohol and controlled substances testing:

1. When an applicant for a position has been extended a conditional offer of employment but before beginning work.
2. When there is a reasonable suspicion to believe that the employee is in an impaired state.

3. When the employee has been involved in an on-duty serious accident or has endangered others in the workplace.
4. As a condition for return to duty after testing positive for controlled substances or alcohol.
5. As part of follow-up procedures to return-to-duty related drug or alcohol violations.

This policy covers all employees of and applicants to the Town.

C Procedure

1. The prospective new hire or current employee will be given a drug screening form (copies in the Town Hall vault) and a copy of this sheet.
2. The prospective new hire or current employee will be sent to Lab Corp for testing (directions and map below). Prospective new hires are to arrange for their own transportation. Current town employees will be reimbursed for transportation costs only if a Town vehicle is not available.
3. The prospective new hire or current employee will return “copy 4” from form sheet to his or her potential or current supervisor after the test has been completed.
4. The results will be transmitted to the Town Manager after the test has been read.

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XIII. Political Activity

- A. An employee shall not be coerced to support a political activity, whether funds or time are involved.
- B. An employee shall not engage in political activity on work premises during work hours, nor shall such activity have any bearing on the employee's normal work schedule.
- C. An employee shall not use Town-owned equipment, supplies or resources, and other attendant material (diskettes, paper, computer online and access charges, etc.) when engaged in political activities.
- D. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
- E. An employee shall not use the employee's title or position while engaging in political activity.
- F. An employee who seeks to hold an elected office shall advise the manager in writing of such an intention. Upon attainment of such office, whether by election or appointment, he shall, at the beginning of every term in such office, supply the manager with a written plan that (a) explains how conflicts of interest will be avoided, (b) an analysis of time and scheduling requirements, and (c) assurances that serving in such elected office will not unreasonably limit the employee's work for the Town of Amherst.

XIV. Smoking – Town-owned and controlled buildings and work places.

Smoking in public areas in Town owned and controlled buildings is prohibited. The Town Manager may develop and implement policies and procedures governing smoking in parts of Town-owned and controlled buildings or work areas not open to the general public in the normal course of business, except by invitation. The Town Manager shall enforce these policies and procedures through administrative methods. Any total ban on smoking in the workplace shall only be enforced by the Town upon an affirmative vote of a majority of the affected employees voting. [State law reference(s) – §§ 15.2-2801, 15.2-2802]

XV. DISCIPLINE AND GRIEVANCES

Town employees are expected to conduct themselves in a professional and courteous manner as representatives of the Town. Employees are expected to avoid any action, which might result in giving preferential treatment to any organization or person, losing independence or impartiality of action, or adversely affecting the integrity of the Town.

A. Disciplinary Actions

If an employee's work performance or behavior is deemed unsatisfactory, the following kinds of disciplinary action may be taken, depending upon the circumstances: oral admonishment, written reprimand, suspension, demotion, or dismissal. Other types of discipline may be used in addition to those listed.

The following are examples of misconduct that may result in discipline. The list is not inclusive and other misconduct may be subject to disciplinary action:

1. Conviction of a felony or of a misdemeanor involving moral turpitude and other criminal acts that continued performance of duties is compromised;
2. Willfully falsifying Town records (including time records, leave records, job applications, or pay or reimbursement vouchers);
3. Gross negligence with Town property or misuse of Town property;
4. Violating any workplace rule;
5. Performing official duties in a rude and discourteous manner, threatening co-workers, or using physical violence while on duty;
6. Violating any lawful official regulation or order or willfully failing to obey a proper direction of the supervisor or the manager;
7. Using or being impaired at work by intoxicants, drugs, or alcohol;
8. Grossly neglecting duty or continually being unable or unwilling to render satisfactory performance;
9. Taking property of the Town for one's personal use, for sale to another or for a gift to another;
10. Inducing, or attempting to induce, an officer or employee in the service of the Town to commit an unlawful act or to act in violation of any lawful or official regulation or order;
11. Accepting a bribe, gift, token, money, or other thing of value intended as an inducement to perform or refrain from performing any official acts, or engages in any action of extortion or other means of obtaining money or other things of value through his/ her position in the Town;

12. Failing to report for work or being absent without prior notice to supervisor;
13. Unsatisfactory attendance, excessive absences, or excessive tardiness.
14. Harassing other employees or the public.
15. Violating the Town's drug free workplace rules.

B. Notification

Prior to imposing disciplinary action, including termination, the supervisor shall inform the employee of the reason for the discipline and the employee shall have the right to comment on the discipline. However, the supervisor may have the employee removed from the workplace prior to giving an opportunity to comment if the employee's continued presence poses a safety danger or is disruptive to the workplace.

C. Grievance

The Town grievance procedure is available for all eligible employees of the Town. Exceptions are listed in the grievance policy.

XVI. TERMINATION OF EMPLOYMENT

A. Resignation

To resign in good standing, an employee must give at least two weeks advance notice. If special circumstances exist, the notice requirement may be waived by the manager. Failure to give the required advance notice will result in forfeiture of compensation for accrued leave. Failure to return to work at the expiration of an approved leave of absence shall be interpreted as a resignation.

B. Lay-off

The Town reserves the right to dismiss employees for lack of available work or funds.

C. Termination for Inability to Perform

An employee may be terminated if he or she becomes physically or mentally unable to perform the duties of the position. However, any such action shall be taken in a manner that complies with the requirements of the American's with Disabilities Act.

D. Severance Pay

An employee terminated due to job elimination shall be paid two weeks severance pay based on average hours worked for the prior 13 weeks.

An employee terminated due to lay-off, where prospects for re-hire are probable, or for cause shall not be eligible for severance pay.

An employee terminating employment at his discretion shall not be eligible for severance pay.

XVII. IN-SERVICE ACTIVITIES

A. Motor Vehicles and Mileage Reimbursement

Employees are encouraged to have a valid operator license issued by the Virginia Division of Motor Vehicles and, if the employee's duties may involve such, to attain commercial driver's license that would allow for the operation of larger motor vehicles. The Chief of Police will certify validity of driver's licenses for each employee and the Chief of Police must be notified immediately if an employee's driver's license is revoked.

The personal use of vehicles and equipment for bona fide Town business must be approved in advance by the manager with all expenses reimbursed to the employee in each instance. The employee shall be reimbursed at the then-current federal mileage rate.

XVIII. GRIEVANCES

The purpose of this grievance procedure is to provide a prompt, fair, and orderly method for the resolution of employee grievances initiated by eligible employees of the Town of Amherst.

I. Definition of Grievance

A. A grievance is a complaint or dispute by an employee relating to his employment, including but not necessarily limited to:

1. Disciplinary actions, including disciplinary demotions, suspensions, and dismissals provided that such dismissals result from formal discipline or unsatisfactory job performance.
2. The application of personnel policies, procedures, rules, and regulations, and the application of ordinances and statutes.
3. Acts of retaliation as the result of the use of or the participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth of Virginia, has reported any violation of such law to a governmental authority, has sought any change in law before the United States Congress or the General Assembly of Virginia, or has reported an incident of fraud, abuse, or gross mismanagement.
4. Discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin, or sex.

B. Management Rights and Prerogatives

The Town reserves to itself the exclusive right to manage the affairs and operations of Town government. Accordingly, complaints involving the following management rights and prerogatives are not grievable:

1. Establishment and revision of wages or salaries, position classification, or general benefits.
2. Work activity accepted by the employee as a condition of employment, or work activity which may reasonably be expected to be a part of the job content.
3. The contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations.
4. The methods, means, and personnel by which work activities are to be carried on, including but not necessarily limited to:
 - a. The provision of equipment, tools, and facilities necessary to accomplish tasks.
 - b. The scheduling and distribution of manpower/personnel resources.
 - c. Training and career development.

5. The hiring, promotion, transfer, assignment, and retention of employees in positions within the Town's service.
6. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly.
7. The relief of employees from duties, or taking action as may be necessary to carry out the duties, of the Town in emergencies.
8. Direction and evaluation of the work of Town employees.
9. Termination, layoff, demotion, or suspension from duties because of lack of work, reduction in force, or job abolition, except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance. In any grievance brought under the exception to this paragraph, the action shall be upheld upon a showing by the Town that:
 - a. There was a valid business reason for the action, and
 - b. the employee was notified of the reason in writing prior to the effective date of the action.

II. Coverage of Personnel

- A. Except as noted below, all nonprobationary full-time and part-time employees are eligible to file grievances under this procedure. The following are the exceptions:
 1. Key officials of the Town. For purposes of this procedure, a key official is defined as the head of any separate Town department.
 2. Members of boards and commissions.
 3. Employees whose terms of employment are limited by law.
 4. Officials and employees who serve at the will or pleasure of an appointing authority.
 5. Appointees of elected individuals or elected groups.
 6. Probationary employees in matters concerning their dismissal. Probationary employees may, however, use this procedure for complaints or disputes other than dismissals that are determined to be grievable.
 7. Temporary, limited term, and seasonal employees.
 8. Law enforcement officers as defined in Chapter 10.1 (§2.1-116.1, et seq.) of Title 2.1 of the Code of Virginia whose grievance is subject to the provisions of Chapter 10.1 and who have elected to proceed pursuant to those 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 grievance.

- B. The Town Manager shall determine the officers and employees (by position) excluded from this grievance procedure and shall maintain a list of such excluded positions.

III. Operation of the Grievance Procedure

Step 1. An employee who believes he has a grievance and wishes to utilize this procedure shall discuss the grievance informally with his immediate supervisor within twenty calendar days of the occurrence of the incident giving rise to the grievance or within twenty calendar days following the time when the employee reasonably should have gained knowledge of its occurrence. A response to the grievance shall be communicated, either orally or in writing, to the grievant within ten calendar days.

Note: If the complaint is alleging discrimination or retaliation by the immediate supervisor the grievance may be presented at Step 1 to the department head or, if there is no department head above the immediate supervisor to the Town Manager. If Step 1 is with the Town Manager, Step 2 is omitted and the written grievance is presented to the Town Manager. The grievance proceeds immediately to Step 3.

Step 2. If the grievant is not satisfied with and does not accept the Step 1 response, or if a response is not provided within the required time frame, the grievant may proceed by putting the grievance in writing on the Grievance Form which is attached to this procedure. The Grievance Form shall be delivered, by mail or in person, to the department head within ten calendar days of receipt of the supervisor's response or the deadline for that response, whichever occurs first. If the immediate supervisor is the department head, the written grievance should be presented to the Town Manager and it will proceed as if it were at Step 3.

The grievant shall specify the relief that he expects to gain through the use of this procedure. The department head shall promptly meet with the grievant. Normally, the only persons who may be present at the meeting or hearing shall be the agency head, the grievant, and the appropriate witnesses. The department head shall render a written response to the grievance within ten calendar days following receipt of the completed request form with a copy of the response being sent to the manager. By mutual consent of the grievant and the department head, the grievant may skip Step 2 and proceed directly to Step 3.

Step 3. If the grievant does not accept the response at Step 2, or if the department head fails to respond within the required time frame, the grievant shall indicate his desire to advance the grievance to Step 3 on the Grievance Form. The Grievance Form shall be delivered by mail or in person, directly to the Town Manager within ten calendar days following receipt of the Step 2 response or immediately after the deadline for that response, whichever occurs first. If the Town Manager determines (or has previously determined) that the complaint is grievable, a meeting with the grievant, the grievant's representative if there is one, a representative of the affected department and the Town Manager will be held within five days. Appropriate witnesses for each side, and such other persons as the Town Manager or the grievant may want to call, may be present to offer testimony only. The Town Manager shall render a written response to the grievance within ten calendar days following receipt of the completed request form.

In the event that the Town Manager determines that the complaint, or a portion of the complaint, is not grievable, the grievant may appeal that decision to the Circuit Court as set out in Section IV(B) of this procedure.

Step 4. If the grievant does not accept the Step 3 written response, or if the Town Manager fails to respond within the required time frame, and the grievant wishes to advance to a grievance panel hearing, the grievant shall complete step 4 of the Grievance Form.

The Grievance Form shall be delivered, by mail or in person, directly to the Town Manager within ten calendar days following receipt of the Step 3 response or the deadline for that response, whichever occurs first. The Grievance Form shall contain the name of the person whom the grievant desires to serve on the grievance panel. The grievant shall not name a person to serve on the grievance panel unless and until the grievant has received that person's consent to do so. The grievance shall be heard by an impartial grievance panel as set out in Section VI of this procedure.

IV. Grievability and Access

- A. Grievability and access are determined by the Town Manager generally after the grievance reaches Step 3. Only after the Town Manager has determined that a complaint is grievable and/or the grievant has access to the procedure may a grievance be advanced through Steps 3 and 4. Should the question of grievability or access arise at Step 2 the grievant or the department head may request a ruling on grievability and/or on access by the Town Manager. The Town Manager shall render a decision within ten calendar days of receipt of the ruling request and shall send a copy of the decision to the grievant and the department head.
- B. The Town Manager's decision on grievability and/or access may be appealed to the Circuit Court of the County. Such appeals shall be instituted by the grievant by filing a notice of appeal with the Town Manager within ten calendar days from the date the grievant received the decision. Within ten calendar days after the filing of the notice of appeal, the Town Manager or his designee shall transmit to the Clerk of the Circuit Court a copy of the Town Manager's decision on grievability or access to the procedure, a copy of the notice of appeal, a copy of the grievance record, and copies of all exhibits. A list of the evidence furnished to the Court shall also be furnished to the grievant. The appeal will be heard by the Court as provided by law. The decision of the Court is final and is not appealable.

V. General Terms

Except as otherwise noted, the following rules apply to all levels of grievance hearings.

- A. Time intervals specified in Steps 1 through 4 may be extended by mutual consent of the parties.
- B. When a deadline falls on a Saturday, Sunday, or Town holiday, the next calendar day that is not a Saturday, Sunday, or Town holiday shall be considered the last calendar day.
- C. All grievance meeting and hearings shall be held during normal Town working hours unless both the grievant and the Town Manager should mutually agree otherwise.

- D. Town employees who are necessary participants at grievance hearings shall not lose pay for time necessarily lost from their jobs and will not be charged leave because of their attendance at the grievance proceedings.
- E. At the Step 3 meeting, the grievant, at his option, may have present a representative of his choice. If the grievant is represented by legal counsel, the Town likewise has the option of being represented by counsel.
- F. The use of recording devices or a court reporter is not permitted at Step 1, 2, and 3 meetings. Only Step 4 hearings may be recorded.
- H. Hearings are not intended to be conducted like proceedings in court and the rules of evidence do not necessarily apply.
- I. At Step 4, the grievance panel shall have the discretion to limit the attendance at the hearing of persons not having a direct interest in the hearing.
- J. At the request of either party, Step 4 hearings shall be private.
- K. Except in grievances involving discipline or in cases where the grievance panel determines otherwise, the grievant shall present his evidence first.
- L. The grievance panel shall determine the propriety of and the weight to be given the evidence submitted.
- L. Both the grievant and the Town may call appropriate witnesses. All witnesses, including the grievant, shall be subject to examination and cross-examination.
- N. Witnesses shall be present only while actually giving testimony and shall otherwise be excluded from the room.
- O. The grievant shall not be entitled to financially recover more than that which he has lost; the grievant's costs are not to be assessed against the Town.
- P. Where a grievant has obtained partial relief at one level of this grievance procedure but decides to appeal to the next higher level, the filing of a request form to the next higher level shall constitute rejection of, and relinquishment of any claim to, any and all relief granted at the previous level.
- Q. Each party shall bear the costs and expenses, if any, of his legal counsel or representative.

VI. Rules Concerning Grievance Panels and Panel Hearings

A. Selection of Grievance Panel.

- 1. Within five calendar days of receipt of the Step 4 request form, the Town Manager shall appoint a member to serve on a grievance panel. The member selected by the grievant and the member selected by the Town Manager shall then select a third member.

2. If the panel member appointed by the grievant and the panel member appointed by the Town Manager or his designee cannot agree upon a third panel member within 20 calendar days of the Town's receipt of the selection of the first two panel members, then the chief judge of the Circuit Court shall choose an impartial, third panel member. The third panel member shall act as chair of the panel.
- B. Eligibility to Serve on Grievance Panel. The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute, giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant, and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew, and 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.
- C. The following rules apply to Step 4 grievance panels and the conduct of Step 4 grievance panel hearings:
1. The grievant shall bear the reasonable costs and expenses, if any, of his panel member.
 2. The Town shall bear the reasonable costs and expenses, if any, of its panel member and those of the third panel member unless the grievant objects. Upon objection, the reasonable costs and expenses of the third panel member shall be shared equally between the Town and the grievant.
 3. No person shall receive any compensation, whether monetary or otherwise, for his time in serving as a member of a grievance panel. Notwithstanding this prohibition, a Town employee serving as a member of a grievance panel may receive his usual Town pay for the period he serves on such a panel.
 4. The panel shall promptly set the date, time, and location for hearing the grievance and shall notify the parties.
 5. The Town shall provide the panel with copies of the grievance record prior to the hearing, and shall provide the grievant with a list of the documents furnished to the panel.
 6. Each party shall furnish to the other with copies of all documents, exhibits, and a list of witnesses it intends to use at the panel hearing seven calendar days in advance of the hearing.
 7. Both the grievant and the Town may be represented by legal counsel or other representative at the panel hearing. Such representatives may examine, cross-examine, question, and present evidence on behalf of the

grievant or the Town before the panel without being in violation of the provisions of Virginia Code §54.1-3904.

8. The panel shall have the authority to determine the admissibility of evidence without regard to the burden of proof so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence. The Town shall present its evidence first in grievances challenging a disciplinary action and shall have the burden of persuasion on such issue.
10. All evidence shall be presented in the presence of the panel and the parties except by mutual consent of the parties.
11. The decision of the panel should be rendered as soon as possible, but, in any case, not later than five calendar days following the conclusion of the hearing.
12. The panel shall have the authority, if it finds (based on the greater weight of the evidence) that the grievant has been denied a benefit or wrongly disciplined without just cause (where such cause is required) to reverse, reduce, or otherwise modify such action and, where appropriate, to order the reinstatement of such employee to his former position with back pay.
 - a. Back pay shall not exceed pay for time actually lost or paid leave required to be taken due to such suspension or discharge, in an amount the panel believes equitable up to the amount of actual loss.
 - b. Any award of back pay shall be offset by interim earnings the grievant earned during the period of separation.
 - c. The panel also has the power to sustain, modify or reverse the Town's action.
13. The panel shall not have authority to do any of the following:
 - a. Formulate policies or procedures.
 - b. Alter existing policies or procedures.
 - c. Circumscribe or modify the rights afforded the parties in this procedure.
 - d. Grant relief greater than that which the grievant has requested in the request form.
14. The majority decision of the panel, acting within the scope of its authority, shall be final and binding, subject to existing policies, procedures, and law.
15. The question of whether the relief granted by a panel is consistent with written policy shall be determined by the Town Manager or

his designee, unless the Town Manager or his designee has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Attorney for the Commonwealth for the County.

16. Either party may petition the Circuit Court for an order requiring implementation of the panel decision.

VII. Compliance

- A. Except as noted in paragraph VII(B), after the initial submission of the grievance to the immediate supervisor, the failure of either party to comply with all substantial procedural requirements of this procedure without just cause shall 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 work days of receipt of written notification by the other party of the noncompliance. Such written notification by the grievant shall be made directly to the Town Manager.
- B. If one of the management respondents in Steps 1, 2, or 3 does not respond to the grievance, the grievant at his option may move the grievance to the next level by submitting it without the response to the next Step or the grievant can provide the Town Manager notice of the non-compliance as set forth in paragraph VII(A).
- C. The Town Manager shall determine compliance issues. Compliance determinations made by the Town Manager or his designee shall be subject to judicial review, which shall be initiated by the grievant filing a petition with the Circuit Court of the County within thirty calendar days of the compliance determination.

XIX. MODIFICATION OF POLICIES

These policies do not constitute a contract of employment. The policies as a whole, or individually by section, may be modified, amended, or rescinded at the sole discretion of the Town Council without notice.

Department Head Response:

Signature of departmental head and date

Date grievance was received

Request for Step 3 –Town Manager Meeting: To be completed by the grievant at Step 3 only and filed directly with the Manager's office.

I wish to have my grievance heard at the Step 3 (Town Manager) level. I understand that, by requesting to have my grievance heard at Step 3, I am giving up the relief, if any, that was awarded to me at Step 2.

Signature of grievant

Date submitted

Town Manager Response:

Signature of Town Manager and date

Date grievance was received

Request for Step 4 – Grievance Panel Hearing: To be completed by the grievant at Step 4 only and filed directly with the Town Manager.

1. I wish to have my grievance heard at the Step 4 (grievance panel) level. I understand that, by requesting to have my grievance heard at Step 4, I am giving up the relief, if any, that was awarded to me at Step 3.

2. Name of grievant's panel member: _____

Address: _____

Telephone Number: (Home) _____ (Work) _____

Signature of grievant

Date submitted

Town Panel Member

Name of Town's panel member: _____

Address: _____

Telephone Number: (Home) _____ (Work) _____



TOWN OF AMHERST

FREEDOM OF INFORMATION REQUEST FORM

Once completed the form can be mailed to:

Town of Amherst
 P. O. Box 280
 Amherst, VA 24521

Individual and organization initiating the request:

Print Name		Organization		
Address	City	State	Zip	
Signature		Telephone (include area code)	Email Address	
Information sought/requested				
<input type="checkbox"/> I agree to pay up to \$20.00 for copying costs. <input type="checkbox"/> Please provide a cost estimate before providing copies.				
For office use only. (This section to be completed by the Town of Amherst staff.)				
Received by	<input type="checkbox"/> Mail	<input type="checkbox"/> Letter	<input type="checkbox"/> Fax	<input type="checkbox"/> In person
Date information due (5 work day limitation)		Extra time required? <input type="checkbox"/> Yes (max 7 work days) <input type="checkbox"/> No		
Is information requested excluded by Code? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state the reason and applicable code section				
Comments				
Signed by		Title	Date	

The Rights of Requesters and the Responsibilities of the Town of Amherst Under the Virginia Freedom of Information Act

This policy is intended to fulfill the requirements of § 2.2-3704.1 of the Code of Virginia.

The Virginia Freedom of Information Act (FOIA), located § 2.2-3700 et seq. of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees.

A public record is any writing or recording -- regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format -- that is prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. All public records are presumed to be open, and may only be withheld if a specific, statutory exemption applies.

The policy of FOIA states that the purpose of FOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, FOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

Requestors' FOIA Rights

- Requestors have the right to request to inspect or receive copies of public records, or both.
- Requestors have the right to request that any charges for the requested records be estimated in advance.
- If a requestor believes that his FOIA rights have been violated, he may file a petition in district or circuit court to compel compliance with FOIA. Alternatively, he may contact the FOIA Council for a nonbinding advisory opinion.

Making a Request for records from Town of Amherst

- Requestors may request records by U.S. mail, fax, e-mail, in person, or over the phone. FOIA does not require that a request be in writing, nor the need to specifically state that records are being requested under FOIA.
 - From a practical perspective, it may be helpful to both the requestor and the person receiving the request for the requestor to put his request in writing. This would create a record of the request. It also gives the Town a clear statement of what records have been requested, so that there is no misunderstanding over a verbal request. However, the Town cannot refuse to respond to a FOIA request if it is not in writing.
- The request must identify the records sought with "reasonable specificity." This is a common-sense standard. It does not refer to or limit the volume or number of records that are requested; instead, it requires the requestor to be specific enough so that the Town can identify and locate the records that are sought.

- The requestor must ask for existing records or documents. FOIA gives the requestor a right to inspect or copy records; it does not apply to a situation where the requestor is asking general questions about the work of Town of Amherst, nor does it require Town of Amherst to create a record that does not exist.
- The requestor may choose to receive electronic records in any format used by Town of Amherst in the regular course of business.
 - For example, if records maintained in an Excel database are requested, the requestor may elect to receive those records electronically, via e-mail or on a computer disk, or to receive a printed copy of those records
- If the Town has questions about the request, requestors are expected to cooperate with staff's efforts to clarify the type of records that are sought, or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but the Town may need to discuss the request with the requestor to ensure what records are sought is understood.

To request records from Town of Amherst, the requestor may direct the request to the Clerk of Council Vicki Hund. She can be reached at P.O. Box 280; Amherst, VA 24521; 434/946-7885; townhall@amherstva.gov. The requestor may also contact the Clerk of Council with questions the requestor has concerning requesting records from Town of Amherst. In addition, the Freedom of Information Advisory Council is available to answer any questions the requestor may have about FOIA. The Council may be contacted by e-mail at foiacouncil@dls.virginia.gov, or by phone at 866-448-4100.

The Town's Responsibilities in Responding to the Request

- The Town of Amherst must respond to a FOIA request within five working days of receiving it. "Day One" is considered the day after the request is received. The five-day period does not include weekends or holidays.
- The reason behind the request for public records from the Town of Amherst is irrelevant, and the requestor does not have to state why he wants the records before the Town responds to the request. FOIA does, however, allow the Town of Amherst to require the requestor to provide his name and legal address.
- FOIA requires that the Town of Amherst make one of the following responses to a request within the five-day time period:
 - 1) The Town provides the requestor with the records requested in their entirety.
 - 2) The Town withholds all of the records requested, because all of the records are subject to a specific statutory exemption. If all of the records are being withheld, the Town must send the requestor a response in writing. That writing must identify the volume and subject matter of the records being withheld, and state the specific section of the Code of Virginia that allows the Town to withhold the records.
 - 3) The Town provides some of the records that are requested, but withhold other records. The Town cannot withhold an entire record if only a portion of it is subject to an exemption. In that instance, the Town may redact the portion of the record that may be withheld, and must provide the requestor with the remainder of the record. The Town must provide the requestor with a written response stating the

specific section of the Code of Virginia that allows portions of the requested records to be withheld.

- 4) The Town informs the requestor in writing that the requested records cannot be found or do not exist (i.e. the Town does not have the records requested). However, if the Town knows that another public body has the requested records, the Town must include contact information for the other public body in the response to the requestor.
 - 5) If it is practically impossible for the Town of Amherst to respond to a request within the five-day period, the Town must state this in writing, explaining the conditions that make the response impossible. This will allow the Town seven additional working days to respond to the request, giving the Town a total of 12 working days to respond to the request.
- If a requestor makes a request for a very large number of records, and the Town feels that it cannot provide the records to the requestor within 12 working days without disrupting other Town responsibilities, the Town may petition the court for additional time to respond to the request. However, FOIA requires that the Town make a reasonable effort to reach an agreement with the requestor concerning the production of the records before the Town goes to court to ask for more time.

Costs

- A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia.
- The requestor may have to pay for the records that the requestor request from the Town of Amherst. FOIA allows the Town of Amherst to charge for the actual costs of responding to FOIA requests. This would include items like staff (and/or attorney) time spent searching for the requested records, copying costs, or any other costs directly related to supplying the requested records. It cannot include general overhead costs.
- If the Town of Amherst estimates that it will cost more than \$20.00 to respond to the request, a deposit may be required, not to exceed the amount of the estimate, before proceeding with the request. The five days to respond to the request does not include the time between when the Town asks for a deposit and when the requestor responds.
- The requestor may request that the Town estimate in advance the charges for supplying the records that are requested. This will allow the requestor to know about any costs upfront, or give him the opportunity to modify his request in an attempt to lower the estimated costs.
- If a requestor owes the Town money from a previous FOIA request that has remained unpaid for more than 30 days, the Town of Amherst may require payment of the past-due bill before it will respond to a new FOIA request.

Types of records

The following is a general description of the types of records held by Town of Amherst:

- Personnel records concerning employees and officials of Town of Amherst
- Records of contracts which Town of Amherst has entered into
- Other records typical to a small local government.

If the requestor are unsure whether Town of Amherst has the record(s) the requestor seek, please contact the Clerk of Council (contact information above).

Commonly used exemptions

The Code of Virginia allows any public body to withhold certain records from public disclosure. The Town of Amherst commonly withholds records subject to the following exemptions:

- Personnel records (§ 2.2-3705.1 (1) of the Code of Virginia)
- Records subject to attorney-client privilege (§ 2.2-3705.1 (2)) or attorney work product (§ 2.2-3705.1 (3))
- Vendor proprietary information (§ 2.2-3705.1 (6))
- Records relating to the negotiation and award of a contract, prior to a contract being awarded (§ 2.2-3705.1 (12))

Policy regarding the use of exemptions

- The general policy of Town of Amherst is to invoke the personnel records exemption in those instances where it applies in order to protect the privacy of employees and officials of Town of Amherst.
- The general policy of Town of Amherst is to invoke the contract negotiations exemption whenever it applies in order to protect the Town of Amherst's bargaining position and negotiating strategy.



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
 Phone (434)946-7885 Fax (434)946-2087

To: Town Council
From: Charles Thompson and Sara Carter
Date: February 7, 2018
Re: Utilities Capital Improvement Expenditures for FY 2018

The FY 2018 Budget included a series of projects for the Utilities Maintenance staff. They included:

- A truck replacement for \$35,000
 - A bucket truck replacement for \$25,000
 - A light duty trailer for \$6,000
 - Tractor attachments for \$5,000
 - Shop safety renovations for \$25,000
 - Shop security system for \$5,000
- Total: \$101,000

Staff has reviewed these items and requesting that Council consider making the follow changes, and authorize staff to proceed with completing a revised Capital Improvement Plan.

Item:	Budgeted Amount:	Updated Request:	Net Savings:
Truck Replacement	\$35,000	DELETE	\$35,000
Bucket Truck	\$25,000	Awaiting certification inspection. If certified, delay any purchase.	Unknown
Light Duty Trailer	\$6,000	PURCHASED FOR \$1,000	\$5,000
Tractor Implements	\$5,000	Staff requests \$10,000 to purchase a 12' batwing cutter to add finish mowing capability.	-\$5,000
Shop Safety Renovations	\$25,000	Staff would like to add additional space, to be built in house, with a materials cost of \$15,000	\$10,000
Shop Security System	\$5,000	Staff has made lighting and door improvements for approximately \$4,000, and feels that the security needs are addressed.	\$1,000
Totals:	\$101,000	\$30,000-\$55,000, depending upon certification of the bucket truck.	\$46,000-71,000

If Council approves this request, Mr. Thompson will proceed with purchasing a cutter for \$10,000, and the necessary materials for the shop improvements, at a cost of no more than \$15,000. There is only one other project that may come before Council from the Maintenance staff. Mr. Thompson is currently determining the cost to add Christmas decorations to a section of North Main Street. He has met with AEP, and is awaiting their cost. He is upgrading some existing decorations with LED lights to use existing decorations, so we are hopeful that this will not be a significant cost. The only other request that would occur is if the bucket truck cannot pass inspection.

Thank you for your consideration, and please let us know if you have any questions.

BID TABULATION SHEET
TOWN OF AMHERST WTP SEDIMENTATION BASIN IMPROVEMENTS
TOWN OF AMHERST, VA

Item Number	Company Name & Address	Company Name & Address	Company Name & Address	Company Name & Address
	Anderson Construction, Inc. 2400 Sackett Street Lynchburg, VA 24501	Littleton and Assoc. Inc. P.O. Box 1134 500 W. Liberty Street Covington, VA 24426	English Construction Company, Inc. 615 Church Street Lynchburg, VA 24504	Orders Construction Company PO Box 1448 St. Albans, WV 25177
Item 1	\$39,000	\$30,000	\$13,000	\$64,000
Item 2	\$204,000	\$246,000	\$267,000	\$270,000
Item 3	\$82,500	\$104,000	\$117,000	\$120,000
Item 4	\$33,000	\$42,000	\$43,000	\$34,000
Item 5	\$7,000	\$29,000	\$24,000	\$30,000
Lump Sum Total	\$358,500	\$422,000	\$464,000	\$518,000
Bid Bond /Security	X	X	X	X
Virginia License No.	2705029239	2705039856	2701000873	2701032711
Bidder's Qualification Statement / References	X	X	X	X
Received Addendum 1	X	X	X	X



TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

February 8, 2018

James Reynolds, PE
VDH-ODW, Danville Field Office
211 Nor Dan Drive, Suite 1040
Danville, VA 24540

RE: Town of Amherst Water System
BCG Project No.: 1000059-01-001

Dear Mr. Reynolds:

As you know, the Town has been working diligently to resolve the Disinfection Byproducts issues on the Town's system. We appreciate all of the assistance you have provided in this endeavor. The January 2017 Water Quality Study and Hydraulic Modeling Report that received approval via letter dated February 24, 2107 identified a number of recommended Operations Solutions as well as Construction Solutions. The Town's operations staff have begun to implement the recommended Operations Solutions as well as investigate other operational modifications that may assist in resolving the DBP issue.

The Town contracted with Bowman Consulting, Ltd. (BCG) to prepare plans and specifications to construct two of the three recommended Construction Solutions from the Report, i.e. relocate the point of chlorine addition to the midpoint of the sedimentation basins and install sludge removal equipment in these basins. The Waterworks Construction Permit was issued with an effective date of August 11, 2017. Bids for the construction were received and opened on January 11, 2018. Unfortunately, the Bids exceeded the Town's budget by a considerable amount. A copy of the Bid Tabulation Sheet is attached for your reference.

Item 1 represents mobilization, bonds, permits, etc. Item 2 represents the Sludge Collection Systems. Item 3 and 4 represent the chlorine injection piping at midpoint of the basins and baffle walls to ensure mixing. Item 5 represents spall repair in Basin # 1.

The Town is requesting to defer the award of Items 3 and 4 at this time to bring the project costs in line with the Town's budget. It is believed that the installation of the Sludge Collection Systems is the top priority and along with the Operational changes may go along way to resolve the DBP issues. The Town stands ready to construct Items 3 and 4 at a later date should the DBP issues remain. The Town proposes to award the contract for the Sludge Collection Systems as soon as your favorable response is received. Following construction completion, we will have BCG prepare as-built plans showing the executed modifications and to forward a copy to you for your records and use.

February 8, 2018

Page 2 of 2

Again, thank you for your continued support of the Town of Amherst and your time and consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sara Carter', with a long, sweeping horizontal flourish extending to the right.

Sara Carter
Town Manager

cc: Keith Kornegay

From: Reynolds, James (VDH)
To: [Sara Carter](#)
Cc: [Kornegay, Keith \(VDH\)](#); [Weiland, Kenneth \(VDH\)](#); [Wells, Jeff \(VDH\)](#)
Subject: RE: Reynolds Letter
Date: Friday, February 9, 2018 8:25:31 AM

Sara,

Per the letter attached to your email and conversations with Bowman Consulting, this office concurs with the proposed plan of action to reduce project costs while also prioritizing construction items that will hopefully mitigate DBP formation. It is our understanding that there are some operational changes that could be or have been made that could also have impacts on DBP formation, including optimizing chlorine dosages and investigating sampling collection concerns. Our main goal is to start seeing a trend downwards on future DBP sample concentrations and a return to compliance, and I am sure that is the Town's goal as well. As indicated in the letter, if the operational changes and installation of sludge removal do not provide enough improvement in this regard then the Town should quickly start thinking about moving forward with the change of chlorination point portion of the plans.

Please let me know if you need a formal response on letterhead or if this email will suffice as response. Thanks.

James Reynolds, PE
Deputy Field Director
Office of Drinking Water- Danville Field Office
211 Nor-Dan Drive, Suite 1040
Danville, Virginia 24540
P: (434) 836-8416
F: (434) 836-8424

From: Sara Carter [mailto:sara.carter@amherstva.gov]
Sent: Thursday, February 08, 2018 3:24 PM
To: Reynolds, James (VDH) <James.Reynolds@vdh.virginia.gov>
Cc: Kornegay, Keith (VDH) <Keith.Kornegay@vdh.virginia.gov>
Subject: FW: Reynolds Letter

Mr. Reynolds,

Please see attached a letter that was mailed to you today, requesting your consideration for a change in the Water Treatment Plant improvements for the Town of Amherst. The Town is committed to resolving our CDB issues, and would like to proceed with the project as soon as possible, but would like to complete this portion within the already budgeted amount. Should these improvements not address the issue, the Town stands ready to make additional investments to ensure that the issue is resolved.

If you have any questions, or I can be of any service, please let me know.

Sara

Sara Carter
Town Manager
Town of Amherst
434-946-7885

Easements to be Acquired for Town of Amherst Wastewater Collection System Improvements Project (2-2-2018)					
No.	Property Owner	Parcel ID No.	Length (ft)	Replace?	Rehabilitate?
1	Amherst County	Parcel ID 96A3-A-17	405.30		YES
2	Clemson Investments, LLC	Parcel ID 96A3-2-5	279.89		YES
3	Commonwealth of Virginia	Parcel ID 110-A-96	136.00		YES
4	C. Manly & Ann H. Rucker	Parcel ID 95-A-53	361.62		YES
5	Amherst County School Board	Parcel ID 110-A-102	18.72		YES
6	Amherst County School Board	Parcel ID 96-A-26A	729.27		YES
7	James M. & Dawn H. Gordon	Parcel ID 96A4-A-197	170.68		YES
8	Timothy V. & Helen M. Minter	Parcel ID 96A4-A-196	166.80	YES	YES
9	Gregory L. & Lisa S. Campbell	Parcel ID 96A4-A-195	150.35	YES	
10	Mateline Rucker and Howard Smith	Parcel ID 96A4-A-78	32.80	YES	
11	Townside Realty Corporation	Parcel ID 96A4-A-80	16.22	YES	
12	Hill Hardware Corp.	Parcel ID 96A4-A-156	16.11		YES
13	Amherst County	Parcel ID 96A4-A-146	130.15		YES
14	Tammy Tabb	Parcel ID 96A7-4-8 Lots 57-58	9.51		YES
15	Melvin & Christine J. Pendleton	Parcel ID 96A7-4-8 Lots 21-24	100.29		YES
16	James W. & Lula Yancey	Parcel ID 96A7-A-15	200.00		YES
17	Kenneth S. and Nancy C. Watts	Parcel ID 96A6-A-5	255.82	YES	YES
18	Kendall R. & John P. Brockman (sewer line)	Parcel ID 95-A-68	593.61	YES	YES
	Kendall R. & John P. Brockman (detour road)	Parcel ID 95-A-68	500.00	YES	