



ADMINISTRATIVE REGULATION

Effective Date: August 6, 1993

Administrative Regulation: 1-24

Revision Date: February 27, 2019

Supersedes: April 29, 2015

Approved By: William H. Ashton, II

Subject: **Employment**

I. Purpose

This regulation establishes the policy for employment.

II. Equal Employment Opportunity Statement

The Town of Herndon, Virginia, is an equal opportunity employer. It is committed to a policy of nondiscrimination by incorporating sound merit principles in all aspects of personnel management affecting employees and applicants. The town does not discriminate on the basis of race, color, religion, national origin, age, sex, or handicap disability. Further, the town will comply with all applicable local, State and Federal laws and regulations.

This policy is to be followed in recruiting, hiring, and promoting into all job levels. Any person employed by the Town of Herndon who fails to comply with this policy will be subject to disciplinary action.

III. Applications

Applications for employment must be made on appropriate town forms. Information is requested regarding education and training, special skills, experience and references, in order to assess vocational interests and qualifications.

Records of all applicants will be retained for three years. After six months, however, applications will no longer be considered current.

IV. Vacancies

When a vacancy exists or is known to be forthcoming, an announcement thereof may be made by the Department of Human Resources containing a statement of the type of position and general qualifications required of applicants. All vacancies will be filled in the manner that best serves the effective administration of the town government, i.e., by promoting or transferring current town employees, by hiring new employees, or by redistributing assigned duties and responsibilities. Final authority for filling vacancies rests with the Town Manager.

V. Recruitment and Selection



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(a) The centralized hiring procedure is outlined by administrative regulation, 1-10.

(b) Recruitment. Newly created or vacated positions may be filled by transferring a qualified employee from another position or by announcing the open position and selecting the candidate who is best qualified and most well-suited to fill the position. The appointing authority shall have the option of announcing the position only to town employees to determine whether there are any qualified candidates already in the town service.

(c) Tests for fitness. To determine their capacity or fitness for a position, applicants may be required to take examinations which may include written, oral, physical and/or performance tests. Applicants for public safety positions may be required to take polygraph, medical and psychological examinations. Any type of medical testing may only be done after a conditional offer of employment has been extended.

Applicants for public safety positions and positions where drug use could have an adverse impact on the public or the applicant's job performance may be required to undergo drug testing during their pre-employment screening prior to employment. Additionally, once employed, employees may be required to undergo random drug testing, or drug testing where there are reasonable grounds to suspect drug use by the employee.

(d) As a condition of employment, successful applicants may be required to execute employment undertakings providing for continued compliance with town or departmental policies regarding job standards, such as physical fitness requirements, continued employment and any nonsmoking requirements.

(e) Investigation.

The town council determines that, in the interest of public welfare or safety, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of prospective town employment under consideration. To this end, the town manager shall conduct, under Code of Virginia, § 19.2-389(A)(7), an investigation of applicants for employment with the town, described in subsection (b) of this section, to determine their relevant criminal, educational and other applicable history.

The town manager shall cause the conduct of a criminal and other relevant history investigation on candidates for all positions.

Previous employment histories and other references may also be checked. A determination of eligibility based on these factors are at the discretion of the Director of Human Resources, the appointing authority, and will be reviewed before a final decision is reached on an appointment.

Failure by the applicant to provide accurate and complete information, employment and educational histories shall constitute grounds for denial of the application or dismissal from employment if subsequently discovered.

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VI. Probationary Period

(a) Newly appointed persons. A 12-month period of probation will be served by all newly appointed persons to regular position in the employment service of the town unless otherwise provided here. Upon recommendation of the Department Head and approval of the Town Manager, this initial probationary period may be extended for a period not to exceed an additional 12 months. For police officers the probationary period shall be deemed to begin upon taking the oath of office as a police officer with the Town of Herndon. During the probationary period an employee may not avail himself or herself of the town's grievance procedure. Further, during the probationary period an employee may be terminated without cause. The probationary period provides an opportunity to evaluate an employee's qualifications for becoming a regular employee of the town service. Upon satisfactory completion of the probationary period, regular status will be granted to those probationers deemed satisfactory for service with the town.

Part-time employees will serve probationary employment in the manner here provided.

(b) Transfers, promotions and involuntary demotions. Transferred, promoted or involuntarily demoted employees are required to serve a probationary period of 12 months. This probationary period is imposed to evaluate the employee's suitability for the new position and continued value to the town's service.

VII. Reemployment

Former employees of the town may be re-employed by the town based on review and evaluation of their record of previous service. The position previously occupied and rate of pay at the time of separation may be taken into consideration on reappointment. Former regular employees rehired within one year of their separation date will retain their time in service for annual leave accrual purposes.

VIII. Temporary Employment

Temporary employment means status of persons hired to perform a temporary job and who do not receive town-sponsored benefits. These employees may have a restricted schedule as mandated by the town, via administrative regulation.

The Director of Human Resources, as authorized by the Town Manager, may make temporary appointments to cover emergency, unusual and/or temporary or variable needs of the town. Temporary employees shall not work more than an average of 29 hours per week when averaged over the 12-month designated measurement period of April 1 through March 31 each year. For example, temporary employees may work more hours during a busy season, but will maintain the 29 hours per week or less average over the defined 12 month period of time. It is a supervisor's responsibility to ensure hours restrictions are met.

Employees in temporary positions may not work perpetually year-round without a break in service, due to the temporary nature of the role. Temporary employees may work and be on

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payroll no more than eleven (11) consecutive months of a 12-month year. After eleven months, they must have a break in service and be removed from payroll for a minimum of 30 days. The termination of a temporary employee need not coincide with any particular day during a pay period.

If a temporary employee is rehired at any time, the normal hiring procedure shall be followed to include completion of all hiring documents and hiring processes as determined by Human Resources. The hiring of a temporary employee need not coincide with any particular day during a pay period, assuming the pre-hire requirements have been fulfilled.

If a temporary employee receives an appointment to a regular status position, time spent in the temporary position will not be applied toward the probationary period.

IX. Part Time Flexible Employment

Part time flexible employee means an employee who is unclassified, has a variable work schedule, and may have a restricted work schedule, as mandated by the town via administrative regulations. These positions receive no benefits.

The Director of Human Resources, as authorized by the Town Manager, may make part time flexible appointments to cover variable needs of the town. Part time flexible employees shall not work more than an average of 29 hours per week when averaged over the 12-month designated measurement period of April 1 through March 31 each year. For example, part time flexible employees may work more hours during a busy season, but will maintain the 29 hours per week or less average over the defined 12-month period of time. It is a supervisor's responsibility to ensure hours restrictions are met.

If a part time flexible temporary employee is rehired at any time, the normal hiring procedure shall be followed to include completion of all hiring documents and hiring processes as determined by Human Resources. The hiring of a part time flexible employee need not coincide with any particular day during a pay period, assuming the pre-hire requirements have been fulfilled.

If a part time flexible employee receives an appointment to a regular status position, time spent in the part time flexible position will not be applied toward the probationary period.

X. Regular Part time Employment

Part time employees will have a set number of work hours per week. Regular part time employees working 25-29 hours per week will receive health insurance at a pro-rated employer contribution rate, and other benefits, as eligible. Part time employees working 30 or more hours per week when averaged over the 12 month designed measurement period of April 1 through March 31 each year, will be offered health insurance at a full-time contribution cost.

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Unless regular part-time employees are regularly scheduled to work 29 or more hours per week, a weekly average of 29 hours or less must be maintained when averaged over the 12 month designated measurement period of April 1 through March 31 each year. For example, a regular part-time employee assigned to work less than 29 hours per week, if authorized by supervisor, may work more hours during a busy season, but will maintain the 29 hours per week or less average over the defined 12 month period of time. It is a supervisor's responsibility to ensure hours restrictions are met.



William H. Ashton II
Town Manager