



Administrative/HR Manual Policies Recommending Local Board Action or Local Policy

Policy Chapter & Section	Summary of Policy	Authority
Chapter 1, Section I. Equal Employment Opportunity	Allows local employees to bring complaints of discrimination, harassment or retaliation to Chair of local board and states that charges will be promptly and thoroughly investigated and corrective action taken if charge is founded.	§63.2-217 §63.2-219 22VAC40-675-130 22VAC40-675-180
Chapter 1, Section III. Affirmative Action	Requires local board to ratify the Affirmative Action policy statement which is then signed by the local director and chairperson of the local board	§63.2-217 22VAC40-675-180
Chapter 2, Section I. Classification and Compensation	Requires local board to approve and adopt the local compensation plan subject to final approval by VDSS HR.	§63.2-217 22VAC40-675-90
Chapter 2, Section II. Fair Labor Standards Act (FLSA)	Requires the LDSS to record all hours worked and maintain and retain certain records.	§63.2-217 §63.2-219 22VAC40-675-90
Chapter 2, Section III. Guidance for Determining FLSA Exemption Status of Employees	Requires the LDSS, in consultation with their local board, to certify FLSA status for each employee.	FLSA, 29 CFR 541 FLSA, 29 CFR 516 §63.2-217 §63.2-219
Chapter 2, Section IV Compensatory Leave*	Allows local board to select an alternate holiday schedule.	§63.2-217 22VAC40-675-50
Chapter 3, Section II. Background and Record Checks	Gives local board the option to require certain background checks on prospective and current employees. These checks may include criminal record, driving record, credit history, or child support history. This section requires a Child Protective Service Central Registry record check on each prospective and/or current employee.	§63.2-1515
Chapter 4. Section I. Annual Leave	Gives authority to the local board to grant exceptions to the limits of annual leave that may be carried over to the next year when employees have not been allowed to use their leave because of agency work demands over a substantial period of time. <i>(Effective October 15, 2020)</i>	§63.2-217 §63.2-219
Chapter 4. Section I. Annual Leave	Grants local board the authority to provide employees transferring from another LDSS or VDSS with the same annual leave accrual rate of the previous position.	§63.2-217 §63.2-219
Chapter 4, Section III. Leave Without Pay	Grants local board the authority to permit the pro rata use of paid and unpaid leave to protect employee benefits.	§63.2-217 §63.2-219
Chapter 4, Section III. Leave Without Pay	Grants local board the authority to continue certain benefits during LWOP.	§63.2-217 §63.2-219
Chapter 4, Section V. Educational Leave	Grants local board the authority to allow employees paid or unpaid leave for educational purposes.	§63.2-217 §63.2-219
Chapter 4, Section VI. Administrative Leave	Grants local board the authority to allow paid or unpaid leave for certain administrative purposes.	§63.2-217 §63.2-219
Chapter 4, Section VII. Bereavement Leave	Grants local board the authority to extend the use of accrued sick leave for the death of a spouse or child.	§63.2-217 §63.2-219
Chapter 4, Section VIII. Sick Leave	Grants local board the authority to determine limits for the use of accrued sick leave for the employee's own care or the care of a family member.	§63.2-217 §63.2-219

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Chapter 4, Section VIII. Sick Leave	Allows local board to determine the maximum payout upon separation of up to 25% of the accrued sick leave balance - not to exceed \$2,500 or \$5,000 as selected on the compensation plan and approved by VDSS HR.	§63.2-217 §63.2-219 22VAC40-675-90
Chapter 4, Section VIII. Sick Leave	Grants local board the authority to credit uncompensated sick leave balances for employees transferring from another LDSS or VDSS.	§63.2-217 §63.2-219
Chapter 4, Section IX. Disability Leave Program	Allows local boards to limit sick leave for employees covered under employer paid short and long term disability plans.	§63.2-217 §63.2-219
Chapter 4, Section IX. Disability Leave Program	Allows local boards to determine how frozen sick leave for employees opting in to the VRS Hybrid Retirement Plan will be treated.	§63.2-217 §63.2-219
Chapter 4, Section X. Family and Medical Leave Act (FMLA)	Requires local board to designate the months which will become the twelve month period of eligibility (e.g. calendar year, fiscal year, another fixed 12 month period, or a rolling 12 month period looking back for the date the leave is requested).	FMLA, 29CFR 25.200(f) §63.2-217 §63.2-219
Chapter 4, Section X. Family and Medical Leave Act (FMLA)	Allows local board to require the use of paid leave concurrently with unpaid FMLA leave.	FMLA, 29CFR825.207 §63.2-217 §63.2-219
Chapter 4, Section XI. Leave Sharing	Allows local board to implement a leave sharing program for employees in regular or restricted positions.	§63.2-217 §63.2-219
Chapter 5, Section I. Hours of Work	Grants local board the authority to set the office hours and to establish the standard workweek for the LDSS. Requires the local director to set and adjust employee work schedules in consideration of the needs of LDSS clients and the general public.	§63.2-217 §63.2-219
Chapter 5, Section II Inclement Weather*	Allows local board chairperson, in conjunction with the local director, to make decisions regarding closing during inclement weather.	§63.2-217 §63.2-219 22VAC40-675-50
Chapter 5, Section II. Inclement Weather	Allows local board, in conjunction with the local director, to determine which classes of employees are essential.	§63.2-217 §63.2-219
Chapter 5, Section III Use of Internet and Communications System	Allows local board to adopt policies setting forth the work-related purposes for which access to computer and other communications systems are provided to employees.	§63.2-217 §63.2-219
Chapter 6, Section I Performance Evaluation*	Grants local board the authority to follow the local jurisdiction's policy for performance evaluations.	§63.2-217 §63.2-219 22VAC40-675-50
Chapter 6, Section I. Performance Evaluation	States that the local jurisdiction's elected governing body or local board of social services structure determines who completes the performance plan and the performance evaluation for the local director.	§63.2-217 §63.2-219 22VAC40-675-170
Chapter 6, Section I Performance Evaluation*	Grants local board the authority to follow the local jurisdiction's policy for probationary period.	§63.2-217 §63.2-219 22VAC40-675-50
Chapter 6, Section IV Standards of Conduct*	Grants local board the authority to follow the local jurisdiction's policy for standards of conduct.	§63.2-217 §63.2-219 22VAC40-675-50
Chapter 6, Section V Alcohol and Drugs	Grants the LDSS the right to test employees for the presence of controlled substances and/or alcohol under certain circumstances.	§63.2-217 §63.2-219

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Chapter 6, Section VI Political Activities*	Grants local board the authority to follow the local jurisdiction's policy for political activity.	§63.2-217 §63.2-219 22VAC40-675-210
Chapter 7, Section I Layoff*	Grants local board the authority to follow the local jurisdiction's policy for layoff.	§63.2-217 §63.2-219 22VAC40-675-50
Chapter 7, Section I Layoff	Grants local board the authority to fill valid vacancies.	§63.2-217 §63.2-219 22VAC40-675-50
Chapter 7, Section II Grievance Procedure*	Grants local board the authority to follow the local jurisdiction's grievance procedure. Local jurisdiction policy must provide local director access to grievance procedure.	§63.2-217 §63.2-219 22VAC40-675-200
Chapter 7, Section II Grievance Procedure**	Defines the role(s) of the local director and the local board in the grievance procedure and in implementation of the administrative hearing decision.	§63.2-217 §63.2-219 22VAC40-675-200

*Local administrative boards may choose to allow local departments to deviate from State Board approved policies by requesting to adopt specific local jurisdiction policies. Submission of the Local Policy Request form serves as notice of the local administrative board's decision to allow the local department of social services to request to deviate from one or more of the State Board approved policies listed below and adopt the local jurisdiction policy or policies. The local director must complete and submit the Local Policy Request form to VDSS OD/HR Policy for review prior to the State Board meeting where approval is sought. Adoption of the local jurisdiction becomes effective upon State Board approval.

**Deviation to the local jurisdiction's grievance procedure does not require State Board approval. In order to provide appropriate guidance and consultation, please inform OD/HR Policy when a local administrative board approves the adoption of the local jurisdiction's grievance procedure prior to the effective date of deviation.

It is the local department's responsibility to communicate Local Board Action or Local Policy to local department employees.