



## County of Frederick

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**Michael J. Marciano**  
Director of Human Resources

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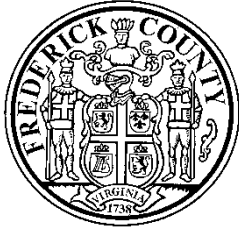
TO: Human Resources Committee and Board of Supervisors  
FROM: Michael J. Marciano  
DATE: January 3, 2020  
SUBJECT: HR Committee Agenda

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The HR Committee will meet in the First Floor Executive Conference Room at 107 North Kent Street on **Friday, January 10, 2020** at 9:00 a.m.

The agenda for the meeting is as follows:

1. **Fiscal Year 2020-2021 Requests for New Positions** – Presentation by Department Representatives.
  - a. IT Department
    - i. Deputy Director of Security
  - b. Parks & Recreation Department
    - i. basicREC Coordinator
2. **Human Resource Policy Recommended Revision**
  - a. Workers' Compensation Policy



## COUNTY OF FREDERICK

Information Technologies  
(540) 665-5614

### MEMORANDUM

**To:** Human Resources Committee  
**From:** Scott Varner, Director of Information Technology and GIS  
**Subject:** Request for Deputy Director of Security  
**Date:** December 16, 2019

The Department of Information Technology (IT) is requesting to add a full-time employee to IT's organization chart. The position requested is a Deputy Director of Security. Governments have become prime targets for recent cyber-attacks and protection of our security plan, procedures and posture is vital. The consequences of a cybersecurity incident are significant--estimated by some at \$4 million on average, taking months to years to recover from, involving legal liability, insurance loopholes, and loss of public trust. To date, the IT Department has handled the increasing workload of cybersecurity by delegating various portions of the response requirements. Our current staffing levels are already maxed with workloads that consistently require more than the 40-hour work week.

The importance of protecting our vital technology infrastructure warrants a position that will focus on the following areas:

- Oversight and Develop of Security Standards
- Employee Cybersecurity Training Program
- Security Monitoring and Response
- Policy Enforcement
- Building Access, Camera Surveillance, and Physical Security Oversight
- Liaison with Fusion Center and Local Enforcement
- Responsible for Department Operations when the Director of IT is absent

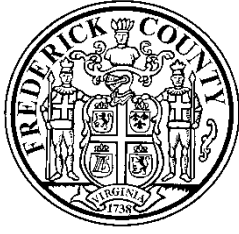
The reality is that we will be subject to a cybersecurity attack at some point. Our preparation, monitoring, education, and response are crucial to keeping any breach contained and mitigated. The potential for a devastating breach increases significantly without a position dedicated to focusing on our security infrastructure. To date, we have had several Microsoft portal accounts compromised, an average of 50 targeted phishing attempts a day, at least one successful direct deposit scam, not to mention the 100+ attempts daily to get through our firewall.

The requested position would also be responsible for ensuring our compliance with new State mandates on cybersecurity compliance as well as federal regulations for the protection of personally identifiable information. Additionally, the position would act as the Director of Information Technology in the Director's absence. With the majority of our workforce dependent on their desktop computer, phone, and network access to complete the majority of their duties at the Kent Building, Public Safety Building, NRADC, and all other remote sites, the importance of the technological infrastructure warrants having a deputy-level position to maintain continuity and ensure any issue that interrupts the business of the County is handled swiftly and decisively.

Thank you for your consideration,

Allen Scott Varner

107 North Kent Street, Winchester, Virginia 22601-5039  
[svarner@fcva.us](mailto:svarner@fcva.us)



## COUNTY OF FREDERICK

Information Technologies  
(540) 665-5614

### MEMORANDUM

**To:** Michael Marciano, Director of Human Resources  
**From:** Scott Varner, Director of Information Technology and GIS  
**Subject:** Request for Deputy Director of Security Salary Information  
**Date:** December 16, 2019

In support of our request for a new full-time employee for the Information Technology Department, I have included several localities' information below. You will note a combination of Information Security Salaries as well as Deputy Director Salaries as this position request combines the two positions. Our neighbor localities are too small to have the level of position requested so the examples below include Henrico County, Fairfax County, and the City of Alexandria. I have requested that the position be set to a range of 11 (salary starts at \$82,723), with a salary dependent on qualifications. I considered the higher cost of living in the localities referenced below in determining the range. Several other localities have the position in a senior management pay group that does not have a range, which leaves flexibility in the hiring process.

Locality	Position Title	Salary Range
Henrico County	Assistant Director of IT	\$102,828.44 - \$189,157.74
Fairfax County	Deputy Director DIT	\$107,506.46 - \$179,177.86
Fairfax County	IT Security Program Director	\$93,119.73 - \$155,198.78
City of Alexandria	Deputy Director ITS	\$101,757.24 - \$184,410.85
City of Alexandria	IT Security Manager	\$83,723.64 - \$137,620.45
York County	Deputy Director	\$91,983 - \$156,460
Stafford County	Security Analyst	\$66,289.60 - \$102,731.20
Shenandoah University	IT Security Officer	\$63,000 - \$75,000

Thank you for your consideration,

Allen Scott Varner

## County of Frederick, Virginia

### Position Details

Position Title: Deputy Director of IT - Security		Date Position Created:
Department: Information Technologies		Reports To: IT Director
<input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Non-Exempt	Date Prepared: 11/7/2019	Prepared By: Scott Varner
Range: 11	Grade:	Salary: Depends of Qualifications - \$82,723 -\$132,271 -- DOE/DOQ
G/L Line Item: New Position Request		

### Job Description

Assists the Director of Information Technology in the management and administrative oversight of the County's central information technology/data processing agency. Individual hired will be responsible for strategic planning, policy formulation, financial administration/budget, system/network security, and supervision of the department's day-to-day operations and activities staff. Person hired directs and manages the County's information/cybersecurity program; ensures County's compliance with all federal and state information security regulations (including homeland defense security initiatives); coordinates privacy and security requirements with HIPAA coordinator, Department of Finance for Payment Card Industry (PCI) and County agencies using Personally Identifiable Information (PII) and other privacy standards to ensure integrity, sensitivity and confidentiality of data. Works with law enforcement and legal authorities in investigations of digital files; provides architectural oversight, direction and recommendations for enterprise-wide information/cybersecurity technology; and performs other duties as required.

### Essential Functions

The requirements for this position include, but are not limited to, those outlined below. All job functions, education and experience, general knowledge and abilities, and physical requirements are subject to possible modification to reasonably accommodate individuals with disabilities to enable them to perform the essential functions of the job. This document does not create an employment contract, implied or otherwise. It is the employer's discretion to add or change the duties or requirements of this position at any time.

- Directly supervises employees involved in network engineering, network security, server and data center planning and operations, end-user support, and service desk operations.
- Develops and manages all information security policies, standards, procedures, and internal controls which includes establishing procedures and requirements with key stakeholders to ensure compliance with local, state, and federal laws. Possesses knowledge of information security best practices and baseline security configurations for operating systems, applications and networking, and telecommunications equipment.
- Drafts strategies and plans to enforce security requirements and addresses identified risks. Develops, documents, and implements the enterprise security program by assessing residual risks, vulnerabilities and other security exposures including the misuse of information assets, and noncompliance with security policies and procedures.
- Compiles and manages disaster recovery plans and procedures including managing security incidents, providing 'after-action' reports and analysis of information security breaches, violations, malicious activity and incidents to management. Recommends corrective technical options and revisions to Information Technology (IT) security initiatives and policies to prevent future occurrences.
- Represents the County with local, regional, state and federal agencies on issues related to cybersecurity and protection of local government's critical IT infrastructure assets. Works with counterparts in other jurisdictions and external agencies to continuously evaluate and address emerging security threats.
- Provides guidance and direction while working with all facets of management within the County in developing secure and confidential technical solutions. Investigates and recommends new

technologies that reduce the risk of cyber security threats and provides potential cost savings for the County.

- Delivers the IT Security awareness program through structured training and staff communications. Provides written or verbal communication to all levels of staff, leadership and elected officials on security issues and recommendations.
- Assists in the development of security architecture and security policies, procedures and standards. Evaluates all third-party systems that directly or indirectly access the County's network and reviews terms and conditions for vendor solutions and or new technology acquisitions.
- Performs other duties as assigned.

### Job Requirements:

**Education:** Bachelor's degree in a relevant IT field.

**Experience:** Five years of experience in risk management, information security and IT of which three years are in a leadership role and developing IT security policies and procedures; or any equivalent combination of experience and training which provides the required knowledge, skills and abilities.

**Knowledge/Skills:** Comprehensive knowledge of information security management and technology (audit compliance, regulatory compliance, disaster recovery, vulnerability assessment, firewalls, and endpoint security); comprehensive knowledge of security administration in a Windows based network environment; comprehensive knowledge of server administration as applied to network and internet security; thorough knowledge of information protection standards, guidelines, and applied procedures (i.e. industry "best practices"); thorough knowledge of common information security management frameworks, such as ISO/IEC 27001, ITIL, COBIT as well as those from National Institute of Standards and Technology (NIST), including 800-53 and Cybersecurity Framework; thorough knowledge of business needs with the ability to establish and maintain a high level of customer trust and confidence in the security team's concern for customers; the ability to work independently; the ability to establish and maintain effective working relationships with coworkers, representatives of other county departments and agencies, and the public; and the ability to communicate clearly and effectively, both verbally and in writing.

### Working Conditions:

**Physical Demands:** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to sit; use hands to finger, handle, or feel; and talk or hear. The employee frequently is required to reach with hands and arms. The employee is occasionally required to stand; walk; and stoop, kneel, crouch, or crawl. The employee must occasionally lift and/or move up to 40 pounds unassisted. Specific vision abilities required by this job include close vision for extended periods of viewing a computer screen or screens, distance vision, color vision, depth perception, and ability to adjust focus.

### Supervisory Responsibilities:

**Number of Employees Supervised:** 12

**Number of Subordinate Supervisors Reporting to Job:** 2

### Approvals:

Department Director:

Date:

HR Director:

Date:

Finance Director:

Date:

County Administrator:

Date:

Board of Supervisors Approval:

Date:

To: Human Resource Committee

From: Jason Robertson, Director of Parks and Recreation

Subj: basicREC Coordinator position

Date: December 12, 2019

The Parks and Recreation Commission is recommending a basicREC Coordinator position be added to the Frederick County Salary Administration Program (SAP) and be filled in the Fiscal Year 2020/2021 budget.

The basicREC Coordinator is a range 5 position with a starting salary of \$39,638. The basicREC Coordinator will provide daily support to the basicREC program. Attendance at basicREC has grown to over 700 for the school year and 450 for the full day summer program each day. Revenue received from basicREC program fees will offset all expenses associated with the basicREC program including the full-time salary and benefits of the basicREC Coordinator. There is no cost to the local taxpayer for the basicREC Coordinator position.

The basicREC Coordinator will assist the basicREC Manager with the management of on-site staff at twelve school year locations and eight summer locations. The basicREC Coordinator will assist with program development and evaluation, substitute for a Recreation Technician in emergency situations, answer inquiries regarding the program, assist with the collection of revenues from late paying accounts, and schedule staff.

There is no local government position comparable to the basicREC Coordinator. Please find the attached job description for the basicREC Coordinator.

County of Frederick, Virginia			
Position Details			
Position Title: basicREC Coordinator		Date Position Created:	
Department: Parks and Recreation		Reports To: basicREC Manager	
<input type="checkbox"/> Exempt <input checked="" type="checkbox"/> Non-Exempt	Date Prepared: 10/3/2019	Prepared By: Ashley Martin	
Range: 5	Grade:	Salary: \$39,638 - \$63,334 – DOE/DOQ	
G/L Line Item:			
Job Description			
<p><b>Job Purpose:</b> Plans and supervises county-wide specialized recreation programs and activities; does related work as required.</p> <p>The basicREC Coordinator will supervise the work of part-time professional staff, volunteer helpers and activity participants. The employee may be required to direct recreation activities of a highly specialized nature. General supervision is received from the basicREC Manager.</p>			
Essential Functions			
<p>The requirements for this position include, but are not limited to, those outlined below. All job functions, education and experience, general knowledge and abilities, and physical requirements are subject to possible modification to reasonably accommodate individuals with disabilities to enable them to perform the essential functions of the job. This document does not create an employment contract, implied or otherwise. It is the employer's discretion to add or change the duties or requirements of this position at any time.</p> <ul style="list-style-type: none"> <li>• Reports directly to the basicREC Manager in the Recreation Division;</li> <li>• Assists with the development, planning, implementation, and evaluation of basicREC and Camp basicREC programs;</li> <li>• Develops a comprehensive recreation program, including site procurement, recruitment, and preparation of promotional information and securing of community support;</li> <li>• Compiles figures to prepare budget recommendations for activities in assigned division;</li> <li>• Prepares and maintains administrative records and reports of revenues, expenditures, activities, work schedule, program attendance, supplies, and other recreational information;</li> <li>• Interacts with the Marketing Manager to prepare plan for promoting assigned activities through newsletters, program brochures, posters, and other promotional materials for programs;</li> <li>• Recruits, selects, trains, and supervises part-time, seasonal, and volunteer staff to fulfill program needs;</li> <li>• Serves as professional/technical liaison with various agency and interagency staff members, as well as community organizations and committees;</li> <li>• Assists with the basicREC program as needed including monitoring timesheets, substituting on site, and other tasks as defined;</li> <li>• Supervises all aspects of the basicREC and Camp basicREC program in absence of the basicREC Manager; and</li> <li>• Ability to assist other program areas as needed and based on availability.</li> </ul>			
Job Requirements:			
<p><b>Education:</b> Possession of, or ability to acquire in six months, CPR and Community First Aid certification, Ukeru Crisis Training, and Medication Administration Training (MAT) Certification. Must have the ability to acquire Ukeru Crisis Trainer and CPR/First Aid Trainer.</p>			
<p><b>Experience:</b> Any combination of education and/or experience equivalent to graduation from an accredited</p>			

college with a degree in recreation or a related field or relevant experience.

**Knowledge/Skills:** Thorough knowledge of the principles and practices of professional recreation work; good knowledge of one or more phases of community recreation activities; ability to schedule and coordinate a recreation program on a County-wide basis; ability to provide working leadership to a group of recreation personnel; knowledge of methods involved in age appropriate recreational activities for youth; ability to act independently and make decisions; possession of good oral and written communication skills; ability to establish effective working relationships with other governmental agencies, co-workers, and program participants.

**Working Conditions:**

**Physical Demands:** Walking, talking, stooping, kneeling, bending, reaching and gripping. May be required on occasion to move up to 30 lbs.

**Supervisory Responsibilities:**

**Number of Employees Supervised: 0**

**Number of Subordinate Supervisors Reporting to Job: 0**

**Approvals:**

Department Director:

Date:

HR Director:

Date:

Finance Director:

Date:

County Administrator:

Date:

Board of Supervisors Approval:

Date:



**Workers' Compensation Policy for  
Reconsideration at the January 10, 2020  
HR Committee Meeting**

At the Board of Supervisor's December 11, 2019 meeting, the Workers' Compensation Policy proposal was referred back to the HR Committee for discussion of earning paid time off (PTO) while receiving workers' compensation leave. The attached document captures the cost of PTO accrual if the proposed policy was in place during Fiscal Year 2018-2019.

Claim Number	Event Date	1st day off	Return to work	Total Days off during 90 period	Leave Hours Used During 90 Days	Hourly Rate	Work days missed	Potential Cost	1st day off	Return to work	1st day off	Return to work	Cost of Leave Accrual for 90 days	Comments
WC034214995	8/27/2018	02/22/2019	06/10/2019	0									10 hrs/pay x 6 pays = 60 hours x \$40.45/hour = <b>\$2,427</b>	Surgery 5 months after injury
WC034235079	12/14/2018	12/18/2018		90	165	20.75	45	\$3,423.75					7 hrs/pay x 6 pays = 42 hours x \$20.75/hour = <b>\$871.50</b>	
WC034235656	12/21/2018	12/22/2019	02/19/2019	59	109.5	24.98	30	\$2,735.31	04/01/2019	05/17/2019	07/29/2019	08/26/2019	7 hrs/pay x 6 pays = 42 hours x \$24.98/hour = <b>\$1,049.16</b>	Surgery 4 months after injury. 2nd surgery required.
WC034236223	1/2/2019	01/03/2019	05/17/2019	90	181	20.75	62	\$3,755.75					9 hrs/pay x 6 pays = 54 hours x \$20.75/hour = <b>\$1,120.50</b>	
WC034237298	1/17/2019	04/08/2019		0									8 hrs/pay x 6 pays = 48 hours x \$24.41/hour = <b>\$1,171.68</b>	Surgery 4 months after injury. 2nd surgery required.
WC034D212136	7/8/2018	07/11/2019	08/23/2019	44	89	23.8	23	\$2,118.20					9 hrs/pay x 6 pays = 54 hours x \$23.80/hour = <b>\$1,285.20</b>	
<b>Totals</b>				283				<b>\$9,914.81</b>					<b>\$7,925.04</b>	

<b>TOTAL</b>	<b>\$17,839.85</b>
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**Total of 85 Claims Submitted in FY 2018-2019**

**\*\*6 claims above 21 calendar days**

**\*\*48 incurred sum of \$75 for initial consult**

**\*\*48 had \$0 in medical expenses**

**\*\*79 had \$0 in WC Comp wages**

Highlights of Workers' Compensation Policy Edits  
(September 2019)

**Purpose of Proposed Change:** This proposed policy provides compensation protection for 90 consecutive calendar days beginning with the day of injury that was incurred while implementing the essential duties of his or her job at Frederick County. Such a modification will provide a level of financial assurance that leave without pay will not have to be endured during this initial period of time.

Highlighted Color <sup>1</sup>	Current Policy	Proposed Policy	Comments
<b>Aqua</b>	Paid leave benefits will not continue to accrue while the employee is out on workers' compensation.	Employees on Workers' Compensation leave continue to accrue PTO leave.	Allowing leave accrual to continue, especially for new hires with limited PTO, while recovering will minimize the number of LWOP hours that need to be taken.
<b>Yellow</b>	During the first seven calendar days that an employee is absent from work because of job-related illness or injury, the employee must use accrued paid leave hours to receive full pay. After the first seven days, employees receive a percentage of their salary as set by state law. In order for the employee to receive full salary, the remaining percentage will be covered by use of the employee's paid leave. Should the employee not have enough paid leave to cover the difference between the wage replacement benefit and full salary amount, leave without pay will be used.	If an employee is absent due to a Workers' Compensation approved work-related injury due to physician requirements, the employee receives 100% regular pay (i.e., 2/3 of the employee's salary will be provided by the Workers' Compensation payment and 1/3 of the salary will be paid for by the County) for time off work up to a maximum of 90 consecutive calendar days beginning with the day of injury.	This change will allow an injured employee to not have to use any PTO leave during the 90 consecutive days after the date of the injury.

<sup>1</sup> The thematic changes were highlighted on the current and proposed policies (see separate document). Each specific theme was given a unique color.

**WORKER’S COMPENSATION COMPARISON SUMMARY –  
 UPDATED INFORMATION SINCE OUR NOVEMBER 8, 2019  
 HR COMMITTEE MEETING IS LISTED IN RED**

All counties listed below: The 90 consecutive calendar days start on the date of injury or accident. It starts on the original date of the employee’s injury. If the employee is intermittently working and then is out, the date starts at the original date of the injury.

There are 16 total jurisdictions and 5 counties offering 90-day policies which is 31%. **These same counties also allow the employee to accrue leave during the 90-day period starting on the date of the injury or accident.**

**\*Excluded from the survey statistics are jurisdictions with six months or greater coverage (i.e., Loudoun, Prince William and James City) and those that don’t allow leave to be used (City of Winchester and Town of Berryville).**

Locality	County Paid <sup>1</sup>	Employee Leave <sup>2</sup>	Not paid	Description
Loudoun County – Injury Leave	✓			All employees granted 26 weeks of ‘Injury Leave’ to make up the 1/3 (compensation cannot exceed 100% of EEs pre-injury earnings). After 26 weeks, a 12-week extension can be granted, but EE must use accrued leave balances. While on Injury Leave, paid leave will <u>not</u> accrue.
Prince William – Injury Leave	✓			<b>Injury Leave</b> allows for 100% of pay from day one up to 260 days as long as the leave is used within the first 12 months of the Injury. An extension may be granted within 24 months from the date of injury, as long as the total days used from the date of injury has not exceeded 260, and with additional approval. After Injury Leave is exhausted, employee is paid 66 2/3rd under workers’ compensation up to the max rate. Employees can use their own sick or annual leave to make up the 1/3rd difference. Any benefit deductions would be taken from the 1/3rd pay. Employees do continue to accrue leave while out on workers’ comp.
Rockingham County – regular pay	✓			The employee receives 100% pay for time off work up to a maximum of 90 days. Leave accrues while on workers’ compensation. The employee only uses accrued leave after 90 days to make up the 1/3 difference.
Augusta County – regular pay	✓			Makes the employee whole with regular pay whether they are on light duty or totally off from work on worker’s comp. The employee is paid regular pay to make up the 1/3 salary up to 90 days and does not use leave time. The employee does earn leave time while they are off. Their benefits remain the same as if they were working.
Orange	✓			Will make up the 1/3 for a period not to exceed 90 days. The employee must reassign all work comp payments to the County..

Locality	County Paid <sup>1</sup>	Employee Leave <sup>2</sup>	Not paid	Description
<b>James City</b>	✓			Provides a supplement for the 1/3 for a maximum of 6 months. Sick & vacation do not accrue while employee is missing work due to a Work Comp injury.
<b>Roanoke</b>	✓	✓		Employee may use available sick or flex leave for days 1-7. (Frozen sick bank must be used first.) Starting on day 8, the County of Roanoke pays you at 100% of the employee's salary for the first 90 days you are out of work. After that 90 days, VACORP pays you at 66 2/3% of your average weekly wage based on the 12 months prior to the injury.
<b>Hanover</b>	✓	✓		100% of salary paid for 90 days, and work comp payments to County. After 90 days, work comp payments directly to employee. However, an employee may use PTO, FLSB or Compensatory Leave during that seven (7) calendar day period. Approved work-related absences greater than ninety (90) days are compensated at 66 2/3%.
<b>Chesterfield</b>	✓	✓		County will supplement work comp payments for 42 days. For days 42 – 84, employee can use comp time, sick leave, and annual leave (in that order). After 84 days, no supplement (except for sworn Sheriff EEs). 84 days = 12 weeks FMLA)
<b>Fauquier County</b>		✓		The employee may use their leave to make up the 1/3 pay. If they do not have leave, then a donor employee can donate leave to the employee. The donor employee can donate either vacation time or sick time. The employee cannot use sick leave for the worker's compensation case.
<b>Warren County</b>		✓		Employee can take leave to make up the 1/3 remaining pay. Leave is taken from Annual, sick, comp time, holiday bank. The employee chooses the order. First 7 days are waiting period as per worker's compensation.
<b>Albemarle</b>		✓		Employee may use sick, annual, or comp to make up 1/3 pay. Sick must be used first.
<b>Spotsylvania County</b>		✓		Employee may elect to use sick, annual, or comp time to make up the 1/3 pay.
<b>Stafford County</b>		✓		Employee may use sick leave, comp leave, annual leave, floating holidays to make up the 1/3 pay.
<b>Bedford</b>		✓		Election form allows the employee to either receive compensatory pay which is paid by the workers compensation carrier only or subsidize what the carrier pays with accumulated sick leave, so that in total the employee continues to receive his or her regular rate of pay.
<b>Montgomery (no leave used except Sheriff Deputies)</b>		✓		There is legislation (found at bottom of this chart) requiring that we allow sworn officers of the Sheriff's department to use leave to make up the 1/3, however we do not allow other County/agency employees to use leave to make up for the loss. All employees would earn leave and have protected benefits while on workers comp leave. Employees are required to make payment to the HR department for their portion of benefits if unable to take those through payroll deduction.
<b>Frederick County Public Schools</b>		✓		Employees not covered by Short-Term Disability Plan can use sick, annual, or personal to cover the 1st 7 days.
<b>South Hampton</b>		✓		Employee would utilize leave time to make up the 1/3 pay. Leave continues to accrue.

Locality	County Paid <sup>1</sup>	Employee Leave <sup>2</sup>	Not paid	Description
York (no leave used except Sheriff Deputies)		✓	✓	Employee required to use leave for the first 7 (waiting period) days and then on the 8th day, they come off our payroll. We do not allow employees to use leave to make up the extra 1/3 of the salary.
City of Winchester			✓	Employees are not allowed to use any paid leave to supplement the difference. City employees out of work due to a compensable on-the-job injury or illness will be allowed to use leave of absence without pay or sick or annual leave for the first seven days of lost time. If lost time extends beyond twenty-one (21) days, the employee will be compensated for the first seven days. The City will not reinstate any leave used during the first seven (7) days.
Town of Berryville			✓	Employees are not allowed to use any paid leave to supplement the difference.

## Code of Virginia

There is legislation requiring that we allow sworn officers of the Sheriff's department to use leave to make up the 1/3 pay.

Code of Virginia Title 15.2. Counties, Cities and Towns Chapter 15. Local Government Personnel, Qualification for Office, Bonds, Dual Office Holding and Certain Local Government Officers § 15.2-1511.01. Allowances to injured deputy sheriffs A. In addition to the allowances provided in § 15.2-1511, any deputy sheriff who suffers injury as defined in Title 65.2 and whose allowance as provided in § 15.2-1511 is less than 100 percent of his regular compensation shall be entitled to use any accrued vacation, compensatory, or sick leave to supplement the allowance so as to receive 100 percent of his regular compensation. In no case shall a deputy sheriff use such accrued leave so as to receive more than 100 percent of his regular compensation.

<sup>1</sup> County Paid: (Paid in the form of regular pay as usual or Injury Leave)

<sup>2</sup> Leave: Sick, Annual, Compensatory Leave, Holiday Bank, Employee Leave Donation

## 8.6 Workers' Compensation

The County provides a comprehensive Workers' Compensation insurance program at no cost to employees. Workers' Compensation coverage is provided for full-time, part-time and temporary employees. The program covers any injury, illness or accident sustained in the course of employment that requires medical, surgical, or hospital treatment. The insurance also provides a death benefit if an employee dies as a result of performing job-related responsibilities. Subject to applicable legal requirements, in addition to covering medical expenses, Workers' Compensation insurance may provide employees wage benefits equal to two-thirds (2/3) of an employee's pre-injury average weekly wage. Insurance wage replacement begins after the injured employee has been off work for seven calendar days. In addition, the employee will be entitled to certain compensation to help offset the loss of wages while unable to work.

The County may pay related medical expenses—at no cost to the employee—for an accident or qualifying illness that occurs as a result of work. Workers' compensation coverage is provided for full-time, part-time and temporary employees. In addition the employee may be entitled to compensation to help offset the loss of wages while unable to work. Employees do not share in the cost of workers' compensation; the County pays the entire cost.

### **Reporting a Workplace Injury and Insurance Provider Network Requirement**

Employees who are injured on the job, or who become ill as a result of their job performance, must report their condition to their supervisor immediately. Employees may not be covered by Workers' Compensation insurance if the injury, illness or accident is not properly reported.

In order to be considered for Workers' Compensation benefits, the employee shall seek medical attention from a provider within the Panel of Physicians – i.e., a group of medical providers authorized by the insurer of the County's Workers' Compensation policy. This group of providers is listed on the Frederick County Employee Intranet. In most cases, except emergency cases or where otherwise approved, the employee may be responsible for the entire cost of the medical care if the employee receives treatment from a doctor outside the Panel of Physicians. For more information on the Panel of Physicians and how to find a participating medical professional or facility, employees should contact the Human Resources Department. In life-threatening situations, the employee or co-worker should call 911 and be transported to the nearest hospital. When the situation is not life threatening, supervisors are responsible for ensuring that the employee is transported to medical care when appropriate.

The report of accident or injury must be made to the designated hotline established by the County – who assesses the injury and determines if treatment/evaluation is necessary. The hotline nurse will recommend self-care and/or will refer to a Panel Physician/treatment facility when further evaluation/care is necessary. The Company Nurse files the First Report of Injury with the Workers' Compensation carrier and with Frederick County Human Resources. This should be done within 48 hours to avoid any question as to if the injury/illness is work related. The County's Workers' Compensation carrier will investigate and review all claims submitted for eligibility and compensability. State law allows the County to designate physicians that the employees must choose from for an examination verifying the extent of the injury or illness.

### **Additional guidelines related to Workers' Compensation and job-related injuries are:**

- If eligible for Family Medical Leave Act (FMLA), the FMLA will run concurrent with leave for a Workers' Compensation injury. If the Workers' Compensation carrier notifies the County and states that the claim has been denied and is not Workers' Compensation compensable, the claim will be converted from Workers' Compensation to Paid Time Off (PTO), Individual Disability Account (IDA) leave, Leave Without Pay (LWOP), and/or short-term disability as applicable.
- While on Workers' Compensation leave, injured or ill employees are required to keep all medical appointments and therapy appointments ordered by their physician and to provide supervisors all

update reports by physicians regarding duration of leave or return to work in a light duty or unrestricted capacity.

- All physician and medical treatment facility notes must be forwarded to the Department of Human Resources. This information will be sent to the Workers' Compensation claims adjuster and included in the employee's Workers' Compensation injury file.
- Employees on Workers' Compensation leave will continue to accrue PTO leave.
- The County shall continue the employer's share of Virginia Retirement System (VRS) Retirement/Life Insurance and health and dental premiums while the employee is receiving Workers' Compensation benefits provided the employee is still receiving pay (in the form of supplemental pay or personal leave) from the County. If the employee is receiving statutory Workers' Compensation benefits only, the employee will be reported to VRS as being on LWOP. While on LWOP, the County continues to pay for life insurance coverage, and the County shall continue the employer's share of health and dental coverage if the employee compensates the County for his/her premium costs.
- Employees who are off work due to on-the-job illness or injury (covered under the Workers' Compensation program), who falsify the extent or severity of injuries will be subjected to disciplinary action, to loss of benefits and to possible termination and prosecution.
- A drug and alcohol screen will be required within 24 hours of injury for employees involved in a motor vehicle accident.
- The County believes that it is in the best interest of the County and the injured employee to return to work as early as possible. When possible, the County will provide light-duty assignments for a temporary and reasonable period of time. The County will pay regular wages for hours worked for light-duty temporary assignments and overtime will not be allowed. The employee will be paid for the hours that coincide with regular work hours by using a Workers' Compensation pay code on their timesheet.
- In most circumstances, employees released to return to work will return to their former position. In circumstances where business necessity does not permit a vacancy for a period of time required by an employee to recuperate from a job-related illness or injury, the position will be filled. When the injured employee is released to return to work, he/she will be welcome to apply for any position that is open and comparable with his/her skills and qualifications.

#### **Compensation While on Workers' Compensation Leave**

If an employee is absent due to a Workers' Compensation approved work-related injury due to physician requirements, the employee receives 100% regular pay (i.e., 2/3 of the employee's salary will be provided by the Workers' Compensation payment and 1/3 of the salary will be paid for by the County) for time off work up to a maximum of 90 consecutive calendar days beginning with the day of injury. After 90 calendar days, employees receive a percentage of their salary as set by state law. For the employee to receive full salary, the remaining percentage will be covered by use of the employee's paid leave. Should the employee not have enough paid leave to cover the difference between the wage replacement benefit and full salary amount, LWOP will be used.

When an employee receives wage replacement benefit payments from the Workers' Compensation carrier, the County is notified of the employee's payment. This benefit payment amount is then deducted from upcoming paychecks for the employee. These reductions to the paychecks continue until all benefit payments are recovered.

Questions regarding Workers' Compensation may be directed to the Department of Human Resources at 540-665-5668.



~~Any work-related injury or illness must be immediately reported in to the employee's supervisor. The Report of Accident or Injury and the Panel of Physicians must be completed by the supervisor and employee and forwarded to Risk Management within two days of the accident. These forms are to be completed even if the employee does not receive medical treatment (record only). The County's Workers' Compensation carrier will investigate and review all claims submitted for eligibility and compensability.~~

~~State law allows the County to designate physicians that the employees must choose from for an examination verifying the extent of the injury or illness. If an employee chooses to be treated by a physician other than one on the County's panel of physicians, the employee may be responsible for medical expenses related to that treatment.~~

~~During the first seven calendar days that an employee is absent from work because of job-related illness or injury, the employee must use accrued paid leave hours to receive full pay. After the first seven days, employees receive a percentage of their salary as set by state law. In order for the employee to receive full salary, the remaining percentage will be covered by use of the employee's paid leave. Should the employee not have enough paid leave to cover the difference between the wage replacement benefit and full salary amount, leave without pay will be used. Additionally, further paid leave benefits will not continue to accrue while the employee is out on workers' compensation. If the employee is absent more than 21 calendar days because of an approved job-related illness or injury, the County will reinstate the leave that was used.~~

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## 8.6 Workers' Compensation

The County provides a comprehensive Workers' Compensation insurance program at no cost to employees. Workers' Compensation coverage is provided for full-time, part-time and temporary employees. The program covers any injury, illness or accident sustained in the course of employment that requires medical, surgical, or hospital treatment. The insurance also provides a death benefit if an employee dies as a result of performing job-related responsibilities. Subject to applicable legal requirements, in addition to covering medical expenses, Workers' Compensation insurance may provide employees wage benefits equal to two-thirds (2/3) of an employee's pre-injury average weekly wage. Insurance wage replacement begins after the injured employee has been off work for seven calendar days. In addition, the employee will be entitled to certain compensation to help offset the loss of wages while unable to work.

### **Reporting a Workplace Injury and Insurance Provider Network Requirement**

Employees who are injured on the job, or who become ill as a result of their job performance, must report their condition to their supervisor immediately. Employees may not be covered by Workers' Compensation insurance if the injury, illness or accident is not properly reported.

In order to be considered for Workers' Compensation benefits, the employee shall seek medical attention from a provider within the Panel of Physicians – i.e., a group of medical providers authorized by the insurer of the County's Workers' Compensation policy. This group of providers is listed on the Frederick County Employee Intranet. In most cases, except emergency cases or where otherwise approved, the employee may be responsible for the entire cost of the medical care if the employee receives treatment from a doctor outside the Panel of Physicians. For more information on the Panel of Physicians and how to find a participating medical professional or facility, employees should contact the Human Resources Department. In life-threatening situations, the employee or co-worker should call 911 and be transported to the nearest hospital. When the situation is not life threatening, supervisors are responsible for ensuring that the employee is transported to medical care when appropriate.

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Questions regarding Workers' Compensation may be directed to the Department of Human Resources at 540-665-5668.