

ARLINGTON COUNTY CODE

Chapter 6

CIVIL SERVICE

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§ 6-1. Civil Service Commission--Created.

Under authority vested in the County Board by the Code of Virginia, 1950, § 15.2-721, there is hereby created the Arlington Civil Service Commission, hereinafter referred to as "the Commission."
(6-15-51)

§ 6-2. Same--Designation; Term.

The terms of office of members of the Commission shall expire June 30, 1964. The Board shall appoint successors to members whose terms are so terminated for terms ending on June 30, 1965, 1966 and 1967. At the expiration of the term of each such member, his successor shall be appointed for a term of four (4) years.
(8-24-64)

§ 6-3. Same--Composition; Qualifications.

A. The Commission shall be composed of five (5) persons who are qualified voters in the County, who have had broad experience in management or public affairs, and who are in full agreement with the application of merit principles in public employment.

B. Members of the Commission shall not, while serving, become candidates for election to public office; nor shall they be a member of any local, state or national committee of a political party, nor any officer of any organization which actively sponsors and works for the election of candidates to public office.

C. Members of the Commission shall hold no paid office or employment under the government of the County while serving as members of the Commission.
(6-15-51; 7-1-78)

§ 6-4. Same--Compensation; Funds.

Members of the Commission shall serve without compensation, but funds will be provided by the County Board in the annual budget for reasonable and necessary expenses to be incurred by the Commission.
(6-15-51)

§ 6-5. Same--Chairman.

The County Board shall designate one (1) member of the Commission to serve as Chairman; and the County Board shall give consideration at its first meeting in each calendar year to continuation of its previous designation of the Chairman of the Commission.
(6-15-51)

§ 6-6. Same--Quorum.

Three (3) members of the Commission shall constitute a quorum for the transaction of business.
(10-13-79)

§ 6-7. Same--Removal of Members.

Any member of the Commission may be removed for good cause shown by a majority vote of the County Board, but only after the County Board has given the member a statement in writing of the reasons for such removal and an opportunity to be heard before a public session of the County Board.
(6-15-51)

§ 6-8. Same--Responsibilities and Duties.

The Commission shall have the responsibility and shall be required:

A. To represent the public interest in the improvement of personnel administration in the County Service.

B. To advise the County Board, the County Manager and the Director of Personnel in the formulation of policies concerning personnel administration in the competitive service.

C. To foster the interests of institutions of learning, and of civic, professional and employee organizations in the improvement of personnel standards in the County Service.

D. To investigate any or all matters relating to conditions of employment in the service of the County and to make, at least annually, a report of its findings and recommendations. The annual report of the Commission to the County Board shall be made available to the public concurrently upon presentation to the County Board.

E. To make specific recommendations to the County Board concerning such changes in State legislation affecting personnel administration and the broadening of the coverage of the merit system for the County as would be necessary and desirable to ensure fairness of treatment in salary opportunity (namely, equal pay for equal work requiring equal qualifications) and other employment conditions for all employees of the County within or without the competitive service, as herein defined.

F. To perform other duties as set forth elsewhere in this Chapter.

G. To select and appoint a clerk if authorized by State law and if sufficient funds are appropriated for that purpose by the County Board. The Clerk shall have the duties of:

1. Attending all Commission meetings and taking such notes and minutes of the meetings, as directed by the Commission and as required by law;
2. Assisting the Commission in scheduling matters to be considered by the Commission;
3. Ensuring that the appropriate persons are notified of matters to be considered by the Commission;
4. Coordinating the obtaining of information required by the Commission;
5. Performing other clerical duties as the Commission may direct.

If State law does not permit the Commission to hire the Clerk, the County Manager is authorized to hire a person to serve in that function.

H. To appoint such other employees as the Commission deems appropriate if authorized by State law and if sufficient funds are appropriated for that purpose by the County Board. If State law does not permit the commission to hire these employees, the County Manager is authorized to hire such other employees as the Commission deems appropriate.

I. To adopt such procedural rules as it deems necessary for the conduct of its meetings, hearings or other matters within its jurisdiction.
(6-5-51; 10-13-79; Ord. No. 87-27, 1-3-88)

§ 6-9. Department of Personnel Established.

There is hereby established a Department of Personnel for the County.
(6-15-51)

§ 6-10. Responsibilities and Duties of the County Manager.

In the administration of the personnel system established by this chapter, the County Manager shall have the authority and shall be required:

- A. To administer the merit system, through his general authority to supervise the Director of Personnel and all other heads of departments, subject to the personnel rules adopted hereunder.
- B. To recommend proposed personnel rules to the Commission.
- C. To appoint and, when necessary for the good of the service, remove employees in the competitive service.
- D. To appoint and remove employees in the executive management service.
- E. To cooperate with and render necessary assistance to the Commission.
(10-13-79; Ord. No. 03-15, enacted 6-14-03)

§ 6-11. Director of Personnel--Qualifications and Method of Appointment.

The County Manager shall appoint a Director of Personnel who shall be a person trained and skilled in personnel administration, with knowledge of and interest in public personnel administration.
(6-15-51)

§ 6-12. Same--Powers and Duties.

The Director of Personnel shall have general management and control of the Department of Personnel and shall have the following functions and responsibilities:

A. The head of the Department of Personnel shall be the Director of Personnel. Under the administrative direction of the County Manager, the Director of Personnel shall be responsible for the selection of all employees of the Department of Personnel, in such numbers and grades as may be authorized by the County Board in the annual budget, or amendments thereto.

B. To give leadership to department heads in the application of sound principles of human relations to matters of supervision, teamwork, discipline, employee adjustments and work motivation. To stimulate all supervisory personnel to use the most effective methods of utilization and coordination of employee abilities and skills.

C. To conduct open competitive assembled or unassembled examinations for all original appointments in the competitive service and, whenever the County Manager shall determine in accordance with the rules of the Commission that the same is practicable, for promotions in the competitive service. To give wide publicity to all announcements of competitive examinations. To organize plans for the recruitment of trained personnel for the County's competitive service; provided, that in formulating examinations he shall consult with all department heads concerning their personnel requirements and the qualifications necessary to perform the work.

D. To maintain eligible lists, based on such examinations, for each class of position in the competitive service to which appointments are to be made.

E. To enter into, with the approval of the Commission and the County Manager, agreements with other public personnel departments or agencies (local, regional, State or federal) for the joint administration of examinations and the joint use of eligible lists resulting therefrom or for the administration by the Department of Personnel of other personnel systems.

F. To prepare and recommend, when appropriate, to the County Manager a job evaluation and classification system for all positions in the competitive service for consideration by the County Board pursuant to its authority under § 6-19.A. The job evaluation and classification system shall include a classification plan that groups similar positions under a common class title and description. The Personnel Director shall consult with affected agency heads about changes deemed necessary to the classification plan and review with the agency heads the content and qualifications of positions as stated in the position descriptions, and, based upon such review, make a recommendation to the County Manager. The County Manager may, by written determination, delegate to the Personnel Director authority to make final decisions for changes in the classification plan and content and qualifications of categories of positions stated in the written determination.

G. To prepare and recommend to the County Manager a pay system, including a pay plan with salary rates and rules covering all employees in the competitive service.

H. To review at least once each fiscal year the pay plan in consultation with the County Manager. The County Manager's recommendations for amendments or revision shall be forwarded to the County Board, together with the comments thereon of the Commission.

I. To direct and enforce the maintenance by all departments, boards, commissions and offices of the County, excluding the School Department and employees under Attorney for the State, the Treasurer, the Sheriff, the Commissioner of the Revenue, and the Clerk to the Circuit Court, of such personnel records of members of the competitive service as he shall prescribe.

J. To maintain a roster of all persons in the competitive service which shall specify as to each such person:

1. The class title of the position held;
2. The position grade;
3. The current salary or pay rate;

4. Any changes in class title, salary or pay; and
 5. Such other data as may be deemed useful or significant in the development of a career service.
- K. To certify approved appointments to the management, systems and budgets department, and no payments for personal services shall be made to any person in the competitive service unless so certified.
- L. To assist department heads in developing systematic programs of in-service training for members of the competitive service, for the purpose of bettering their performance and of qualifying them when practicable for consideration when vacancies occur in the service of the County.
- M. To encourage and cooperate with County employees in developing employee health and welfare activities.
- N. To investigate the operation and effect of this Chapter, and any amendments thereto hereafter adopted by the County Board, and the rules adopted thereunder, and report annually in writing his findings and recommendations to the County Manager.
- O. To perform such duties for the Commission as it shall direct.
- P. The Director of Personnel shall be authorized to request and receive information concerning the criminal history records, including fingerprint comparisons, of applicants for employment with Arlington County, Virginia, in order to determine whether, in the interest of public welfare and safety, the past criminal conduct of an applicant with a conviction record is compatible with the nature of the employment under consideration. Such applicant shall submit to fingerprinting by the Arlington County Sheriff or other agency designated by the Director of Personnel and provide descriptive information as required by the Sheriff or other agency. Such criminal history record information obtained shall be considered confidential and shall be used solely to assess eligibility for public employment and shall not be disseminated to any person not involved in the assessment process. (2-26-77; 10-13-79; Ord. No. 82-24, 6-28-82; Ord. No. 87-27, 1-3-88; Ord. No. 02-17, 6-22-02)

§ 6-13. Employee/Employer Relations.

A. *Purpose.* The sole underlying purpose of both the County and the employees of the County is to serve and protect the interests of the citizenry of the County. Such interests are best served and protected only when there exists between the County and employees of the County a continuing harmonious relationship. Further, it is recognized that the paramount interests of the citizenry create an employment relationship in the public sector inherently different from that which exists in private employment. It is, therefore, the purpose of this policy to provide guidelines by which management and employees of the County may hear and discuss matters concerning their employment with the County.

B. *Definitions.* The following words and terms when used in this section shall have the following meanings unless the context clearly indicates otherwise:

1. "County" means Arlington County, Virginia, but does not include the Arlington County School Board.
2. "County Manager" means the County Manager or the County Manager's designee.
3. "Employee" means any person employed by the County, excluding: employees whose wages are provided for under the budget of the Arlington County School Board; employees employed by the Commonwealth of Virginia; supervisory, judicial and confidential employees of the County; elected and appointed officials; constitutional officers and employees appointed by them; persons possessing the status of independent contractors; and employees whose duties are temporary or seasonal in nature.
4. "Supervisory employee" means any individual having authority in the interests of the County:

- a. To hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees; or
 - b. To responsibly direct other employees; or
 - c. To adjust the grievances of other employees; or
 - d. To effectively recommend any action set forth in a., b. or c. of this subsection, provided that the authority to act as set forth in a., b., c. or d. of this subsection requires the exercise of independent judgment and is not merely routine or clerical in nature.
5. “Professional employee” means:
- a. Any individual whose primary duty consists of the performance of work requiring knowledge of an advanced type in a field of science of learning customarily acquired by a prolonged course or specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship and who customarily and regularly exercises discretion and independent judgment in the performance of such function; or
 - b. Any employee who has completed or is engaged in a course of specialized intellectual instruction and study described above and who is performing related work in conjunction with a professional employee as described in Paragraph B.6 of this subsection.
6. “Technical employee” means:
- a. Any individual whose primary duty consists of the performance of work requiring the routine exercise of a specialized knowledge or skill acquired through distinctive training, as distinguished from a prolonged course of specialized intellectual instruction and study; or
 - b. Any employee who has completed or is engaged in the distinctive training described above, or who is receiving on-the-job training in a specialized knowledge or skill, and who is performing related work in conjunction with a professional employee as described in Paragraph a. of Subsection B.5 or technical employees as described in Paragraph a. of this subsection B.6.
7. “Confidential employee” means any individual who, in the course of his or her employment:
- a. Has access to confidential County personnel files or other confidential County information (including budgetary and fiscal data) subject to use by the County in the hear and discuss process or in the adjustment of grievances; or
 - b. Assists and acts in a confidential capacity to persons who formulate, determine and effectuate government policies in the area of employee relations.
8. “Employee organization” means any organization or association of any kind which admits to membership employees of Arlington County and which has a primary purpose of representing employees in the public sector as to their conditions of employment.
9. “Representation” means any individual employee may represent himself or herself or have an employee organization or individual represent his or her interests in discussions with County representatives as to conditions of employment. Under no circumstances shall exclusive representation be permitted for an employee organization or association.
10. “Hear and discuss” means the process by which representatives of the County and individual employees or their chosen employee organization or representative may meet at reasonable times to make known their mutual concerns regarding conditions of employment.

11. "Conditions of employment" shall not include:
- a. Any subject preempted by or in contravention of federal or State law or governmental charter; or
 - b. The authority and power of the Arlington County Board, the Arlington County Civil Service Commission, or the Personnel Department to establish and administer standards relating to the recruitment of candidates, to conduct and grade merit examinations and generally to rate candidates in the order of their relative qualifications for the purpose of appointment, assigning, transferring, and promoting employees, to establish position descriptions, class specifications and to assign class specifications to pay grades; or
 - c. Any subject inconsistent with the provisions of this policy.
12. "Strike" means the concerted refusal or failure of employees to perform their duties as assigned.
13. "Employee group" means an occupational grouping of employees with a community of interests in their conditions of employment.

C. *Employee rights.* Employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of hearing and discussing with the County and with respect to conditions of employment; provided, that nothing herein shall be deemed to permit an employee to engage in a strike. An employee shall also have the right to refuse to join or to participate in the activities of employee organizations, and shall have the right to represent himself or herself individually or designate a personal representative in his or her employee relations with the County. No employee shall be interfered with, restrained, coerced, intimidated, or discriminated against because of his or her exercise of these rights.

D. *Procedures for raising a question concerning representation.* An employee organization shall be recognized by the County and shall have the right to represent any employees for the purpose of hearing and discussing conditions of employment. Such employee organization may be required to provide written authorization from the individual employees they represent.

E. *Employee groups.* The following employee groups shall be the only groups deemed appropriate for the purpose of this policy: all sworn employees of the Police Department; all uniformed employees of the Fire Department; all employees in trades and maintenance occupations; all employees whose functions are primarily clerical in nature; and all professional and technical employees.

F. *Hear and discuss procedure.* Before the County Manager meets with the County Board in each budget cycle, the Manager shall meet with each employee group to discuss terms and conditions of their employment.

In addition, the County will provide a means of regular communication with employees through the posting of notices on bulletin boards and other effective means.

Adequate time shall be provided for employees to respond to issues to the extent practical, considering each individual item of interest. The response time shall be specified on the notice. The designated County representative who individual employees or their representatives are to contact will be stated on the notice.

G. *Limitations.* This policy shall not be a substitute for the normal process by which individual employees and their supervisors discuss employment matters.
(6-15-51; 5-7-62; 7-30-77)

§ 6-14. Three Classes of Service.

All employees of the County shall be divided into the three (3) following services:

- A. *Competitive service.* Included in the competitive service shall be all positions existing now or

hereafter created which are under the administrative control and direction of the County Manager, and to which appointments are made by the County Manager.

B. *Noncompetitive service.* Included in the noncompetitive service shall be members of the County Board and all other elected officials, the County Manager, the County Attorney, the Clerk to the County Board; employees appointed by the Treasurer, Attorney for the Commonwealth, Commissioner of Revenue, Clerk to the Circuit Court, the County Attorney, the Clerk to the County Board, and the Sheriff; members of part-time boards, councils and commissions, employees of the School Board and heads of departments whose appointment is vested by law in the County Board.

C. *Executive management service.* Effective June 15, 2003, included in the executive management service shall be employees under the administrative control and direction of the County Manager who are executives or senior executive assistants, which includes, but is not limited to Deputy County Manager, department directors, Assistant County Managers, assistants to the County Manager, and legislative liaison. Such employees serve at the will of the County Manager and are exempt from coverage by merit and civil service provisions of this Chapter, and policy and administrative regulations, except as expressly provided therein. Executive employees hired before the effective date of this section shall be converted to this class of service effective June 15, 2003.

The jurisdiction of the Commission shall be limited to the competitive service and employees appointed by the County Attorney.
(6-15-58; Ord. No. 82-24, 6-28-82; Ord. No. 03-15, 6-14-03)

§ 6-15. Administrative Regulations (Personnel).

A. The County Manager shall prepare administrative regulations relating to personnel matters as the need of the service requires.

B. The Civil Service Commission shall review the draft regulations and may make recommendations to the County Manager.

C. The regulations shall become effective when approved by the Manager.
(11-4-72; 7-30-77)

§ 6-16. Present Employees to Retain Positions.

All persons in the County Service holding positions included within the competitive service, as defined herein, shall be continued in their respective positions, without further examination. Any such employees who may become subject to removal for disciplinary reasons shall be removed in accordance with the provisions of this Chapter and the personnel rules adopted hereunder.
(6-15-51)

§ 6-17. Basis for Appointments, Promotions, Dismissals, Etc., of Certain Employees.

All employees in the competitive service who are under the administrative control of the County Manager or those employees under the County Attorney shall be appointed, promoted, demoted, transferred or dismissed solely on the basis of merit and fitness for position. The County Manager reserves the right to appoint, promote, dismiss and make other employment decisions regarding the members of the executive management service. Appointments and promotions shall be made based on qualifications and a determination of fitness. Competitive announcement is not required. Dismissals shall be made whenever the County Manager determines that it is in the best interests of the County. Nothing herein shall be construed as requiring cause for the dismissal of employees in the executive management service or to create any right in the employee to continued employment.
(6-15-51; Ord. No. 82-24, 6-28-82; Ord. No. 03-15, 6-14-03)

§ 6-18. Probational Appointments; Disciplinary Action for the Competitive Service.

A. All original appointments in the competitive service shall be made from an eligible list certified by the Director of Personnel. All original appointments shall be made for a probationary period the conditions of which shall be governed by the personnel rules.

B. Members of the competitive service shall be subject to such disciplinary action, including removal, as may be ordered or approved by the County Manager. Prior to the conclusion of the probationary period of any employee his service may be terminated by the County Manager if, in his opinion, the employee does not demonstrate possession of the qualifications required by the position to which he was appointed.

C. After the completion of his probationary period, any member of the competitive service who shall be suspended, reduced in rank or pay, or removed, shall be entitled to notice in writing of the grounds of the disciplinary action.

D. Procedure for appeal of such actions shall be in conformance with the administrative regulations of the County Manager, provided that such regulations shall provide for a right of appeal to the Commission.

E. The finding of the Commission on such appeals shall be binding. In any case where the Commission then determines that the disciplinary action constituted an abuse of discretion, the Commission may direct that the affected employee shall be paid in full or in part for such portion of time as he or she was unjustly suspended, reduced in rank or pay or removed.

F. The Commission shall have no jurisdiction over appeals from police officers who have elected to proceed pursuant to the Law-Enforcement Officers' Procedural Guarantees (§ 9.1-500 et seq., Code of Virginia, 1950, as amended) or who have chosen the Police Trial Board for the resolution of their grievance or firefighters who have chosen the Fire Trial Board for the resolution of their grievance.
(11-20-76; 10-13-79; Ord. No. 85-2, 1-5-85; Ord. No. 03-15, 6-14-03)

§ 6-19. Job Evaluation and Classification System for the Competitive Service.

A. The job evaluation and classification system shall be put into effect by the County Board and shall include a procedure for assigning a class to each position within the classification plan. Such system shall supersede any earlier plans. The County Board shall not put such a system into effect until a qualified consultant has developed a new job evaluation and classification system with determination by the consultant of the appropriate allocation of each position to a class at the time of implementation.

B. No person shall be appointed to or employed in a position in the competitive service until such position is classified under the approved job evaluation and classification system.

C. Except at the time of adoption by the County Board under § 6-19.A, employees, when their positions have been evaluated and proposed for reclassification, shall be afforded an opportunity to have an appeal hearing thereon by the Commission after filing with the Director of Personnel a request for such hearing. Procedures for the appeal of such action shall be in conformance with administrative regulations of the County Manager.

D. No position in the competitive service shall be filled other than on a temporary appointment basis of not more than eighteen (18) months by any person who is a trainee, except where the County Manager determines a longer period is consistent with this section and County Board policy. At the end of the trainee status, the person must meet the qualification requirements for that position as set forth in the position descriptions which are a part of the job evaluation and classification system.

E. *Definitions.* The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise:

1. "Job evaluation and classification system" means the formal system for classifying all County positions and shall include the evaluation methodology, classification plan and all associated rules and procedures.
2. "Classification plan" means the approved classes of positions and the associated rules and procedures to establish, amend, cancel, title and group occupational classes, and a position description to describe each class.
3. "Class" means one (1) or more positions so nearly alike in the essential character of their duties

and responsibilities that the same pay grade, title and qualification requirements can be applied fairly and equitably for pay purposes.

4. "Position description" means the document that summarizes the most important features of a position. As a minimum, the description shall contain a general summary of the work, major duties and tasks, minimum qualifications, and the knowledge, skills and abilities required to perform satisfactorily the duties of the position.

(6-5-61; Ord. No. 87-3, 1-24-87; Ord. No. 87-27, 1-3-88; Ord. No. 03-15, 6-14-03)

§ 6-20. Pay System and Plan.

A. There shall be a pay plan for all positions in the County. The County Manager shall forward the proposed pay plan, together with the recommendations thereon of the Commission, to the County Board for approval. Where a salary range is established for a position in the job evaluation and classification system, increases within such range shall be earned by length of service and/or quality of work performance. The pay plan and rates shall be determined with due regard to compensation for similar employment in the Washington metropolitan area, and shall compare therewith, and any other factors that may properly be considered to have a bearing upon the fairness or adequacy of the pay plan.

B. The County Board shall not increase or decrease any salaries of individual members of the competitive service but shall act solely with respect to approving both the pay plan and pay system. The County may, however, enter into salary reduction agreements with employees pursuant to a duly enacted employee flexible benefits plan under Internal Revenue Code, § 125. The amount of salary reduction required for each benefit option offered under such plan shall be determined before entering into the salary reduction agreement as to each such benefit and shall be set forth in a table which shall be a part of the compensation plan.

C. Local government officers and employees may receive a monetary bonus otherwise known as merit awards for exceptional services rendered. Such awards shall be made under procedures in the meritorious service pay section of the personnel rules adopted by the County Manager.

D. *Definitions.* The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise:

1. "Pay system" means the methodology, rules and procedures for determining and setting pay rates, and the pay plan.
2. "Pay plan" means the pay structure designated by grades with specific pay rates, pay ranges, steps or other increments, which shall be set forth in a document linking each class of position authorized under the classification plan of a specific grade.

(6-15-51; 7-30-77; Ord. No. 87-27, 1-3-88)

§ 6-21. Promotions.

A. Vacancies in higher positions in the competitive service shall be filled as far as practicable by promotion from lower classes. When the County Manager determines that there are an insufficient number of well-qualified eligibles within the service, he may direct that the competitive examination for such positions shall be open not only to members of the competitive service but also to all other qualified persons.

B. All examinations for promotion shall be conducted by the Director of Personnel in accordance with the personnel rules, and the qualified candidates shall be certified to the appointing authority and all promotional appointments shall be made from among the persons so certified.

(6-15-51; Ord. No. 87-27, 1-3-88)

§ 6-22. Prohibited Practices Generally.

A. No person shall wilfully make any false statement, certificate, mark, rating or report in regard to any test, certification, promotion, reduction, removal or appointment held or made under the provisions of this Chapter, or in any manner commit or attempt to commit any fraud preventing the impartial execution thereof or of

the personnel rules adopted pursuant to this Chapter.

B. No person shall, either directly or indirectly, pay, render or give any money, service or other valuable thing to any person for, on account of or in connection with any test, appointment, promotion, reduction or removal in which he is concerned.

C. No officer or employee of the County shall knowingly defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this Chapter, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the competitive service.

D. *Prohibition of discrimination.* Discrimination against any person in any practice or procedure in advertising, recruitment, referrals, testing, hiring, assignment, transfer, promotion, training, apprenticeship, disciplinary action, layoff and recall, termination, compensation, benefits or any other term, condition or privilege of employment which limits or adversely affects employment opportunities because of political or religious opinions or affiliations or because of race, color, sex, national origin, marital status, parenthood, age, or disability which is unrelated to the person's occupational qualifications or any other nonmerit factor which is not a bona fide occupational qualification, is prohibited; provided that nothing in this section is intended to prohibit the County from taking reasonable affirmative action to eliminate the effect of discrimination.

E. *Appeal from discrimination.* Any applicant or employee who has reason to believe that he/she has been discriminated against because of any factor prohibited by § 6-22.D in any personnel action may appeal to the Civil Service Commission as provided herein.

If the appellant is an employee, the procedure for appeal shall be in conformance with the administrative regulations of the County Manager provided that such regulations shall provide for a right of appeal to the Civil Service Commission.

If the appellant is an applicant, the appellant shall be afforded an opportunity to be heard by the Civil Service Commission after filing a written request for a hearing with the Commission. The appellant and the person responsible for the alleged discriminatory action shall have the right to be heard and present evidence. If the Commission finds that there was discrimination because of any factor prohibited by § 6-22, it shall order appropriate corrective action.

(6-15-51; 12-18-76; 4-25-81; Ord. No. 84-19, 6-16-84; Ord. No. 85-2, 1-5-85; Ord. No. 96-8, 6-29-96)

§ 6-23. Political Activities.*

*Employees whose positions are funded in whole or in part by loans or grants from a federal agency may be covered by the provisions of the Federal Hatch Act. Where County provisions are more restrictive, the County provisions shall take precedence over the federal provisions.

A. *Definitions.* The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise:

1. "Group 1 employee" means any person in the competitive service or executive management service who is not in Group 2 as defined in this section.
2. "Group 2 employee" means any person in the competitive service or executive management service who is in the Office of the County Manager or Office of the County Attorney; or a department director or division chief other than those who are law enforcement officers, firefighters or emergency medical technicians as defined by Virginia Code § 15.2-1512.2, et seq., and any subsequent amendments thereto. The word employee standing alone means Group 1 and Group 2 employees, collectively.
3. "County" means Arlington County, Virginia.

4. "Election" means a primary, special and general election in which candidates are to be nominated or elected to a public office.
 5. "Local office" means the Arlington County Board seats, Arlington County constitutional offices (Sheriff, Commonwealth Attorney, Commissioner of the Revenue, Treasurer, Clerk to the Circuit Court).
 6. "Official" means a person holding local office or the County Manager, or any employee who has the authority to make decisions or substantial recommendations in regard to the terms and conditions of employment for any Group 1 or Group 2 employee or applicant, including but not limited to hire, discipline, pay and/or promotion.
 7. "Political activities" includes, but is not limited to: soliciting votes or endorsements on behalf of a political candidate or political campaign; displaying a political picture, sign, sticker, badge or button while on duty or in uniform; participating in the activities of, or contributing financially to, a political party, candidate or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally, or other political gathering; initiating, circulating or signing a political petition; engaging in fund-raising activities for any political party, candidate or campaign; acting as a recorder, watcher, challenger or similar officer at the polls on behalf of a political party, candidate or campaign; or becoming a political candidate; and includes the activities set forth in subsection A.8.
 8. "Political campaign" means activities engaged in for the purpose of influencing the outcome of an election for office.
 9. "Political candidate" means any person who has made known his intention to seek, or campaign for, office in a general, primary or special election.
 10. "Political party" means any political party, organization or group having as its purpose the promotion of political candidates or political campaigns.
 11. "State office" means the offices of delegates or senators representing Arlington in the Virginia General Assembly.
- B. *Prohibited practices generally.*
1. No employee or official in the service of the County shall reward or discriminate against any applicant for a position or any employee because of that person's political affiliations or political activities as permitted by this section, except as such affiliation or activity may be established by law as disqualification for employment by the County.
 2. No employee or official shall be influenced by, or discriminate in providing services, responding to requests or making other decisions on the basis of, the political affiliations or political activities of the person or organization for which services are provided.
 3. No employee shall coerce or attempt to coerce any other employee to pay, lend or contribute anything of value to a political party candidate or campaign.
 4. No employee shall portray, suggest or imply in any manner, at any time, on or off duty, a County-related endorsement of a political affiliation, activity, party, or candidate for election to any public office.
 5. No employee shall engage in political activities while on duty, or in a County uniform on or off duty, or in any County office or building during working hours applicable thereto. This section is not intended to prohibit employees from engaging in such activities on County premises as may be permitted for the public at large as stated in § 6-23.B.6 when the employees are off duty and out of uniform, and where such activities are not otherwise prohibited by law or this section. This section is not intended to prohibit employees from displaying bumper stickers on their personal vehicles

while parked on County property if such vehicles are not regularly used in County business, and where such activities are not otherwise prohibited by law or this section.

6. No person shall engage in political campaign activities in any County office or building during working hours applicable thereto. This section is not intended to prohibit political activities that are otherwise permitted for the public at large such as gatherings in County parks, or display of political badges.
7. No employee shall use any County equipment, system, materials or resources in support of political activities.
8. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the competitive service or executive management service.

C. *Prohibited activities regarding local offices.* In connection with local offices:

1. Group 1 employees are not permitted to continue as an employee upon being elected. A Group 1 employee who is elected to such office must resign immediately upon taking office.
2. Group 2 employees are not permitted to:
 - a. Continue as an employee upon becoming a candidate for election. A Group 2 employee who has become a candidate for such office must resign immediately upon becoming a candidate.
 - b. Engage in political activities except that they may register to vote, vote, express opinions on political candidates and issues privately, sign petitions, and contribute directly or indirectly to an organization that supports a political party or candidate for election unless the organization is identified as consisting of County employees and it supports candidates for local office.

D. *Prohibited activities regarding State offices.* In connection with State offices:

1. Group 1 employees who are department directors and divisions chiefs are not permitted to continue as an employee upon being elected. A department director or division chief who is a Group 1 employee who is elected to such office must resign immediately upon taking office.
2. Group 2 employees are not permitted to:
 - a. Be a candidate for election. A Group 2 employee who has become a candidate for such office must resign immediately upon becoming a candidate.
 - b. Engage in political activities except that they may register to vote, vote, express opinions on political candidates and issues privately, sign petitions, and contribute directly or indirectly to an organization that supports a political party or candidate for election unless the organization is identified as consisting of County employees and it supports candidates for State office.

E. *Permissible activities.* All employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this section.

F. The County Manager is hereby authorized and directed to acquaint County employees with the provisions of this Chapter.

G. Any employee who feels intimidated into political activities or penalized because of failure to engage in such activities, in violation of this Chapter, may appeal such violation without jeopardizing future employment. The procedure for complaint or appeal shall be according to the County's grievance procedure with all the rights and limitations related thereto.

(6-15-51; Ord. No. 83-14, 5-21-83; Ord. No. 94-25, 10-22-94; Ord. No. 00-17, 6-10-00; Ord. No. 03-15, 6-14-03)

§ 6-24. Penalties.

Violation of the provisions of this Chapter shall constitute grounds for dismissal from the County competitive service or the executive management service; in the discretion of the County Manager, or for employees of the County Attorney, the County Attorney, a lesser penalty may be imposed under extenuating circumstances, but in no case shall the penalty for willfully engaging in prohibited political activities be established at less than thirty (30) days suspension from duty without pay.

(6-15-51; Ord. No. 94-25, 10-22-94; Ord. No. 00-17, 6-10-00; Ord. No. 03-15, 6-14-03)

§ 6-25. Suspension of Provisions.

Notwithstanding any other provision of this Chapter, the provisions of this Chapter, or the rules and regulations hereunder, shall be suspended automatically to the extent that they conflict with any federal or State laws, rules or regulations pertaining to an employment position for which the County Board has approved and accepted federal or State funds.

(2-22-75)

§ 6-26. Physical Examination of Policemen and Firemen.

A. Physical examinations shall be made of all policemen and firemen as required by Chapter 272 of the 1975 Acts of Assembly, as amended, and §§ 27-40.1 and 27-40.1:1 of the Code of Virginia, as amended, to determine if such policemen and firemen are free from respiratory diseases, hypertension and heart disease. The physical examination shall be conducted by any doctor licensed to practice medicine in the Commonwealth of Virginia who is retained by the Arlington County Department of Human Resources.

B. The following diagnostic tests shall be performed in addition to the physical examination:

1. Chest X-ray.
2. Electrocardiogram.
3. Complete blood count.
4. Blood cholesterol.
5. Triglyceride level.
6. Urinalysis.
7. Pulmonary function tests.

(12-18-76)

§ 6-27. Employment of Off-Duty Officers.

Police officers and deputy sheriffs shall be permitted to engage in off-duty employment which may occasionally require the use of their police powers in the performance of such employment. The Chief of Police and Sheriff shall promulgate reasonable rules and regulations to apply to such off-duty employment.

(4-25-81; Ord. No. 07-15, 10-13-07, Effective 11-01-07)

§ 6-28. Employee Benefits: Housing Assistance.

Subject to appropriation of funds by the County Board, the County Manager shall establish a program to provide grants to employees of the County, the Constitutional Officers, and the School Board for purchase or rental assistance of a primary residence within the County. The County Manager is authorized to take all actions the Manager deems necessary or appropriate to establish and administer the program, including the establishment of terms and conditions, and to ensure that the program meets any applicable requirements of the law.

(Ord. No. 02-18, 6-22-02; Ord. No. 04-17, 06-26-04, effective 7-1-04)

§ 6-29. Employee Benefits: Retiree Medical and Dental Plan.

A. The County will, subject to appropriation of funds by the County Board, provide a monetary subsidy for employees who retire pursuant to § 21-41, § 21-43, § 21-45, § 35-36, § 35-38, § 46-37, § 46-39, or § 46-41.

The minimum subsidy towards the cost of medical coverage, which is not supplemental to Medicare, and dental coverage for an employee retiring with a full career of twenty-five (25) years of service (twenty (20) years of service for members of Chapter 21 or 35) will be eighty percent (80%) of the self-insured HMO health plan premium for single coverage and seventy-eight percent (78%) of the self-insured HMO health plan premium for other levels of coverage, and eighty percent (80%) of the dental premium for all levels of coverage, but shall not exceed the following:

1. Nine hundred sixty dollars (\$960.00) per month for members retiring prior to January 15, 2012,
2. Six hundred dollars (\$600.00) for employees hired before July 1, 2008 and retiring on or after January 15, 2012, and
3. Three hundred dollars (\$300.00) for employees hired on or after July 1, 2008.

Specific plan design, prorated benefits for employees with less than a full career, supplemental Medicare coverage and other terms and conditions shall be established by the County Manager. For supplemental Medicare coverage, the monetary caps set forth in sections 1, 2, and 3 above shall be applicable.

B. Subject to appropriation of funds by the Arlington County Board, employees who retired prior July 1, 2008 and elected to continue their health and/or dental plan benefits into retirement may cancel their health and/or dental coverage and opt to re-enroll in the County-sponsored health and/or dental plans within sixty (60) days from the date of termination of their alternative coverage.

C. Subject to appropriation of funds by the Arlington County Board, employees who retire on or after July 1, 2008, who elect to receive their retirement allowance pursuant to §21-48, §35-40, or §46-44(B), and who are receiving a monthly retirement allowance and are eligible for the health and/or dental plan benefits may either:

1. Elect to continue their health and/or dental coverage into retirement, cancel their health and/or dental coverage at any time after retirement provided the retiree obtains alternate health and/or dental insurance coverage from a company or program other than that which Arlington County provides, and re-enroll upon termination of alternate coverage, or
2. Opt to enroll in the County-sponsored health and/or dental plan within sixty (60) days from the date of termination of coverage elsewhere.

Procedures and other terms for cancelling and re-entering the health and/or dental plans shall be established by the Human Resources Director.

(Ord. No. 08-17, 09-13-08; Ord. No. 08-19, 10-18-08; Ord. No. 12-13, 9-15-12).