

A Content Analysis of Municipal Employee Handbooks in the Commonwealth of Virginia

**By
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Abstract

Purpose: The purpose of this Applied Research Project is three-fold: first, this research develops a practical ideal model employee handbook by adapting one developed by Rebecca Short (1997) and Neftali Garcia (2002) and expanded upon by Shanna Brown (2013). Second, the model is used to assess 16 city employee handbooks in the Commonwealth of Virginia. Finally, based on this assessment, recommendations to improve the quality of the handbooks are made.

Method: This research uses content analysis as the sole data collection method. Content analysis studies in this research are the city employee handbooks. A systematic random sampling was taken of handbooks in four city classifications (small, medium, large, extra-large) in the Commonwealth of Virginia. Each handbook was evaluated against the ideal handbook model and a rating assigned to each component.

Findings: Overall, city employee handbooks in the Commonwealth of Virginia need improvement. It is recommended that the handbooks be updated to include legislation such as the Lilly Ledbetter Fair Pay Act of 2009 and the Patient Protection and Affordable Care Act of 2010, as well as equal pay and anti-discrimination legislation. The handbooks also need to include updated maternal/paternal leave policies and social media use guidelines, define bullying, and provide information about union membership prohibition for public employees.

About the Author

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Chapter 1

INTRODUCTION

Employee handbooks are valuable tools used to communicate agency policies and procedures and guide relations between employers and employees. It is important that they are up-to-date and reflect changes in policies. Agencies should update their handbooks whenever new federal or state legislation is passed.

Employee Handbooks Defined

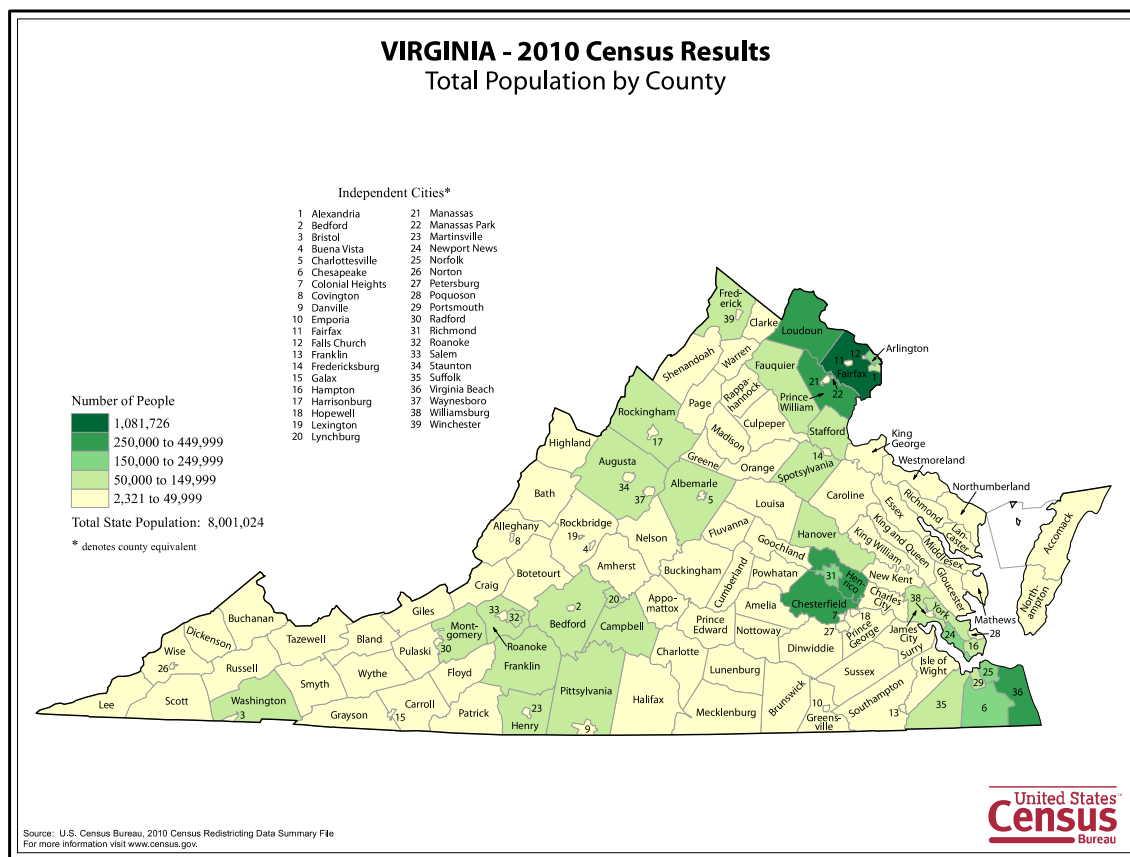
Stephen Feldman (2013) defines an employee handbook as a "booklet, a policy manual, a memorandum that the employer circulates or posts for its employees, or for some public employees, an ordinance or statute that contains the terms of employment." (p. 18) Handbooks communicate workplace policies by incorporating federal, state, and local laws. Well-written and consistently updated handbooks also reduce the likelihood of litigation (Smith and Harris 2014, p. 77).

Commonwealth of Virginia

The Commonwealth of Virginia, also known as the Old Dominion, is situated along the east coast of the United States. It obtained statehood June 25, 1788, and was one of the original thirteen states. Major battles in both the American and the Civil War were fought there, and it was the birthplace of eight presidents. Richmond has been the state capitol since 1780 (Jamestown and Williamsburg preceded it) (2017).

It is home to over eight million people, according to the 2010 U.S. Census, with the largest city being Virginia Beach at 437,944. As of 2012, there were 95 county governments and over 300 city governments (U.S. Census Bureau). Population distribution in the state is shown in **Figure 1.1.**

Figure 1.1 Total Population by County in Virginia (2010 U.S. Census)



The highest populated areas in Virginia are: Richmond metropolitan area, the area near Washington DC and the Maryland border, the corridor between Richmond and DC, and the Hampton Roads area in the southeast corner of the state. The 16 cities selected for this research came from different regions of the state. However, about half were concentrated in the Hampton Roads area.

Hampton Roads is home to over 1.4 million people, which is 18% of Virginia's population (U.S. Census Bureau 2010). The area also has the largest concentration of military personnel outside the Pentagon, with more than 86,000 active-duty military personnel residing

and working there. It is also home to nine major military installations, including command bases for each of the branches of the Armed Forces.

Finally, there has not been a study conducted of employee handbooks on the east coast, much less Virginia. This area of the United States is historically and culturally significant, since it is considered the birthplace of our nation. Additionally, previous employee handbook evaluations have only been conducted in the State of Texas (Short 1997, Garcia 2002, Brown 2013). In order for an ideal handbook model to be valid and able to be improved upon, it should be applied to other areas.

Research Purpose

The purpose of this Applied Research Project is three-fold: first, this research develops a practical ideal model employee handbook by improving one developed by Rebecca Short (1997) and Neftali Garcia (2002) and expanded upon by Shanna Brown (2013). Second, the model is used to assess 16 city employee handbooks in the Commonwealth of Virginia. Finally, based on this assessment, recommendations to improve the quality of the handbooks are made.

Summary of Chapters

This research comprises six chapters. Chapter Two provides an overview of the relevant laws and acts that govern workplace law and form the basis of employee handbooks. Chapter Three develops the ideal handbook assessment model by expanding upon the criteria developed by Short (1997), Garcia (2002), and Brown (2013), using current literature. Municipal employee handbooks have not been studied in the Commonwealth of Virginia. Chapter Four explains the methodology used to assess whether the policies of the selected Virginia municipalities are communicated through their handbooks. Chapter Five presents the results of this assessment.

Chapter Six explains recommendations to improve the handbooks and presents suggestions for future research. This research concludes with appendices and references.

Chapter 2

LEGAL BACKGROUND

An employee handbook is a document that conveys Human Resources policies and procedures that stem from the various laws protecting both employers and employees. To ensure fairness and non-discrimination in pay, hiring, promotion, and other policies in the workplace, Congress passed laws to protect the rights of employees. This chapter provides an overview of those laws that form the foundation of Human Resources policies (Brown 2013, p. 14).

Equal Pay

Background

During World War II, women were entering the workforce in record numbers to help with the war effort. Studies conducted during that time period showed there was a wide disparity between men and women performing the same job in the war factories. Women instructors received 60 cents an hour, while their male counterparts doing the same job received 70 cents an hour (Fisher 1948, p. 50). At the time, there was no national legislation mandating equal pay for equal work, but nine states had such policies, possibly using a model state equal pay bill drafted by the United States Women's Bureau (p. 52). The policies differed among the states, with some being very broad, and some very specific (pp. 53-54).

This difference in laws caused administrative problems, including loopholes that permitted the employer to change the job duty when a woman took over the position. This forced states to clearly define what constitutes "equal work." New York State used the following definition: "If the work performed is of the same general type, requires a comparable skill, results in approximately equal productivity, and is substantially of like quality, then the employer

may not properly invoke the theory of classification as an excuse or justification for difference in pay between men and women.” (Fisher 1948, p. 54)

As more women in the workforce in the following decades, Congress continued the debate on equalization of wages between the sexes.

Equal Pay Act of 1963

In 1963, the *Equal Pay Act* (EPA) was passed as an amendment to the Fair Labor Standards Act. *Section 206* of the EPA prohibits wage discrimination based on gender or sex for similar duties. According to Myers (1999), the tasks performed need not be identical, they must be markedly the same, and require nearly “identical skill, effort, responsibility and be performed under similar working conditions.” (p. 185). The legislation reads:

(1) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: *Provided*, That an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee. Equal Pay Act of 1963 SEC 206 (d).

Exceptions to “equal pay for equal work” include: “a seniority system or length of employment, a merit system, and the quality or quantity of production” (Myers 1999, p. 185)

The Equal Employment Opportunity Commission is the federal agency responsible for enforcement and administration of the law. According to Section 216 of the legislation, employers who violate the provisions of this law are liable to repay the amount of unpaid wages or overtime compensation, as well as any additional damages, to the employee (or employees) affected by the violation. It is critical to include information about the EPA in the employee

handbook in order to ensure the employer is aware of their responsibilities and to inform employees of their rights.

The Lilly Ledbetter Fair Pay Act

The passage of the *Equal Pay Act of 1963* did not end the wage debate. Lilly Ledbetter, a 19-year veteran of the Goodyear Tire Plant in Gadsden, AL was one of a handful of women among approximately 80 people who held the same supervisory position she did. The company's pay-raise decisions over the years widened the gap between her wages and those of her colleagues. By comparison, when she left Goodyear, she was making roughly \$500 less a month than the lowest-paid man doing the same work as she was (Billitteri 2008, p. 243)

In 1998, she sued the company (later known as *Ledbetter vs. Goodyear Tire and Rubber Co.* (2007)) and a jury awarded her backpay of over three million dollars. Eleventh Circuit Court of Appeals reversed the decision. The United States Supreme Court, led by Justice Samuel Alito, Jr. upheld the Circuit Court's decision, ruling that she should have filed a complaint with the federal government within 180 days of the first discriminatory act. However, Ledbetter was not aware of the disparity until years after it occurred (p. 243).

In 2009, two years after the Supreme Court ruling, then President Barack Obama signed the *Lilly Ledbetter Fair Pay Act* to curb this inequality. The Act does not "change the statute of limitations in terms of the number of days within which a discrimination claim must be filed." (Sorock 2010, p. 1199) Rather, it extended the time allowed to for an employee to bring a discrimination claim by allowing each new paycheck to restart the limitations period under Title VII (Zisk 2009, p. 2). The Act also applies the provisions to wage discrimination based on disabilities and age. Since this is a fairly new piece of legislation that affects when an employee can file a wage discrimination claim, it is important that employees understand their rights under

the *Lilly Ledbetter Fair Pay Act*. Therefore, it is imperative that the employer communicates the employee's rights under this law in the handbook.

Discrimination

Prior to the passage of the *Civil Rights Act of 1964*, people of color, especially African-Americans, did not have same opportunities and freedoms as their white counterparts. During the 1950s and 1960s, the United States was entangled in an equal rights battle. Jim Crow laws and racism severely hindered the daily lives of African-Americans. They also prevented many from advancing in their careers, or simply even getting hired, due to discrimination in hiring, firing, and promotion policies.

There was a glimmer of hope when President John F. Kennedy took office in 1961. Before he was assassinated in 1963, he pushed for Congress to pass a civil rights bill. Lyndon B. Johnson continued the fight when took office, and lobbied Congress to pass many civil rights bills, including the Civil Rights Act of 1964, which forbids discrimination in public places.

Title VII of the Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964 was one of the early laws passed to prevent discrimination in the workplace. The legislation makes it unlawful to discriminate based on race, color, religion, sex and national origin. Section 703 covers unlawful employment practices such as discrimination in hiring, compensation, conditions of employment and the segregation of employees:

It shall be an unlawful employment practice for an employer -

- (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee,

because of such individual's race, color, religion, sex, or national origin. [Title VII of the Civil Rights Act of 1964 Section 703 a(1)(2)]

Title VII was also responsible for the creation of the Equal Employment Opportunity Commission (EEOC). The EEOC is a federal agency responsible for the enforcement of provisions in Title VII. The EEOC also investigates claims of workplace discrimination and sexual harassment and files suits on the complainant's behalf (EEOC).

Equal Employment Act of 1972

Congress passed the *Equal Employment Act of 1972* as an amendment to *Title VII of the Civil Rights Act of 1964*, which prohibits discrimination on the basis of race, color, national origin, sex, and religion. The Act gives the EEOC litigation authority, and adds educational institutions and state, local, and federal governments to Title VII coverage. It also reduced the number of employees required for an employer to be covered by the act (from 25 to 15) (EEOC, n.d). It is important to communicate this policy in the handbook so employees understand how they are protected.

Age Discrimination in Employment Act of 1967

In addition to the Civil Rights movement of the 1950s and 1960s, there was also a significant increase in births during those decades. By 2030, those age 65 and over will make up 19% of the United States population, (U.S. Census Bureau, 2014). Many of those will still be in the workforce.

There were multiple efforts made to combat age discrimination in the workforce. The U.S. Civil Service Commission abolished maximum ages of entry into federal employment in 1956. Paralleling the executive orders that established affirmative action, Executive Order 11141, issued in 1964, established a policy against age discrimination among federal contractors. In addition, the *1965 Older Americans Act* was designed to encourage research and programs to

aid the aged, but also stated among its general objectives "the opportunity for employment with no discriminatory personnel practices because of age." However, the major flaw in all of these efforts was that there were no administrative procedures developed to address violations. There were efforts made at the state level as well, and as of 1960, eight states had age discrimination laws with enforcement clauses (Neumark 2003, pp. 297-298).

The major federal legislative effort began with the passage of the *Age Discrimination in Employment Act of 1967 (ADEA)*. The Act explicitly prohibits discrimination by an employer on the basis of age in regards to compensation, discharge, hiring, segregation, or classification.

Section 623 reads:

- (a) It shall be unlawful for an employer-
 - (1) to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;
 - (2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age; or
 - (3) to reduce the wage rate of any employee in order to comply with this chapter. [*Age Discrimination in Employment Act of 1967*Section 623 a(1)(2)(3) (ADEA)]

There is a declining percentage of workers ages 45 to 64, and an increasing percentage of those 65 and older (Baby Boomers close to retirement age). This suggests that the ADEA will play an increasingly more important role in maintaining or encouraging the employment of older employees (Neumark 2009, p. 42). Because of this it is critical employee rights and responsibilities under the ADEA be conveyed in the employee handbook.

Americans with Disabilities Act (Section 102)

The *Americans with Disabilities Act (ADA)* was the next major piece of anti-discrimination legislation. Passed in 1990, the Act consists of three titles. Title I deals with employment practices and issues, and Titles II and III deal with accommodations in public

services and public and private businesses (EEOC 1990). The ADA defines a disability as physical or mental impairment that substantially limits one or more major life activities of such individual (EEOC 1990) and “considers an individual disabled when they have a record of a disability or are regarded as disabled” (Rush 2012, p. 77).

Specifically, Title I prohibits discrimination “against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment” (EEOC 1990).

Despite the law’s passage, disabled employees still faced difficulties when filing discrimination lawsuits against their employer due to narrow definitions of “disability” imposed by the courts. In 2008, Congress amended the ADA, and two of the most noteworthy revisions pertaining to human resource policies were:

- An employer’s focus under the ADA should be on reasonable accommodation rather than on disproving a disability and
- An employer violates the ADA when acting on the basis that an individual is regarded as disabled whether or not the employer believed the disability limited a major life activity (Rush 2011, p. 79).

Employees need to know their rights under this Act, to ensure that they have reasonable accommodations if they are covered under the ADA. It is critical that the handbook spells out these rights and employer responsibilities.

Sexual Orientation Discrimination

The current civil rights battle focuses on the rights of the lesbian, gay, bisexual, and transgender (commonly known as the LGBT) community. As of 2011, an estimated 3.5% of

adults in the United States identify as lesbian, gay, or bisexual and an estimated 0.3% of adults are transgender. This translates to roughly nine million Americans who would be affected by sexual orientation discrimination in the workplace, housing, and other public accommodations (Gates 2011, p. 1).

Title VII does not contains provisions for such discrimination, therefore there are currently no federal statutes prohibiting sexual orientation discrimination. In 1975, Minneapolis became the first American city to prohibit discrimination based on gender identity or expression (Colvin 2007, 336). As of 2016, only 22 states and the District of Columbia have statutes specifically prohibiting sexual orientation discrimination. Conversely, three states have endorsed sexual orientation discrimination by statutorily blocking the passage and enforcement of local nondiscrimination ordinances, with Mississippi being the most extreme (Sadiel-Goley 2016, pp. 121-122).

There are, however, provisions for those employed by the federal government. In separate cases, the EEOC has held that discrimination against an individual because that person is transgender or because of his or her sexual orientation is “discrimination because of sex, and is therefore prohibited under Title VII.” (EEOC) This could have implications for future national legislation.

It is critical for employers and employees to know whether their state or municipality has laws prohibiting sexual orientation discrimination and their rights and responsibilities under these laws, and their subsequent inclusion in the employee handbook. Further, it is important that their handbooks are consistent with state and municipal laws

1993 Family Medical and Leave Act

Prior to the passage of the *1993 Family Medical and Leave Act* (FMLA), there was no legislation that protected employees' job positions if they had to take leave for an extended period due to family or medical issues. In 1965, about 35 percent of mothers with children under 18 were in the workforce. By 1992, that figure had reached 67 percent (Clinton 1993). By 2016, that number had risen to 70.5 percent. (Bureau of Labor Statistics 2017, 2).

President Bill Clinton signed the FMLA in to law on February 5, 1993. The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. The entitlements under this Act include:

- Twelve workweeks of leave in a 12-month period for:
 - the birth of a child and to care for the newborn child within one year of birth;
 - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
 - the care of an employee's spouse, child, or parent who has a serious health condition;
 - a serious health condition that makes the employee unable to perform the essential functions of his or her job;
 - any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**

- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave). (U.S. Dept of Labor, Wage and Hour Division, n.d)

It is imperative that entitlements pertaining to the FMLA are spelled out in the handbook. They directly affect leave related to prolonged sickness, pregnancy, and family member care, and that employees understand their rights under the law (U.S. Dept of Labor, Wage and Hour Division, n.d.).

Patient Protection and Affordable Care Act of 2010

Legislation that affects employers and their employees encompasses not only their civil rights and equal pay, but also how benefits should be funded, specifically healthcare. The debate over who should receive healthcare, and who should pay for it came to a head following the election of President Barack Obama in 2008. His promises to fix the United States' healthcare system resulted in the passage of the *Patient Protection and Affordable Care Act of 2010*. The rights and responsibilities under the Act include:

- Employer "free rider" assessment
- No annual dollar limits on "essential health benefits"
- No preexisting-condition exclusions for any participants
- Dependent child coverage to the age of 26 even if eligible for other coverage through their own employer
- 90-day waiting period limitation (Wojcik 2013, p. 31)

Violations of the mandates under this law can result in heavy fines for both the employers and employees. It is important that everyone is aware of and understands their rights and

responsibilities under the Act. Reference to the law should be included in the handbook or in a supplement with benefits information.

Chapter Summary

Failure by employees and employers to know the legislation and comply with the rights and responsibilities set forth by that legislation can have dire consequences, including legal action and termination. It is important to communicate these laws in the employee handbook to mitigate this risk. The next chapter presents the literature that comprises the practical ideal model used to assess the selected Virginia municipal employee handbooks.

Chapter 3

Literature Review

Components of an Employee Handbook

Chapter Purpose

The purpose of this chapter is to develop and defend an ideal handbook model used to evaluate a sampling of municipal employee handbooks in Virginia. This chapter introduces the components and subcomponents of the ideal handbook using current literature as justification, as well as a conceptual framework that can be used to evaluate employee handbooks. The framework draws on mandates as presented in the previous chapter, as well as current scholarship surrounding human resources policies.

Conceptual Framework

The practical ideal model is used to assess these handbooks. What makes the practical ideal type a model is that it “has components that fit together and it asserts that the components and the logic of how they fit together represents something good or ideal” (Shields and Rangarajan 2013, 164). The components are influenced by both a careful review of the literature and researcher experience (163). This model forms the basis for analysis of the employee handbook sample, as well as recommendations on how to improve the handbooks. The practical deal handbook model contains the following categories:

- Characteristics of an Ideal handbook
- Introductory and Preface Material
- Compensation
- Leave Policies
- Insurance, Retirement, and Benefits
- EEO and Discrimination
- Sexual Harassment/Bullying
- Social Media/Electronic Media
- Conditions of Employment

- Miscellaneous

Previous Research

Rebecca Short (1997), Neftali Garcia (2002), and Shanna Brown (2013) have all developed practical ideal models in which to evaluate employee handbooks. Both Short's and Garcia's models were used to assess Texas state agencies (Short analyzed 25, and Garcia analyzed 20). One key way that Garcia's assessment differed from Short's is that Garcia modified the framework provided by Short to both include and delete aspects that were not covered in Short's model (both had nine ideal components). Another difference is that Garcia covered small, mid-size, and large agencies, while Short only studied large and mid-size agencies.

Short concluded that employee handbooks she assessed did not meet the standards she presented in her practical ideal model. There were deficiencies in the following areas: Absenteeism, Compensation, Grievance Procedure, Performance Appraisals, and Miscellaneous. Garcia's evaluation, five years later, concluded that the state agency handbooks improved and were up to a satisfactory level.

Shanna Brown (2013) took both of these frameworks and expanded upon them even further, and she used hers to assess the employee handbook for the City of San Marcos, Texas. One significant difference is that Brown also included structured interviews with city employees in her assessment, as well as to her document analysis of the employee handbook. She also updated the framework to include new legislation and social media policies.¹

¹ For a complete comparison of the three Applied Research Projects, see Brown, Shanna. (2013) "Case Study: An Assessment of the City of San Marcos Employee Handbook" Texas State University Applied Research Project. <https://digital.library.txstate.edu/handle/10877/4678> , Appendix B

CHARACTERISTICS OF AN IDEAL HANDBOOK

The first component of the ideal handbook is its physical and aesthetic characteristics. *Quality* refers to whether or not a handbook is clear and aesthetically pleasing with regards to formatting style, as well as the overall look (Brown 2013, p. 43). The handbook should be “clear, concise, and easy to read.” (White 2010, p. 54) More specifically, policies should be direct and use everyday terms (Short 1997, p. 63) and “be free of jargon, acronyms, and undefined terms.” (White 2010, p. 54). It is also important to ensure that policies do not conflict with one another (Burkett 2013, p. 12) Referring to the overall syntax of the document, sentences and paragraphs should be kept short and the active verb form should be used. For additional clarity and for flow of the document, the use of numbering and bullet points is encouraged (Garcia 2002, 37).

According to White (2010), the ideal handbook should be *accessible and up to date*. One way to ensure that the handbook is accessible is maintain it in an electronic format, such as on a computer shared drive or online. There are advantages to maintaining the handbook in an electronic format. One such advantage is the immediate accessibility to the information. This also allows for quick revisions for policy changes because “printed manuals quickly become outdated and can bring confusion if an old manual is referenced by mistake.” (p. 55) The handbook should be reviewed annually to update any changes in legislation, and the date of revision should be on the first page (Flynn 2000, p. 133; Burkett 2013, p. 12) According to Smith and Harris (2014), “having an out of date employee handbook undermines its utility and exposes the company to avoidable legal claims.”

The quality and accessibility of the ideal handbook is important because if it is not clear or up to date, there can be legal ramifications. The next component in this review is the

introductory and preface materials.

INTRODUCTORY AND PREFACE MATERIALS

The second component of the ideal handbook looks at the content at the beginning of the document. *Introductory and preface materials* serve as the roadmap for the employees and guide them to a specific topic. This component consists of the following: date a handbook was updated, table of contents, welcome statement, mission statement, and historical information (Brown 2013, p. 15).

As discussed in the previous section, having an up-to-date employee handbook is important for both legal reasons and for policy clarity. Also, as stated before, the date of the revision should be on the cover of the handbook (Flynn 2000, p. 133; Burkett 2013, p. 12). This should read: “*Revised MM/YY*” The *table of contents* serves as a directory for the handbook, just as the handbook serves as a directory for the agency (Brown 2013, p. 15). Ideally, this guide would be within the first few pages, and can be very basic (with just the major sections of the handbook outlined) or very detailed (with all subsections outlined). Regardless of detail, the table of contents should quickly summarize the contents of the handbook

The *welcome statement* should also be included in the handbook. The welcome statement is an introduction to the agency, and it should include a brief statement of why the agency is “happy to employ the employee and the benefit the employee will be to the agency.” (Brown 2013, p. 16) It sets the tone for new employees and can demonstrate awareness of employee needs. Following the welcome statement should be *historical information* about the agency. Like the welcome statement, the historical information provides a connection to the agency. It can acquaint the employee with the development of the agency and its growth (Short 1997, p. 60).

Mission statements are another important part of the introductory materials. An agency's mission is "clarifying what the agency is all about at the present time." (Donnelly 2006, p. 20) Donnelly also discussed the human resources credo, or "the set of basic judgments or beliefs about the character of people in the agency." The credo is also the basis of the how and why an agency employs its workforce. The mission statement is just one part of this basic belief (p. 20).

The introductory and preface materials are important because they are the first thing an employee sees when opening the handbook. They set the stage for the employee-employer partnership, and serve as a stepping stone for the policies presented in the handbook. The agency's compensation plan is just as essential.

COMPENSATION

Pay plans and periods, probationary periods, hiring/promotion/demotion policies, and overtime are all items considered **compensation**, and should be clearly outlined in the employee handbook (Brown 2013, p. 16). Garcia (2002) and Brown (2013) state that the laws and statutes that revolve around equal and fair pay should also be addressed because employers must comply with federal, state, and local statutes so as not to jeopardize their employees' wages. As tools for communicating policies, the employee handbook should refer to these laws: *Equal Pay Act of 1963 (EPA)*, *Lilly Ledbetter Fair Pay Act of 2009*, and the *Fair Labor and Standards Act*.

Acknowledgement of the Laws

Prior to the passage of the *Equal Pay Act of 1963 (EPA)*, women were receiving significantly less pay, even with comparable qualifications and performing comparable jobs. The EPA "requires equal pay for both sexes performing job tasks that are substantially identical within the same establishment." It also allows for certain exceptions for pay differentials. Differentials are permitted when pay is based on:

- A seniority system, which applies when pay increases are based on a satisfactory completion of a period of employment
- A merit system
- Quality/Quantity of production
- Any factor other than sex, such as innovation programs. (Myers 1999, 1p. 85)

There is also a 180-day statutory limit on filing wage discrimination claims (Brown 2013, p. 17; Garcia 2002, p. 20).

Leading up to the passage of the *Lilly Ledbetter Fair Pay Act of 2009* (LLFPA), there was lack of clarity in when employee should file a wage discrimination claim. The 180-day time limit for filing, combined with some problematic Supreme Court decisions, signified a need for change. The *LLFPA* explicitly defines what constitutes an “unfair employment practice” in the area of wage discrimination. It also expanded Title VII protections to include disabled individuals and those protected under the *Age Discrimination in Employment Act (ADEA)* (Sorock 2010, pp. 1199-1200). Finally, it extended the time allowed to file for discrimination claims by allowing each new paycheck to trigger the running of the limitations period under Title VII (Zisk 2009, p. 3).

Pay Plans and Periods

A subset of the compensation component deals with the subjects of *pay plans* and *pay periods*. Garcia (2002) identified the items as pay plans and grades (p. 26) and Short (1997) referred to them as direct payments (p. 39). They are classified under wage and compensation (Felsberg 2004, p. 119) and correspond with the types of employment. The two most common types of employment are full-time or part-time, and the handbook should explain what the agency considers as one or the other. What class of employment an employee is in directly

affects leave and other benefits that may be available. In addition, exemptions included in the pay plan should be incorporated in to the handbook. Some salaried employees may be exempt from receiving overtime wages while some hourly employees may receive it (Brown 2013, p. 19). This section should also include how often an employee receives a paycheck (a *pay period*), referred to as “wage/salary payments” by Felsberg (2004, p. 120). Finally, payroll deductions or “docking” should be included in the employee handbook. Agencies, however need to be cognizant of the laws surrounding docking exempt employees (Snell 2010, p. 14).

Probationary Periods

Felsberg (2004) defines a probationary period as an “introductory period.” In most instances, this introductory period ranges in length from 30 to 90 days and varies depending on the agency. This period of time “should be determined by the amount of time the company believes is necessary to evaluate the employee’s performance.” Another characteristic of this period that benefits are typically not provided (p. 119). Brown identified them as a component in the ideal handbook, but concluded that there was no consensus in the literature regarding probationary periods. However, the probationary policy used should be included so that employees are aware of their responsibilities (2013, p. 19).

Hiring/Promotion/Demotion Policies

Brown (2013) also included *hiring, promotion, and demotion policies* as part of her ideal handbook (p. 20). These policies should reflect fair treatment under the laws regarding wage discrimination discussed earlier in this chapter. Felsberg (2004) stated that it is important to be transparent and inform employees of policies and the procedures used in making these decisions. This reduces the likelihood that a disgruntled employee, who did not receive a promotion or transfer, will file a discrimination lawsuit (p. 120). This line of reason can also apply to

employees who receive a demotion. Ensuring that these policies are spelled out clearly can prevent legal action.

Provisions under the Fair Labor Standards Act

Overtime is typically considered under compensation, and is covered under the *Fair Labor Standards Act of 1938* (FLSA). The FLSA requires employers covered under the act to pay eligible employees time and half (based on the employee's regular pay rate) for all hours worked in excess of 40 hours a week. Regular rate of pay includes base pay, and shift premiums, nondiscretionary bonuses, pay for unworked hours, commissions, and noncash gifts (typically valued at less than \$25) (Myers 1999, p. 184).

The FLSA also contains provisions in which employees can “bank” excess hours worked to use as time off later, known as *compensatory time*. In 1985, an amendment to the FLSA allowed for city and state government employees to receive time and a half compensatory time in lieu of overtime pay, up to 240 hours, provided that they had ample opportunity to use those hours (Leibig 2001, p. 516). Leibig also cautions that employers should not use compensatory time as a means to avoid paying employees overtime pay (p. 519).

Policies regarding pay for work performed are very important for employees to know. The handbook should contain the laws surrounding pay and information regarding pay plans and pay periods, promotions, demotions, overtime, and compensatory time. Any further questions should be directed to human resources, or appropriate staff member. Leave policies are related to compensation, and should also be discussed in the handbook.

LEAVE POLICIES

Just as it is important to know an agency's compensation policies, it is also important that employees are aware of their rights and responsibilities regarding missing work. Leave of

absence policies include annual leave, sick leave, parental leave (including paternal and maternal leave), bereavement leave, military leave, jury duty, and holidays (Smith and Harris 2014, p. 76; Cowan 1975, p. 343; Short 1997, p. 38; Garcia 2002, pp. 26-27).

Annual leave is sometimes referred to as ordinary leave by employers. The agency should state how and when employees earn leave, and which employees are eligible (Garcia 2002, 26-27). There should also be a method specified for tracking how much leave someone has accrued so he or she is aware. The federal government and military uses the employees' semi-monthly paycheck to inform them of their leave balances.

Sick Leave

If there is a *sick leave* policy, it should also be stated in the handbook, if it is different than the annual leave policy. Employers should also make employees aware of their rights under the *Family Medical Leave Act of 1993 (FMLA)* for situations when a prolonged absence is necessary. Under the Act, companies with more than 50 employees "must provide those who request it with up to 12 weeks of unpaid leave." (Banjerre and Perducci 2012, p. 136)

Employees can use this leave to take unpaid time off after the birth of a child, while unable to work following a serious health condition, or to care for a seriously ill family member. Their position in the agency will also be protected (U.S. Labor Department, Wage and Hour Division, n.d.). One of the most popular uses of the FMLA is for mothers following the birth or adoption of a child, which is why an employer also should have maternal and paternal leave policies in the handbook.

Paternal/Maternal Leave Policies

Family leave policies have been expanded in recent years to include fathers as well following the birth or adoption of a child. Moss and Deven (2015) noted two trends in policies

that benefit the family unit as a whole: growing attention to fathers and designing policies intended to increase men's active involvement in childrearing through increased use of leave. One country, Portugal, now has compulsory paternal leave. Most notable are the changes to parental leave policies that incentivize both parents to take leave, including father-only entitlements and bonuses for both parents (p. 139).

Funeral/Military Leave/Jury Duty

Leave also includes provisions for *bereavement leave*, *military leave*, and *jury duty*. The handbook should spell out the agency's policies on these types of leaves (Felsberg 2004, p. 121). Military leave is protected by the *Uniformed Services Employment and Reemployment Acts of 1994*. This Act prohibits discrimination against those who are in the military or reserves and negative actions against those individuals. Employers are required to reinstate anyone who leaves to serve his or her country as long as certain conditions are met (Berman et al 2011, p. 244).

Holidays

The handbook should also state what holidays the employer gives its employees throughout the year, if they are eligible. There are state and federal holidays mandated throughout the year, such as Thanksgiving, Christmas, and Fourth of July. Certain employees may not get those holidays off, such as fire and police departments, and that also need to be stipulated in the handbook (Brown 2013, p. 22).

Employees should understand how their time off is governed by their employers. Policies regarding illness, paternal/maternal leave, jury duty, bereavement, and military leave and holidays should be clearly explained to avoid confusion and any legal complications. Next, the insurance, retirement, and benefits packages are examined.

INSURANCE, RETIREMENTS, AND BENEFITS

Insurance, retirements, and benefits, which include medical insurance, life insurance, workers compensation, retirement eligibility, disability, and Social Security and Medicare, are important parts of a handbook. Not including these policies can have legal implication for both employers and employees. These include medical insurance, life insurance, workers compensation, retirement eligibility, disability, and Social Security and Medicare (Felsberg 2004, p. 120). Garcia (2002) and Brown (2013) both included basic descriptions of the policies and eligibility requirements as part of their models

Medical and Dental Insurance²

Healthcare legislation was one of the hot topics leading up to the passage of the *Patient Protection and Affordable Care Act* in 2010. The Act became fully operational in 2014, and had many implications for both employees and employers. Most of the provisions began when the Act took effect. Two of the most significant impacts of the Act for employees were the extension of how long children could stay on their parents' health plan (until the age of 26) and the prohibition of denial of coverage for pre-existing conditions (Wojcik 2013, p. 31). Additionally, beginning in 2014, individuals are mandated to have coverage either through their employer or through the "exchange." (Mucenski-Keck and Smoker 2015, p. 63). For employers, beginning in 2016, if they employ 50 or more full-time employees (defined as a large employer), they must offer coverage to at least 95% of those employees, or pay an excise tax (p. 65). City and local governments typically fall under this requirement.

² Regarding *dental insurance*, it is usually covered under health insurance in handbooks (Brown 2013; Garcia 2002)

Workers Compensation

When employees are injured at work, medical care should be provided at the expense of the employer, dependent on the circumstances. *Workers compensation* programs cover these injuries. Agencies have the responsibility to provide protection from injuries that happen at or because of the workplace. The common goal of these programs is to “reduce the suffering of employees when they are injured at or because of work” (Meza and Kleiner 2010, p. 259). There are different types of programs in different parts of the United States, and there are different limits placed on the range of medical care. Employees need to understand what their rights are when injured at work.

Retirement Eligibility

Retirement eligibility is another important component that should be covered in the employee handbook. Amendments to the *Age Discrimination in Employment Act of 1967* (ADEA) ended mandatory retirement, and many employees are working past the traditional retirement age of 65 (Neumark 2009, p. 42). A 2004 court ruling made it easier for employers to coordinate retiree health benefits with Medicare...” (p. 48) The employer must also be aware of federal and state laws regarding retirement-eligible individuals, including the ADEA.

Social Security and Medicare

Social Security and *Medicare* are federally mandated parts of an agency’s benefit package (Brown 2013, p. 24). Employees handbooks should incorporate any state and federal laws regarding these benefits. Employees need to be aware of their rights regarding these benefits. Equal Employment Opportunity Commission regulations allow for agencies to coordinate with Medicare for employees who are eligible to receive it, typically those over age 65 (Neumark 2009, p. 48). *Disability benefits* are also typically included in the section discussing

Social Security and Medicare. It is important that employees know this information so they know the procedure for filing a claim if they become disabled on the job (Brown 2013, p. 24).

There should not be detailed information on these policies in the handbook. Instead, it should inform the employee about the agency's responsibility to work in tandem with the federal government on these benefits. Then it should direct them to the office who can answer more robust questions.

While it may not be a comprehensive explanation, it is still imperative that agencies reference the benefits package in employee handbooks. These policies should then direct employees to the appropriate department for more detailed questions.

EEO AND DISCRIMINATION

Systemic discrimination and the Civil Rights Movement that followed spurred the creation of laws to protect minorities and other disadvantaged groups. These laws need to be represented in the form of policies presented in the employee handbook. It is crucial that the agency is aware of the laws and any changes, and communicate as such to its employees. The employees need to be aware of discrimination policies and equal employment rights and responsibilities.

Statement of Nondiscrimination and EEO Compliance

A *statement of nondiscrimination* acknowledging *Title VII of the Civil Rights Act of 1964* and what the agency considers discriminatory actions should be included in the employee handbook. It should consist of a statement that the agency does not discriminate based on race, sex, gender, creed, or religion (Brown 2013, p. 25). There should also be references to how the agency perceives discrimination and equal opportunity.

Agencies should also ensure that do not condone or encourage discriminatory practices by their employees. They “should have a clear equal employment opportunity statement prohibiting discrimination in employment based on any of the protected characteristics” (Smith and Harris 2014, p. 75). Having this information accessible in the employee handbook sets the standard and holds everyone accountable for their actions. Agencies cannot harass or terminate an employee because he or she filed a complaint about discrimination or participated in an investigation or proceeding involving discrimination (Gilani, Cavico, and Mujtaba 2014, p. 6)

Rights under Age Discrimination in Employment Act of 1967 (ADEA)

The *Age Discrimination in Employment Act of 1967 (ADEA)* ensures that individuals are protected from discrimination "regarding compensation and other terms and conditions of employment" and prohibits a potential employer from refusing to hire a protected person. (Cavico and Mujtaba 2011, p. 5) The protections the statute provides also extends to public sector employees (p. 6). The original intent was to protect individuals from ages 40 to 65, but amendments to the Act eliminated the age ceiling (Neumark 2009, p. 41). With many current members of the workforce nearing the age of retirement, it is important that an agency communicates its employees' rights under the ADEA, and how to file a claim if discrimination occurs.

Rights under the Americans with Disabilities Act of 1990 (ADA)

Title I of the *Americans with Disabilities Act of 1990* mandates that agencies make good-faith efforts to provide reasonable accommodations to their employees with disabilities, whether to maintain or improve their work performance (Gold, et. al 2012, p. 25). Two examples of good faith effort are: modifying physical aspects of the workplace and essential job tasks to accommodate individuals with disabilities while maximizing productivity and efficiency; and

adapting workplace rules and culture to ensure that employees with disabilities "enjoy equal benefits and privileges as similarly situated employees without disabilities" (pp. 25-26). The focus should be on reasonable accommodation rather than on disproving a disability (Rush 2012, p. 79). The ADA and the process for requesting accommodations should be outlined in the Equal Employment Opportunity section of the handbook.

Sexual Orientation Discrimination

The 2017 Human Rights Campaign Corporate Equality Index report found that 93% of global businesses have policies prohibiting discrimination based on sexual orientation (p. 20). While this mainly focused on the private sector, public sector employers could use these policies as model for their own agencies. Pichler, Ruggs, and Trau (2017) found that the presence of sexual orientation nondiscrimination policies led to acceptance and tolerance and a positive climate of diversity for everyone in the workplace (p. 22).

There are currently no federal statutes protecting employees from discrimination related to sexual orientation, but some states and municipalities do have policies. Direct discrimination occurs when supervisors or employees harass, fire, or refuse to promote an LGBT employee, and it results in equally productive individuals being compensated differently (Badgett 1995, p. 728). Prohibition against discrimination in hiring, firing, and promotion based on sexual orientation are commonly addressed factors that gay-related nondiscrimination laws attempt to address (Colvin 2007, p. 338). The only such statute in the state of Virginia is a 2014 Executive Order signed by then Governor Terry McAuliffe prohibiting "discrimination based on race, sex, color, national origin, religion, sexual orientation, gender identity, age, political affiliation, or against otherwise qualified persons with disabilities in Virginia state government" (McAuliffe 2014). The agency

needs to be aware of any anti-discrimination legislation in its state (Hebl, et al 2016, p. 453) and communicate that in the handbook.

Public and private employers have the obligation to ensure that all employees are treated fairly regardless of race, gender, religion, national origin, and depending on the location, sexual orientation. There are federal, state, and local laws protecting employees, and failure to adhere has legal implications. It is also imperative that employees understand their roles in maintaining a productive environment that is free of bullying and sexual harassment.

BULLYING/SEXUAL HARASSMENT

The next component of the employee handbook deals with *bullying* and *sexual harassment*. Both are detrimental to the workplace environment and morale and sexual harassment is illegal.

Bullying Defined/Statement Denouncing Bullying

While it is not a new occurrence, bullying was not previously covered by Garcia (2002) or Short (1997). Brown (2013) covered it as an essential component in her ideal employee handbook. Vickers (2014) defined bullying as “persistent, less favorable treatment of one or more individuals.” Events include:

- public humiliation
- social ostracism
- work obstruction and disruption
- rudeness
- isolation and exclusion
- limited access to career opportunities
- removal of responsibility

- withholding of information required to do one's job (p. 98)

Vickers goes on to state that workplace bullying can have a detrimental effect on one's health, both physical and emotional, and can reduce work performance. Repeated and ongoing exposure to bullying can eventually disable a person psychologically to the point that he or she is unable to work (p. 98).

While there is no formal legislation in place to combat bullying, the anti-discrimination laws discussed in the previous section can be used as a starting point. There should be a statement in the handbook denouncing bullying, and noting what is unacceptable in the workplace to protect against liabilities (Brown 2013, pp. 27-28).

Sexual Harassment Defined/Statement Denouncing Sexual Harassment

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature" or "offensive remarks about a person's sex." (N.D.) A statement informing employees that "sexual harassment is prohibited and attempts to prevent or reduce its occurrence" along with what is considered sexual harassment should be included in the handbook (Vijayasiri 2008, p. 44).

Complaint Procedure and Investigative Process

Sisak and Laird (2001) outlined what constitutes an effective complaint procedure. They identified it as one that breaks down the steps that employees must follow in order to report harassment complaints, and how the agency will investigate the claim and the resolution of the complaint. The points of contact for complaints should include both male and female managers and "should eliminate the possibility of the complainant filing a complaint with the supervisor

accused of the harassment.” Finally, confidentiality and retaliation prevention should also be discussed in the complaint procedure (p. 23).

They also discussed investigatory guidelines for complaints. These guidelines should be developed prior to a claim filing to minimize legal exposure and ensure due process. The agency should take a stance that all reports of sexual harassment will be taken seriously and thoroughly investigated to reduce inappropriate employee behavior. Thorough documentation of the investigation, determination of the appropriate questions to ask during the investigation, and selection of an impartial investigative team are critical issues that need to be addressed to reduce liability on the part of the employer (p. 24).

Disciplinary Action

It is critical that an agency takes action immediately if an employee engages in behavior that violates its sexual harassment policy. It is much more cost effective to resolve the claims internally, and slow responses can result in action against the agency in court. (Sisak and Laird 2001, p. 24). Once it has been determined that sexual harassment has occurred, discipline is necessary. The degree of the discipline depends on how severe the inappropriate action was. Examples of progressive discipline include counseling, additional training, or a reprimand for a first-time or minor offense, while a more serious offense may result in termination. Disciplinary action should be decided by a mixed gender committee rather than by one individual, which will make the decision more credible in the event of a legal proceeding (p. 25).

Every employee in the agency has a responsibility to uphold a culture of trust and the policies on harassment. Bullying and sexual harassment foster an environment of distrust and can create an unproductive work environment, which threatens the agency’s mission. It is important to communicate these policies clearly in the handbook, and the employee’s rights and

responsibilities as it relates to bullying and sexual harassment, the investigative and complaint procedures, and the disciplinary process. Another policy that affects employee conduct that should be communicated in the handbook is the use of social and electronic media.

USE OF SOCIAL MEDIA/ELECTRONIC MEDIA

The next component of the ideal employee handbook concerns itself with social and electronic media. A Pew Research Center study conducted in 2015 found that 85% of adults are Internet users and 67% are smartphone users (Duggan 2015, p. 2). The rapid rise of technology over the last 15 years underlines the need for agencies to craft *social media* policies regarding the use of social networking sites such as Facebook, and Twitter. *Electronic media* use for employees has also expanded beyond the use of computers in the workplace to include company-owned smartphones and tablets. Since Lindsey Rose's 2013 research project studying employees' personal use of social media, the literature on the subject has expanded immensely. It is important to communicate these policies in the employee handbook.

Ron Jones (2009) defined social media as "a category of online media where people are talking, participating, sharing, networking, and bookmarking online." Policies governing social media usage by employees should be well drafted, clear and consistently enforced and the language should "give employees clear examples of permitted and banned behaviors," as well as application of the policy (O' Connor, Schmidt, and Drouin 2016, p. 208). The National Labor Relations Board General Counsel approved a lawful social media policy template for private-sector employees (but the same general principles can apply to public sector employees) (Considine 2013, p. 520) The overall tone policy was to "be respectful." Some of the language

included under this was to be fair and courteous to other employees and to use an open-door policy to resolve issues rather than posting criticisms or complaints online (pp. 526-527).³

Lam (2016) presented three things that employees need to be aware of in an agency's social media policy. First, employees should be informed of the need to be professional both on an off-duty. Statements made by the employee on his or her personal social media account can be construed as statements made by the agency if the employee associates him or herself with the entity. Second, employees need to be aware of what constitutes harassment and be respectful in all forms of communication, including online. Laws such as the ADA, ADEA, and Title VII apply in online forums. Finally, employees need to be aware of what the agency considers confidential information and who has the clearance to divulge this information if the agency chooses to do so. Consequences for violating these policies should also be clearly addressed (p. 431).

Privacy in the workplace regarding the use of social media and electronic media, usually in the form of email, are also important issues to address in the handbook. So employees are aware of monitoring actions, agencies should include a statement that they "reserve the right to monitor electronic mail messages and their content as well as any and all use of the Internet and of computer equipment used to create, view, or access e-mail and Internet content." (Huckabee and Kolb 2014, p. 1) Agencies need to also implement an Authorized Use Policy for use of electronic devices such as company phones and tablets (p. 2). Some of the components of this policy include statements that the systems should be used for work-related purposes only, and

³ The policy does not prevent criticisms or complaints from being posted, but does prohibit posts in the "form of statements, photographs, video, or audio that may be construed as malicious, obscene, threatening, intimidating, harassing, disparaging or defamatory to customers, co-workers, and third-parties working on behalf of the employer." (Considine 2013, 527)

“transmission, display, or storage of sexually explicit, defamatory or offensive materials is strictly prohibited at all times.” (p. 8).

Bottom line for social media policies—they need to be clearly defined and enforced. Proper use policies and an explanation that the systems and emails used by employees are subject to monitoring lays out the expectations surrounding privacy (Flynn 2000, p. 133). These policies need to be clearly defined in the handbook.

CONDITIONS OF EMPLOYMENT

Conditions of employment are prescribed standards that employees must meet to maintain their status in the agency (Brown 2013, p. 32). Employment practices are the agency’s “rules, policies, and procedures regarding employee behavior and interaction in the workplace.” (Felsberg 2004, p. 121) These include working hours and absenteeism, public employee unions, conflict-of-interest prohibition and outside employment, appearance and conduct, political activities, and substance abuse.

Working Hours/Absenteeism

Working hours policies include what the agency considers a workweek and attendance policies (Felsberg 2004, p. 119). It is important to specify this in the handbook, especially if there are people in the agency working different shifts. Break times and lunch times should also be outlined as well. When an employee is not present during work hours, and not on excused leave, or out for a holiday, it is referred to as *absenteeism* (Garcia 2002, p. 30). Agencies should outline what constitutes unauthorized absenteeism and communicate that in the handbook (2013, p. 63).

Public Employee Unions

Myers (2001) defines a union as "an agency of employees who have some common interests, such as collectively bargaining with their employer over the terms and conditions of employment in such matters as pay, benefits, job security, safety, and health." (p. 949) *Public employee unions* members may include those in a fire or police department. Those in a union have certain rights under the *National Labor Relations Act of 1935* and its revisions. Some of those rights are:

- the right to self-organize;
- the right to bargain collectively through representatives of their own choosing;
and;
- the right to engage in concerted activities for the purpose of collective bargaining or to refrain from such activities (except when membership in a labor union is required as a condition of employment) (pp. 956-957).

While provisions under federal labor relation laws do not cover state and local public employees, 35 states have passed laws governing labor relations for those employees (pp. 953-954).

Agencies need to be aware of their states' laws regarding unions. Additionally, the rules governing the union may differ from the agency's policies and how problems are resolved may differ as well. This difference needs to be articulated in the handbook.

Conflict of Interest/Outside Employment

Kavanagh (2010) defines *conflict of interest* as an "incompatibility between an individual's interests and the individual's duty to another such as an employer or a client." (p. 1) Conflicts of interests can arise from *outside employment* or favoritism within the company. The incompatibility that Kavanagh describes in her definition can occur when the employee

“moonlights” or takes outside employment and it interferes with the ability of the employee to effectively contribute to the agency’s mission.

Nepotism or “cronyism” is another area in which a conflict of interest can occur. Pearce’s research focused on how favoritism has affected employee attitudes and perceptions. (2015) “Nepotism places loyalty and obligations to one’s family over obligations to one’s employer.” (p. 43) He held that this nepotism and cronyism in the workplace creates an environment of distrust and undermines the perceptions that awards and advancement are based on merit (p. 42). Policies prohibiting this practice should be articulated in the handbook.

Political Activities

The agency’s stance on *political activities* by its employees should be addressed in the handbook. Some states have laws in place prohibiting agencies from discriminating against their employees because of their political affiliations outside of the workplace. (Coil III and Rice 2004, p. 76). These laws include prohibition against discrimination based on an employee’s voting status during an election and against discrimination of employees if they hold/decide to run for public office. (p. 77). Agencies should dictate their policies on political activities and when they are permitted in the workplace (if at all). This should be clearly communicated in the handbook.

Appearance and Conduct

Policies regarding appearance at work or dress codes should be included in the handbook (Garcia 2002; Brown 2013). According to Mitchell, Koen, and Moore (2013), there is no legal requirement for dress and appearance codes, but the policy itself should be clear and enforceable in order to be able to defend against possible discrimination (p. 295). A well-written dress and appearance policy can also help with issues such as: health and safety standards, public image

perception, and promoting a positive work environment, and could possibly prevent unlawful harassment claims (pp. 295-296). David Molina (2017) discussed dress and appearance in terms of religious accommodations at work. In his research, he found that as long as the requests did not interfere with safety equipment negatively impact productivity, then they should be accommodated.

Policies describing what is considered inappropriate behavior should be included in the handbook (Cowan 1975, p. 343; Felsberg 2004, p. 121). According to Felsberg, inappropriate behavior might include: insubordination, sleeping during business hours, firearms or weapons possession while on property, falsifying time cards, gambling, dishonesty, and a “catch-all” policy (which explains the right of the agency to establish discipline without progressive steps) (121-122). One policy that should stand alone as its own section in the employee handbook is a substance use/abuse policy/

Substance Abuse

Both Mou (2016) and Kittlerlin, Moll, and Moreno (2015)⁴ give advice for agencies on how to establish a *substance abuse* policy. Both agree that there should be a formal, written, policy and that the drug and alcohol testing requirements should be clearly laid out, and fairly applied across all employee groups. Both also discuss how there should be help provided to employees that have drug or alcohol issues in the form of Employee Assistance Programs (p. 23; p. 812). Kittlerlin, Moll and Moreno emphasize that both employees and supervisors should receive training on how to recognize substance abuse issues and where and who to report them to

⁴ Kittlerlin, Moll, and Moreno cited the U.S. Department of Labor’s 1990 “Employer’s Guide to Dealing with Substance Abuse”

(2015, p. 812). Investigation procedures should also be outlined in the handbook (Mou 2016, p. 23)

Grievance Procedure

If someone violates the code of conduct, or employees have issues with one another, an agency should have an established *grievance procedure* (Smith and Harris 2014, p. 76).

Typically, grievable events are associated with the violations of a collective agreement (union related), but complaints not related to the contract violations are also covered (Bemmels and Foley 1996, p. 362). As discussed earlier, sexual harassment policies in the workplace should have a grievance procedure. This procedure can be modified and applied to other problems as well. This policy should be outlined clearly in the handbook.

Performance Appraisals

The handbook should also explain *performance appraisals* and the policies surrounding them. DeNisi and Pritchard (2006) define performance appraisals as “discrete, formal, organizationally sanctioned events, usually not occurring more frequently than once or twice a year, which has clearly stated performance dimensions and/or criteria that are used in the evaluation process.” (p. 254). The federal government has guidelines for their employee performance appraisals. Government agencies encourage employee participation in establishing the appraisal system, and they use the appraisals as a basis for employment and compensation-related decisions (Stez and Chmielewski 2016, p. 271). While there are no such statutes for private sector or other levels of government employees, these guidelines can be used as a basis for a performance appraisal policy. During the evaluation process, an employee’s performance is assigned a quantitative rating, and then those scores are shared with the employee (DeNisi and Pritchard 2006, p. 254). This process needs to be outlined in the handbook.

The previous section outlined the conditions of employment, which need to be included in the handbook. These rules of conduct are important, as they set forth the expectations of the agencies for its employees. The next and final section discusses the importance of including the code-of-ethics, disclaimers, and at-will statement in the handbook.

MISCELLANEOUS

Code of Ethics and At-will Employment

While rules of behavior are important sections in the handbook, acknowledgement of those rules is important as well. The handbook should include a *signed acknowledgement* that employee received it and agrees to comply with the rules of the agency (Smith and Harris, 2014, p. 77). The rules under which an agency operates is referred to as a *code of ethics* (Brown 2013). A code of ethics states which behaviors are acceptable or unacceptable in the work place. Acceptable behavior is typically governed by rules of the agency or regulatory statutes that apply to the workplace. Other acceptable or unacceptable behaviors also depend on what is endorsed by society as a whole (Russell, et al 2017, p. 254)

If a state is an *at-will employment* state, this needs to be clearly communicated in the handbook (Newman and Rosenberg 2014, p. 14). Jungin and Kellough (2013) define at-will as “an employer is free to terminate a worker for any cause as long as it is not done on the basis of factors such as race, ethnicity, sex, age, disability unrelated to ability to perform essential duties, or an employee’s refusal to violate law or public policy.” (pp. 2-3) Employees should understand these rules if their state adheres to this employment policy.

Right to revise statement/Disclaimers

Right-to-revise statements and *disclaimers* should also be clearly communicated in the handbook as well (Burkett 2013, p. 12). Agencies should include a statement that articulates their right to “review, revise, or replace the content” of the handbook, and introduce new policies to reflect changing needs of the agency and new legislation (Reynolds and Hendy 2012, 84). It is the employee’s responsibility to be aware of any changes to the handbook.

A disclaimer also needs to state that the handbook should not be interpreted as an employment contract and that employment can be terminated at any time without cause, if the state is an at-will state. Attorneys recommend the inclusion of contract disclaimer to reduce or eliminate the possibility of a breach of contract claim (Smith and Harris 2014, p. 73). Pederson (2008) states that “courts have held disclaimers to be invalid in negating an implied contract when the wording is not clear, the disclaimer is not prominent enough, or the disclaimer is not adequately communicated to the employee.” (pp. 108-109). If the handbook contains an unclear or ambiguous disclaimer, the courts commonly interpret the document in favor of the employee (Feldman 2013, p. 21).

Conceptual Framework

Table 3.1 summarizes the practical ideal employee handbook assessment model developed in this chapter. Each component is linked to the literature used to defend it. This model is used to assess municipal employee handbooks in the Commonwealth of Virginia. The components and subcomponents in **red** represent the Critical Priorities of the framework. These priorities are designated as such because they are derived from federal laws that every agency is obligated to enforce. Critical Priorities not based on laws are designated because they are widespread issues that need more attention.

Table 3.1 Conceptual Framework Based on the Literature Review
Title: An Assessment of Municipal Employee Handbooks in the Commonwealth of Virginia

Purpose: The purpose of this Applied Research Project is three-fold: First, this research develops a practical ideal model employee handbook by adapting one developed by Rebecca Short (1997) and Neftali Garcia (2002) and expanded upon by Shanna Brown (2013). Second, the model is used to assess 20 city employee handbooks in the Commonwealth of Virginia. Finally, based on this assessment, recommendations to improve the quality of the handbooks are made.

Category and Ideal Type Component	Supporting Literature
Characteristics <ul style="list-style-type: none"> • Quality • Accessible and up to date 	Short (1997); Garcia (2002); Brown (2013); White (2010); Smith and Harris (2014); Flynn (2000); Burkett (2013); White (2010)
1. Introduction and Preface Materials	
1.1 Date of Employee Handbook Update 1.2 Table of Contents 1.3 Welcome Statement 1.4 Mission Statement 1.5 Historical Information	Short (1997); Brown (2013); Smith and Harris (2014); Donnelly (2006); Flynn (2000); Burkett (2013)
2. Compensation: Administration	
2.1 *Acknowledgement of Equal Pay Act (EPA) 2.1.1 *Title VII of the Civil Rights Act of 1964 2.1.2 *The Lilly Ledbetter Fair Pay Act of 2009 2.2 Pay Plans and Periods 2.3 Probationary Periods 2.4 Hiring/Promotion/Demotion Policies 2.5 Overtime 2.5.1 Requirements under Fair Labor Standards Act (FLSA) 2.6 Compensatory Time	Short (1997); Garcia (2002); Brown (2013); Equal Employment Opportunity Commission (1963); Myers (1999); Billitteri (2008); Equal Employment Opportunity Commission (1964); Zisk (2009); Sorock (2010); Lilly Ledbetter Fair Pay Act of 2009; Felsberg (2004); Leibig (2001); Snell (2010)
3. Leave Policies	

3.1 Leave Time 3.1.1 Annual 3.1.2 Sick *3.1.3 Requirements of Family Medical Leave Act (FMLA) 3.1.4 Maternal/Paternal Leave 3.1.5 Funeral/Military/Jury Duty 3.2 Holidays for Agencies	Short (1997); Garcia (2002); Brown (2013); U.S. Dept. of Labor, Wage and Hour Division (1993); Snell (2010); Banjeree and Perruci (2012); Felsberg (2004) Berman et al (2015); Cowan (1975); Moss and Deven (2015); Smith and Harris (2014); Bureau of Labor and Statistics (2017); Clinton (1993)
4. Insurance, Retirement and Benefits	
4.1 Medical Insurance (Dental) 4.1.1 *Patient Protection and Affordable Care Act of 2010 4.2 Life Insurance 4.3 Workers Compensation 4.4 Retirement Eligibility and Membership 4.5 Disability 4.6 Social Security and Medicare	Garcia (2002); Brown (2013); Felsberg (2004); Cowan (1975); Blavin, et. al. (2015); U.S. Bureau of Labor Statistics (2015); Meza and Kleiner (2010); Neumark (2009); Simon and Cohen (2013); Wojcik (2013); Neumark (2009)
5. EEO and Discrimination	
5.1 Statement of Nondiscrimination 5.2 Equal Employment Opportunity (EEO) Compliance 5.3 *Rights under the Equal Employment Act of 1972 (EEA) 5.4 *Rights under Americans with Disabilities Act (ADA) 5.5 *Rights under Age Discrimination Act (ADEA) 5.6*Sexual Orientation Discrimination	Short (1997); Garcia (2002); Brown (2013); Hebl, et al (2016); Cavico and Mujtaba (2011); Badgett (1995); Colvin (2007); Gilani, Cavico, and Mujtaba (2014); Human Rights Campaign (2017); Flynn (2000); Neumark (2003, 2009); Smith and Harris (2014); Rush (2012); Gold, et al (2012); Pichler, Ruggs, and Trau (2017); Equal Employment Opportunity Commission (1967, 1972, 1990); Myers (1999); Fisher (1948); Gates (2011); Sadiel-Goley (2016);
6. *Sexual Harassment/Bullying	
6.1 Statement Denouncing Sexual Harassment 6.2 Sexual Harassment Defined 6.3 Statement Denouncing Bullying 6.4 Bullying Defined 6.5 Complaint Procedure and Investigative process 6.6 Disciplinary Actions	Brown (2013); Vijayasiri (2008); Sisak and Laird (2001); Vickers (2014); Equal Employment Opportunity Commission (n.d)

7. Use of *Social Media/Electronic Media	
7.1 Social Media (Twitter, Facebook, Myspace, blogging, etc.) 7.2 Use of Computers/Phones/	Brown (2013); O'Connor, Schmidt, and Drouin (2016); Considine (2013); Schmidt and O'Connor (2015); Huckabee and Kolb (2014); Duggan (2015); Search Engine Watch (2009); Lam (2016); Flynn (2000)
8. Conditions of Employment	
8.1 Employment Practices 8.1.1 Working Hours and Absenteeism 8.1.2 Public Employee Unions 8.1.3 Conflict of Interest Prohibition 8.1.4 Appearance and Conduct 8.1.5 Political Activities 8.1.6 Outside Employment 8.1.7 Substance Abuse 8.2 Grievance Procedure 8.2.1 A statement defining the investigating process 8.2.2 A statement of due process 8.2.3 The notification process 8.2.4 Corrective Actions and Monitoring 8.3 Performance Appraisals 8.3.1 Time of Appraisals 8.3.2 Components 8.3.3 Employee/Management Acceptance 8.3.4 Accessibility of Performance Appraisals	Garcia (2002) Brown (2013); Felsberg (2004); Cowan (1975) Myer (2001); Kavanagh (2010); Pearce (2015); Coil III and Rice (2004); Mitchell, Koen, and Moore (2013); Vijayasiri (2008); Sisak and Laird (2001); Stetz and Chmielewski (2016); DeNisi and Pritchard (2006); Pearce (2015); Kitterlin, Moll, and Moreno (2015); Mou (2016); Molina (2017); Cowan (1975); Bommel and Foley (1996)
9. Miscellaneous	
9.1 Employee at will Statement 9.2 Handbook Right to revise 9.2.1 Signed Acknowledgement 9.3 Code of Ethics Statement 9.4 Disclaimer	Brown (2013); Jungin and Kellough (2013); Smith and Harris (2014); Russell, et al (2017); Flynn (2000); Newman and Rosenberg (2014); Smith and Harris (2014); Feldman (2013); Burkett (2013); Reynolds and Hendy (2012); Pederson (2008)

CHAPTER SUMMARY

This chapter examined the literature surrounding employee handbooks. The conceptual framework was introduced (Shields and Tajalli, 2006; Shields and Whetsell, 2017). The most significant change between this and Brown's (2013) research is the advent of sexual orientation discrimination laws and statutes, and this will have implications going forward as the legislation evolves. The following chapter describes the methodology used to assess the employee handbooks.

Chapter 4

Methodology

Chapter Purpose

The purpose of this chapter is to explain the methodology used to assess a sampling of employee handbooks from the Commonwealth of Virginia. First, the purpose and overview of document analysis, the research method used, is explained. Second, the conceptual framework developed in Chapter 2 is operationalized. Third, the quality standards for the handbooks assessment are explained. Fourth, the stratification of the sample and sampling method are explained. Finally, implications of the sample are discussed. The chapter ends with a summary and a segue to Chapter 5.

Overview

The overall purpose of this research is to provide generalized recommendations to the municipal governments in the Commonwealth of Virginia on how to improve their employee handbooks. Handbooks are a “living document and act as a tool to facilitate communication regarding policies” between the city governments and their employees (Brown 2013, p. 40). The primary method used is content analysis of city documents (employee handbooks). This project assesses how effective the handbooks are at communicating policy by using the framework developed in Chapter 3. **Table 4.1** is used to operationalize the conceptual framework in order to assess the handbooks.

Table 4.1 Ideal Type of City Employee Handbooks Operationalization Based Upon Conceptual Framework Coding Sheet

Ideal Category	Quality Rating 0=Not Present 1=Poor 3=Marginal 5=Excellent
CHARACTERISTICS	
➤ Overall Quality of Handbook	
➤ Accessible and up to date	
1. INTRODUCTION AND PREFACE MATERIALS	
1.1 Date of Employee Handbook Update	
1.2 Table of Contents	
1.3 Welcome Statement	
1.4 Mission Statement	
1.5 Historical Information	
2. COMPENSATION: ADMINISTRATION	
2.1 *Acknowledgement of Equal Pay Act (EPA)	
2.1.1 *Title VII of the Civil Rights Act of 1964	
2.1.2 *The Lilly Ledbetter Fair Pay Act of 2009	
2.2 Pay Plans and Periods	
2.3 Probationary Periods	
2.4 Hiring/Promotion/Demotion Policies	
2.5 Overtime	
2.5.1 Requirements under Fair Labor Standards Act (FLSA)	
2.6 Compensatory Time	
3. LEAVE POLICIES	
3.1 Leave Time	
3.1.1 Annual	
3.1.2 Sick	
*3.1.3 Requirements of Family Medical Leave Act (FMLA)	
3.1.4 Maternal/Paternal Leave	
3.1.5 Funeral/Military/Jury Duty	
3.2 Holidays for Agencies	

4. INSURANCE, RETIREMENT AND BENEFITS	
4.1 Medical Insurance (Dental)	
4.1.1 *Patient Protection and Affordable Care Act of 2010	
4.2 Life Insurance	
4.3 Workers Compensation	
4.4 Retirement Eligibility and Membership	
4.5 Disability	
4.6 Social Security and Medicare	
5. EEO AND DISCRIMINATION	
5.1 Statement of Nondiscrimination	
5.2 Equal Employment Opportunity (EEO) Compliance	
5.3 *Rights under the Equal Employment Act of 1972 (EEA)	
5.4 *Rights under Americans with Disabilities Act (ADA)	
5.5 *Rights under Age Discrimination Act (ADEA)	
5.6 *Sexual Orientation Discrimination	
6. *SEXUAL HARASSMENT/BULLYING	
6.1 Statement Denouncing Sexual Harassment	
6.2 Sexual Harassment Defined	
6.3 Statement Denouncing Bullying	
6.4 Bullying Defined	
6.5 Complaint Procedure and Investigative process	
6.6 Disciplinary Actions	
7. USE OF *SOCIAL MEDIA/ELECTRONIC MEDIA	
7.1 Social Media (Twitter, Facebook, Myspace, blogging, etc.)	
7.2 Use of Computers/Phones/	
8. CONDITIONS OF EMPLOYMENT	
8.1 Employment Practices	
8.1.1 Working Hours and Absenteeism	
8.1.2 Public Employee Unions	
8.1.3 Conflict of Interest Prohibition	
8.1.4 Appearance and Conduct	
8.1.5 Political Activities	
8.1.6 Outside Employment	
8.1.7 Substance Abuse	
8.2 Grievance Procedures	
8.2.1 A statement defining the investigative process	
8.2.2 A statement of due process	
8.2.3 The notification process	
8.2.4 Corrective Actions and Monitoring	

8.3 Performance Appraisals	
8.3.1 Time of Appraisals	
8.3.2 Components	
8.3.3 Employee/Management Acceptance	
8.3.4 Accessibility of Performance Appraisals	
9. MISCELLANEOUS	
9.1 Employee at will Statement	
9.2 Handbook Right to revise	
9.2.1 Signed Acknowledgement	
9.3 Code of Ethics Statement	
9.4 Disclaimer	

The first column in **Table 4.1** illustrates the practical ideal type components and their subcomponents. The column labeled “Quality” is used to assess the handbooks for whether they meet certain criteria qualities based on formatting and style. If a component is not present within the handbook, then a rating of “0” was assigned.

Quality

As discussed in Chapter 3, *quality* refers to whether or not a handbook is clear and aesthetically pleasing with regards to formatting and style. For the purposes of this research, quality rating is broken up into the following categories: coherency, writing, and visuals.

Coherency refers to document organization and policy ambiguity. The next category, *writing* refers to language use, verb usage, and sentence and paragraph structure. Finally, *visuals* refer to the use of charts and tables. **Table 4.2** is a graphic presentation of the Quality Standards used to code the handbook assessment. The conceptual framework served as a basis for analyzing the handbooks, and every handbook will be evaluated separately, with quality ratings assigned for each component.

Table 4.2 Quality Standards Used to Assess the Employee Handbooks

	Coherency	Writing	Visuals
Not Present (0)	N/A	N/A	N/A
Poor (1)	<ul style="list-style-type: none"> - Multiple conflicting policies - Lacks organization (clear headings and subheadings) - No use of numbers and bullet points - Lacks transitions between topics 	<ul style="list-style-type: none"> - Overuse of jargon, acronyms, and undefined terms - Overuse of passive verb form - Lacks paragraph structure for each topic - Lacks fully developed sentences 	<ul style="list-style-type: none"> - Tables and charts lack narrative - Tables and charts irrelevant to section
Marginal (3)	<ul style="list-style-type: none"> - Minimal conflicting policies - Minimal organization - No use of numbers and bullet points - Topics do not transition well within the section 	<ul style="list-style-type: none"> - Some jargon, acronyms, and undefined terms - Some use of the passive verb form - Paragraphs too long/too short - Sentences too long/too short 	<ul style="list-style-type: none"> - Tables or charts have minimum narrative
Excellent (5)	<ul style="list-style-type: none"> - No conflicting policies - Organized/takes advantage of headings and subheadings - Effective use of numbers and bullet points - Topics transition from one to another within the section 	<ul style="list-style-type: none"> - All terms defined and no acronyms or jargon - No passive verb usage - Paragraphs well developed but brief - Sentences well developed, but brief 	<ul style="list-style-type: none"> - Tables and chart reflect the narrative of the section

Method

Content Analysis

Babbie (2001) defines content analysis as “the study of recorded human communications” (320). The recorded human communications in this research are the employee handbooks being collected. Elos and Kyngas (2008) described content analysis as an inductive or deductive process. Inductive content analysis involves open coding, categorizing the data collected, and abstraction. This culminates in the concepts studied being derived directly from the data. It is most useful when there are no previous studies about the subject available. In deductive content analysis, the researcher either uses or modifies an existing framework and analyzes the data based on that (p. 110-111). This study would be classified as deductive content analysis because it uses a modified existing framework.,

As with any research method, content analysis has its strengths and weaknesses, as discussed by Babbie (2001). The biggest advantage is economy of both money and time. Content analysis does not require a large research staff or equipment, nor distribution of surveys or gathering of focus groups. There are no financial costs associated with collecting the employee handbooks for analysis. They were either downloaded off the city government websites or obtained from the human resources office. There was some waiting associated with receiving the handbooks, but it was negligible. A second advantage is the allowance for error correction. If the research notices an issue with the coding or the sample, it is much easier to redo a portion of the study rather than restart the whole thing. Finally, as opposed to other qualitative research methods such as interviews and observation, content analysis is unobtrusive and eliminates the risk of reactivity. With other methods, the subject being observed may act

differently because of the observation. Evaluating only the handbooks mitigates the need for obtrusive methods of research (p. 330).

There are also limitations to content analysis as well. One is that it is limited to examination of recorded communication. The information can be oral, written, or graphic, but it must be in recorded form to be analyzed. In this instance, if the policies are not recorded in the employee handbook, then they cannot be analyzed. Problems with validity and reliability are also of concern with content analysis. Validity is an issue because there is a chance that the measure used to evaluate a concept will not accurately reflect the concept it is intended to measure. There is a chance that the quality ratings (discussed in the next section) will not accurately reflect the quality of the employee handbooks. Problems with reliability can be solved by recoding the data if needed. (Babbie 2001, p. 330)

Data Collection

The employee handbooks are the unit of analysis for this study. They were available either online through the city government websites or by contacting the human resources offices directly for a copy. The city employee handbooks selected for analysis were chosen using systematic sampling with a stratified approach by using the city population size. Then a document analysis was performed on the handbooks.

There are 229 cities in the Commonwealth of Virginia, with populations ranging from 70 to almost 438,000 according to the 2010 United States Census. This study looked at employee handbooks from 19 cities. A true random sampling of a list of Virginia cities would not be representative of the entire state since it may not include the larger cities such as Virginia Beach and Norfolk. Therefore, the cities were sorted by population size, or stratified to ensure representation from all city sizes. According to Babbie (2001), the purpose of stratification is to

“organize the population into homogeneous subsets, and to select the appropriate number of elements from each.” (p. 206). In this case the population was the Virginia cities, and the homogeneous subsets are the population categories, as explained in the next paragraph.

The city sizes were divided into four categories: Small Cities, Medium Cities, Large Cities, and Extra-Large Cities. Cities with populations of less than 5,000 and less were excluded from this research. Labeled as Small Cities were Virginia cities with populations between 5,001 and 20,000, resulting in 35 cities. Labeled as Medium Cities were Virginia cities with populations between 20,001 and 50,000, resulting in 16 cities. Labeled as Large Cities were Virginia Cities with populations between 50,001 and 200,000, resulting in 7 cities. Finally, labeled as Extra-Large Cities are Virginia cities with populations over 200,001, resulting in 4 cities. This was to ensure that employee handbooks from different sizes of cities were selected.

A systematic sample with a random start was used within the Small, Medium, and Large City categories to choose the Virginia cities from which to obtain the employee handbooks. According to Babbie (2001), in this method, every n th element in a list is chosen for the sample. To reduce human bias in using this sampling method, the researcher must select the first number at random (p. 202). For all three city categories, an online random number generator was used to determine both the first element, and the interval. Five cities were chosen from each. For the Small Cities, the sample selection started at the sixth city in the stratified list, and every seventh city was selected. For the Medium Cities, the sample selection started at the third city and every third city was selected. Finally, for Large Cities, the sample selection started at the first city, and every second city was selected. For Extra Large Cities, all four cities in that category were selected, since there were not enough to do systematic sampling.

The Small Cities ranged in size from 5,927 (Emporia) to 17,411 (Colonial Heights). The average population size of this city group is 10,482. The Medium Cities ranged in size from 22,565 (Fairfax) to 43,475 (Charlottesville). The average population size of this city group is 31,271. The Large Cities ranged in size from 75,568 (Lynchburg) to 180,619 (Newport News). The average population size was 114,767. The Extra-Large Cities ranged in size from 204,214 (Richmond) to 437,994 (Virginia Beach). The average population size was 276,205. **Table 4.3** shows the population for the 19 cities chosen in the sample. The cities highlighted in red did not have employee handbooks available at the time of research, which is explained further in the next section.

Table 4.3 City Demographics

City Categories	Cities	Population
Small Cities	Emporia, VA	5,927
	Lexington, VA	7,042
	Wytheville, VA	8,211
	Martinsville, VA	13,821
	Colonial Heights, VA	17,411
	Average:	10,482
Medium Cities	Fairfax, VA	22,565
	Staunton, VA	23,746
	Winchester, VA	26,203
	Leesburg, VA	42,616
	Charlottesville, VA	43,475
	Average:	31,271
Large Cities	Lynchburg, VA	75,568
	Suffolk, VA	84,585
	Portsmouth, VA	95,535
	Hampton, VA	137,436
	Newport News, VA	180,619
	Average:	114,767
Extra-Large Cities	Richmond, VA	204,214
	Chesapeake, VA	222,209
	Norfolk, VA	242,803
	Virginia Beach, VA	437,994
	Average:	276,205

Statistics

The *Quality* ratings assigned to each component and subcomponent of the framework will be analyzed using descriptive statistics and sample sizes corresponding to number of cities in each city category. The sum of the ratings of each component and subcomponent for the handbooks analyzed will be divided by the sample size to obtain the mean rating for all handbooks. The mean is one of the methods used to measure central tendency (Babbie 2010, p. 410-411). The mean of the ratings would provide a concise way to analyze the quality ratings of the components and subcomponents.

Sample Implications and External Validity

The preceding tables contained the cities selected for analysis through stratified systematic sample with a random start. However, not all cities had handbooks available at the time of the research. The employee handbook for the City of Charlottesville was under revision and a previous version was not available for analysis. Additionally, the cities of Virginia Beach and Winchester did not respond to requests for their employee handbooks, so they are not included in the analysis. Finally, the city of Colonial Heights did not have consolidated handbook available. However, the policies and procedures were available in the city code and on the website, so that was analyzed for the purposes of this research.

Another topic of discussion with the practical ideal type is that of external validity. Shields and Rangarajan (2013) state that the findings are only “applicable to the case at hand” in terms of a case study (p. 167). For content analysis, this is also true. However, the practical ideal type framework developed during research can be used to analyze similar programs and policies. It can also be adapted to fit the needs of that particular agency. This evaluation is also subjective. Something that may be applicable to larger cities and their policies may not be work for smaller cities.

Summary

This chapter covered the methodology used in this applied research project to assess a sample of employee handbooks in the Commonwealth of Virginia. First, the purpose of the research was explained, and an overview of the research method was presented. Second, the conceptual framework described in Chapter 3 was operationalized in **Table 4.1**. Third, the quality standards for the handbooks assessment were explained, and **Table 4.2** provided a

summary. Fourth, the stratification sampling method was explained, and **Table 4.3** described the cities selected for collecting handbooks. Finally, implications of the sample were discussed.

Chapter 5 presents the results of the employee handbook analysis using the methods discussed. General recommendations for improvement of the handbooks are also made.

Chapter 5

Results

Employee handbooks in the Commonwealth of Virginia were evaluated using the ideal handbook model developed in Chapter 3. The handbooks were then assessed using content analysis and the developed Quality Standards, as explained in Chapter 4. This chapter will discuss each ideal handbook category and their components and noted trends within each city classification.

As discussed in the previous chapter, each component of the ideal handbook was assigned a rating of “0”, “1”, “3” or “5” in the 16 handbooks evaluated, using the quality ratings. “0” was used if component was not present in the handbook. “1” was used if the component was poorly written. “3” was used if the component was present, but needed improvement. “5” was used if the component was present, and was well-written.⁵

Characteristics of the Ideal Handbook

The ideal handbook model was used to evaluate the accessibility and currency and the overall quality of the employee handbooks for the sampled cities in the Commonwealth of Virginia. The first component in the ideal handbook model was characteristics, which consisted of the overall handbook rating using the average of all the components of the ideal handbook model⁶⁷. The second component, currency and accessibility of the handbooks. In both categories, the handbooks had an average (3.00 and 3.36, respectively) rating across all the city classifications. One issue with accessibility and currency was that approximately half of the handbooks studied were not available on the city websites. For the overall rating, this suggests

⁵ Table 4.2 in Chapter 4 explains these ratings in detail.

⁶ Appendix A contains the quality ratings for all handbooks assessed.

⁷ Appendix B contains examples of ideal components from different handbooks.

that the handbooks cover the basics, yet have much room for improvement. **Table 5.1** presents the analysis results for handbook characteristics.

Table 5.1 Analysis Results for Overall Quality and Accessibility/Currency of Employee Handbooks

Components	Small Cities	Medium Cities	Large Cities	Extra-Large Cities	Averages
Overall Quality	2.78	3.16	3.55	2.49	3.00
Accessible and up to Date	3.40	3.67	3.40	3.00	3.36

Practical Ideal Category 1: Introductory and Preface Materials

The ideal handbook model was used to evaluate the introductory and preface materials for the sampled cities in the Commonwealth of Virginia. The introductory and preface materials were assessed using five components. With overall ratings of 4.18 and 4.50, respectively, in the revision date (1.1) and table of contents (1.2) components, the employee handbooks performed very well in these two sections. Welcome statement (1.3) had an average rating across all city categories except for Small Cities. Mission statement (1.4) and historical information (1.5) had the lowest averages in all city categories, with overall ratings of 1.07 and 0.75, respectively. Over 80% of the handbooks did not have a mission statement or historical information. It is important for employees to know the mission of the organization they work for and the background of that organization, as discussed in Chapter 3. Overall, Extra-Large Cities had the highest component ratings average at 3.53. **Table 5.2** shows the averages of each component across the city categories.

Table 5.2 Analysis Results for Practical Ideal Category 1: Introductory and Preface Materials

Components	Small Cities	Medium Cities	Large Cities	Extra-Large Cities	Averages
1.1 Date of Employee Handbook Update	3.80	3.33	4.60	5.00	4.18
1.2 Table of Contents	4.00	5.00	4.00	5.00	4.50
1.3 Welcome Statement	1.60	3.33	3.00	3.33	2.82
1.4 Mission Statement	1.00	0.00	1.60	1.67	1.07
1.5 Historical Information	1.00	0.00	1.00	1.00	0.75
Averages	2.28	2.33	2.84	3.20	

Practical Ideal Category 2: Compensation Administration

The ideal handbook model was used to evaluate the compensation administration policies for the sampled cities in the Commonwealth of Virginia. The compensation policies in the handbooks were evaluated using nine components. Acknowledgement of the *Equal Pay Act* (2.1), *Title VII of the Civil Rights Act of 1964* (2.1.1) and the *Lilly Ledbetter Fair Pay Act of 2009* (LLFPA) (2.1.2) had the lowest averages of the nine components. None of the handbooks evaluated acknowledged the LLFPA, which resulted in a ratings average of 0.00. The handbooks that referenced Title VII had it in the equal employment opportunity statement, and not related to compensation. The City of Norfolk was the only city to acknowledge the Equal Pay Act. Referencing the laws that govern pay and compensation provides a legal background for pay and compensations policies in the handbook.

With a few exceptions, the employee handbooks did an above average job of explaining pay plans and pay periods (2.2) with a ratings average of 3.44. One notable trend in the handbooks was that the majority had explanations or references to the different wage classifications, as well as the pay period. Standard probationary periods (2.3) in the handbooks

were six-months to a year, and the explanations in the handbooks resulted in an overall rating of 4.65 for this component. The employee handbooks also did marginal job of explaining hiring/promotion/demotion policies (2.4), with a ratings average of 3.90. The policies were not all in one place in any of the handbooks, but discerning the intent was simple. Most of the handbooks stated the hiring policies in the form of a recruitment and selection section. Promotion and demotion were usually within the pay/compensation section.

One surprising result was the lack of explanation of overtime policies (2.5) in three of the handbooks, and the lackluster explanation in some of the handbooks. This corresponded with the absence of the requirements under the *Fair Standards Labor Act* (FLSA) (2.5.1). The ratings averages for these components were 3.24 and 3.15 respectively. However, explanations of compensatory time (2.6) and requirements for earning it was present in 75% of the handbooks, which resulted in a ratings average of 3.59 for this component. The FLSA is the law that governs both of these, and should be included in the section that explains overtime and compensatory time. **Table 5.3** shows the averages for each component across all city categories.

Table 5.3 Analysis Results for Practical Ideal Category 2: Compensation Administration

Components	Small Cities	Medium Cities	Large Cities	Extra-Large Cities	Averages
2.1 *Acknowledgement of Equal Pay Act (EPA)	0.00	0.00	0.00	1.00	0.75
2.1.1 *Title VII of the Civil Rights Act of 1964	0.60	0.00	1.40	1.20	0.64
2.1.2 *The Lilly Ledbetter Fair Pay Act of 2009	0.00	0.00	0.00	0.00	0.00
2.2 Pay Plans and Periods	3.40	2.67	5.00	2.67	3.44
2.3 Probationary Periods	4.00	5.00	4.60	5.00	4.65
2.4 Hiring/Promotion/Demotion Policies	4.60	3.33	5.00	2.67	3.90
2.5 Overtime	2.60	2.67	5.00	2.67	3.24
2.5.1 Requirements under Fair Labor Standards Act (FLSA)	1.60	3.33	5.00	2.67	3.15
2.6 Compensatory Time	4.00	2.67	5.00	2.67	3.59
Averages	2.31	2.19	3.56	2.28	

Practical Ideal Category 3: Leave Policies

The ideal handbook model was used to evaluate the leave policies for the sampled cities in the Commonwealth of Virginia. This included seven components within this category. As a whole, the employee handbooks (with the exception of the Extra-Large Cities) scored relatively well in this category, but there is still some room for improvement in this section.

A reoccurring trend in the handbooks analyzed was the use of tables to explain the annual (3.1.1) and sick (3.1.2) leave policies for those cities. These explanations resulted ratings averages of 4.41 for annual leave and 3.99 for sick leave. The handbooks also did an above average job of explaining the requirements under the Family Medical Leave Act (3.1.3). with a ratings average of 4.03. 12 of the handbooks had a detailed explanation of these requirements

and how to take leave under the FLMA, and one mentioned FMLA but didn't go into detail. The ones that didn't made no mention of FMLA. Parental leave (Maternal/paternal leave) (3.1.4) was usually lumped in with FMLA. Only a couple of the handbooks had separate maternal leave policies, and none had paternal leave policies. Despite this, this component rating still had a lower ratings average of 2.72. 75% of the handbooks also had detailed explanations regarding the cities' policies regarding bereavement, military, and jury duty (or civil) leave (3.1.5). Finally, almost all of the handbooks had a list of paid holidays for city employees (3.2). **Table 5.4** overviews the averages for the leave policies components.

Table 5.4 Analysis Results for Practical Ideal Category 3: Leave Policies

Components	Small Cities	Medium Cities	Large Cities	Extra-Large Cities	Averages
3.1 Leave Time					
3.1.1 Annual	5.00	4.33	5.00	3.33	4.41
3.1.2 Sick	4.60	3.67	5.00	2.67	3.99
*3.1.3 Requirements of Family Medical Leave Act (FMLA)	3.60	5.00	5.00	1.67	3.82
3.1.4 Maternal/Paternal Leave	2.80	3.67	3.40	1.00	2.72
3.1.5 Funeral/Military/Jury Duty	4.20	4.33	5.00	2.67	4.05
3.2 Holidays for Agencies	4.60	5.00	5.00	2.67	4.32
Averages	4.13	4.33	4.73	2.34	

Practical Ideal Category 4: Insurance, Retirement, and Benefits

Insurance, retirements, and benefits are considered as part of the compensation package for employees, but for purposes of this research, they are in a separate category in the ideal handbook model. This category consists of seven components.

The employee handbooks in the small and medium cities studied did an excellent job of explaining the medical insurance policies (4.1), with the large and extra-large cities scoring below average in this component. The handbooks did not go into great detail about the health insurance offered, but did provide basic synopses of the plans, and where to go to receive more detailed information. However, only one of the handbooks analyzed mentioned the Patient Protection and Affordable Care Act (4.1.1), and its requirements in regards to providing health insurance for an agency's employees.

With the exception of the employee handbooks from the extra-large cities, life insurance (4.2) options and how to obtain it were explained relatively well in the handbooks analyzed. The handbooks analyzed did an excellent job of covering workers compensation policies (4.3). Three-quarters of the employee handbooks described disability policies (4.5), but most were in the context of filing for a disability claim if needed, such as short-term disability. Retirement eligibility and membership (4.4) under the Virginia Retirement System is covered by the majority of the handbooks as well. Social security and Medicare (4.6), if present, was also typically included in the retirement section of the handbooks analyzed. However, these two topics were not covered in great detail. **Table 5.5** summarizes the analysis results.

Table 5.5 Analysis Results for Practical Ideal Category 4: Insurance, Retirement, and Benefits

Components	Small Cities	Medium Cities	Large Cities	Extra-Large Cities	Averages
4.1 Medical Insurance (Dental)	4.20	5.00	2.60	1.67	3.37
4.1.1 *Patient Protection and Affordable Care Act of 2010	0.00	0.00	1.00	0.00	0.25
4.2 Life Insurance	3.20	4.33	3.20	1.67	3.10
4.3 Workers Compensation	5.00	5.00	4.00	2.67	4.17
4.4 Retirement Eligibility and Membership	4.00	5.00	4.00	2.67	3.92
4.5 Disability	2.80	4.33	3.20	1.67	3.00
4.6 Social Security and Medicare	1.20	2.67	3.20	0.00	1.77
Averages	2.91	3.76	3.03	1.48	

Practical Ideal Category 5: EEO and Discrimination

The equal employment opportunity and discrimination category of the ideal handbook model contains six components, all pertaining to nondiscrimination policies in the workplace. Municipal employee handbooks in the Commonwealth of Virginia scored well in only two of the components in this category.

Over 80% of the employee handbooks studied provided both a statement of nondiscrimination (5.1) and Equal Employment Opportunity compliance (5.2) statement. Both of these were included in a one or two paragraph statement. However, none of the handbooks evaluated mentioned rights under the *Equal Employment Act of 1972* (5.3). The nondiscrimination statements listed these rights but did not tie them back to the law.

Of the city handbooks, the large cities did the best job of explaining rights under the *Americans with Disabilities Act* (ADA) (5.4), with a component average of 4.10 in that city classification. The cities that did not have a separate section for the ADA included it in their

nondiscrimination statement. Only one handbook referred to the *Age Discrimination in Employment Act of 1967* (5.5) in its policies.

At least one handbook in every city classification included *sexual orientation* (5.6) in its nondiscrimination policies. Half of those handbooks included it in their protected categories in regards to sexual harassment. The highest performing city classification was the extra-large cities, with every handbook including a statement regarding sexual orientation discrimination.

Table 5.6 summarizes the analysis results for this ideal handbook category.

Table 5.6 Analysis Results for Practical Ideal Category 5: EEO and Discrimination

Components	Small Cities	Medium Cities	Large Cities	Extra-Large Cities	Averages
5.1 Statement of Nondiscrimination	3.20	5.00	4.00	5.00	4.30
5.2 Equal Employment Opportunity (EEO) Compliance	2.40	5.00	4.00	5.00	4.10
5.3 *Rights under the Equal Employment Act of 1972 (EEA)	0.00	0.00	0.00	0.00	0.00
5.4 *Rights under Americans with Disabilities Act (ADA)	1.80	3.67	4.20	1.67	2.83
5.5 *Rights under Age Discrimination Act (ADEA)	0.00	0.00	0.00	1.00	0.75
5.6*Sexual Orientation Discrimination	1.20	1.00	1.20	3.00	1.60
Averages	1.43	2.45	2.23	2.61	

Practical Ideal Category 6: Sexual Harassment and Bullying

The ideal handbook model contains six components pertaining to sexual harassment and bullying that should be in an employee handbook. Overall, the coverage of these two topics was above average in employee handbooks in the Commonwealth of Virginia. Large cities in particular did an exemplary job across all the components, with a ratings average of 5.00 for all components.

75% of the handbooks studied had a statement denouncing sexual harassment (6.1) and what defines sexual harassment (6.2). Sexual harassment is a form of sex discrimination, which is in violation of *Title VII of the Civil Rights Act of 1964*, as discussed in previous chapters. Even if they did not reference the legislation, the handbooks included a list of what constitutes sexual harassment, and that it will not be tolerated.

What defines bullying (6.4) and a statement denouncing bullying (6.3) was also included in most of the handbooks studied. Ratings averages of 3.75 for the definition of bullying and 3.50 for the statement denouncing it indicated that the handbooks performed acceptably as a whole, but still could use some improvement. One caveat is that the word “bullying” may not have been specifically used, but it was implied in the zero-tolerance policies for other forms of harassment besides sexual harassment. As discussed earlier, there is no formal legislation in prohibiting bullying. However, protections provided in *Title VII* can be used as a starting point for organizations to form these policies.

75% of the handbooks also included policies related to the complaint and investigative process (6.5) once an allegation has been made and disciplinary actions (6.6) when the investigative process is complete. The complaint processes were usually included in the sexual harassment policy sections of the handbooks. However, the disciplinary actions for those found

in violation of the policies were integrated into the disciplinary actions for all infractions, not just those involving harassment (sexual or other). **Table 5.7** summarizes the analysis results for this ideal handbook category.

Table 5.7 Analysis Results for Practical Ideal Category 6: Sexual Harassment and Bullying

Components	Small Cities	Medium Cities	Large Cities	Extra-Large Cities	Averages
6.1 Statement Denouncing Sexual Harassment	4.00	4.33	5.00	1.67	3.75
6.2 Sexual Harassment Defined	4.00	3.33	5.00	1.67	3.50
6.3 Statement Denouncing Bullying	3.40	4.33	5.00	2.67	3.85
6.4 Bullying Defined	3.40	2.67	5.00	2.67	3.44
6.5 Complaint Procedure and Investigative Process	3.20	2.67	5.00	3.33	3.55
6.6 Disciplinary Actions	3.20	5.00	5.00	1.67	3.72
Averages	3.53	3.72	5.00	2.28	

Practical Ideal Category 7: Use of Social Media/Electronic Media

Shanna Brown (2013) updated the ideal handbook model with the inclusion of social media (7.1) with the electronic media (7.2) category. The social media policies in Virginia employee handbooks had a weak presentation, with an overall ratings average of 2.00 across the city classification. At least one handbook in every category referenced social media/social networking both during and outside working hours. One notable trend in these policies was the

prohibition of statements that include harassment of a coworker or those that could be construed as an official view of the city government.

Electronic media policies fared slightly better in the research with a ratings average of 3.17 across the city classifications. The majority of the handbooks had computer and Internet usage policies, and those that did explicitly stated that computer usage will be monitored, to include emails and websites visited. **Table 5.8** summarizes the analysis results for this ideal handbook category.

Table 5.8 Analysis Results for Practical Ideal Category 7: Use of Social Media/Electronic Media

Components	Small Cities	Medium Cities	Large Cities	Extra-Large Cities	Averages
7.1 Social Media (Twitter, Facebook, Myspace, blogging, etc.)	2.00	1.67	2.67	1.67	2.00
7.2 Use of Computers/Phones/Internet	4.00	3.00	4.00	1.67	3.17
Averages	3.00	2.34	3.34	1.67	

Practical Ideal Category 8: Conditions of Employment

Employment Practices (8.1)

The ideal handbook model consists of seven subcomponents within the employment practices (8.1) component. These components consisted of topics that are typically covered in the code of conduct section of an employee handbook. Overall, the employee handbooks evaluated fared above average in this component, with ratings averages ranging from 3.34 to 4.42 for the subcomponents. The exceptions were public employee unions and political activities.

Out of the handbooks evaluated, only the City of Hampton covered public employee unions (8.1.2). Virginia law explicitly prohibits public employees from joining a union or

collectively bargaining (Va. Code Ann. § 40.1-57.2, 1993). This explains why the employee handbooks do not have a section pertaining to union membership. However, the handbooks should mention the above referenced Virginia Code and why union membership is prohibited.

Policies regarding working hours and absenteeism (8.1.1) were present in all but two of the handbooks studied. Both are considered part of employee expectations in the workplace. Working hours statements in the handbooks consisted of what the office hours were for the cities. Policies regarding absenteeism also coincided with leave policies, since leave is a form of absenteeism. However, for purposes of this research leave was considered as a separate entity.

Like working hours, appearance and conduct (8.1.4) is another component that was present in some form in 14 of the 16 handbooks. Half of the handbooks had extensive codes of conducts and what constitutes a violation. A small minority of the handbooks had a dress and appearance policy for their employees to follow.

Conflict of interest prohibition (8.1.3), political activities (8.1.5), and outside employment (8.1.6) policies were intertwined in the handbooks studied. Those ratings averages were 3.62, 2.84, and 3.80, respectively. Conflict of interest can consist of nepotism or conflicts from outside agencies, outside jobs, among other things. One commonality among the handbooks is that those that had political activity policies clearly stated what was unacceptable in the workplace and it cannot conflict with current duties. Most of the city governments required outside employment to be reported to supervisors and managers.

Substance abuse (8.1.7) had excellent coverage in the employee handbooks evaluated, with a ratings average of 4.42. Cities outlined their drug testing requirements, and all had some form of a zero-tolerance policy for drug use. The employee handbooks also outlined

investigative procedures in the event of substance abuse, and what resources are available for employees to receive help. **Table 5.9** outlines the analysis results in these subcomponents.

**Table 5.9 Analysis Results for Practical Ideal Category 8: Conditions of Employment
(Employment Practices)**

Components	Small Cities	Medium Cities	Large Cities	Extra-Large Cities	Averages
8.1 EMPLOYMENT PRACTICES					
8.1.1 Working Hours and Absenteeism	4.00	1.67	5.00	2.67	3.34
8.1.2 Public Employee Unions	0.00	0.00	1.20	0.00	0.30
8.1.3 Conflict of Interest Prohibition	2.20	3.33	4.60	4.33	3.62
8.1.4 Appearance and Conduct	2.20	4.33	5.00	3.67	3.80
8.1.5 Political Activities	3.00	2.67	4.00	1.67	2.84
8.1.6 Outside Employment	3.40	2.67	4.00	5.00	3.77
8.1.7 Substance Abuse	5.00	5.00	5.00	2.67	4.42
Averages	2.83	2.81	4.11	2.86	

Grievance Procedures (8.2)

Typically, grievance procedures (8.2) are associated with union-related disputes, but in these handbooks, it referred to complaints regarding city policies or actions of other employees. Overall, the hand books did an outstanding job of outlining this procedure. Statements outlining the investigation process (8.2.1) were present in some form in 100% of the handbooks, and represented well with a ratings average of 4.80. Statements of due process (8.2.2) was the subcomponent with the lowest ratings average at 3.99. The notification process (8.2.3) for grievance procedures was present in all of the handbooks but one, and scored well across the

board otherwise. Same is true for corrective actions (8.2.4). **Table 5.10** outlines the analysis results in these subcomponents.

Table 5.10 Analysis Results for Practical Ideal Category 8: Conditions of Employment (Grievance Procedure)

Components	Small Cities	Medium Cities	Large Cities	Extra-Large Cities	Averages
8.2 GRIEVANCE PROCEDURE					
8.2.1 A statement defining the investigative process	4.60	5.00	4.60	5.00	4.80
8.2.2 A statement of due process	3.60	3.67	5.00	3.67	3.99
8.2.3 The notification process	4.60	3.67	5.00	5.00	4.57
8.2.4 Corrective Actions and Monitoring	4.00	4.33	5.00	3.33	4.17
Averages	4.20	4.17	4.90	4.25	

Performance Appraisals (8.3)

The last component in conditions of employment is performance appraisals (8.3), and it consists of four subcomponents. The employee handbooks in Virginia did an excellent job in explaining when employees would receive performance appraisals (8.3.1) with a ratings average of 4.57. The standard time was at the end of the probationary period, and then every year thereafter. Components of the performance appraisals (8.3.2) had the lowest ratings average with 1.50. The employees need to understand what to expect in their performance evaluations, and what they are being evaluated on. Employee/management acceptance (8.3.3) and accessibility of performance appraisals (8.3.4) were both explained in 75% of the handbooks evaluated. **Table 5.11** summarizes the analysis results for this component and its subcomponents.

**Table 5.11 Analysis Results for Practical Ideal Category 8: Conditions of Employment
(Performance Appraisals)**

Components	Small Cities	Medium Cities	Large Cities	Extra-Large Cities	Averages
8.3 PERFORMANCE APPRAISALS					
8.3.1 Time of Appraisals	4.60	4.33	5.00	4.33	4.57
8.3.2 Components	1.00	0.00	4.00	1.00	1.50
8.3.3 Employee/Management Acceptance	4.00	2.67	4.00	3.33	3.50
8.3.4 Accessibility of Performance Appraisals	4.00	3.67	3.60	1.67	3.24
Averages	3.40	2.67	4.15	2.58	

Practical Ideal Category 9: Miscellaneous

The ideal handbook model provides five components that do not fall in any other category and are therefore labeled “Miscellaneous.” Of these five, three were either not present or poorly presented in some of the employee handbooks: the employee at-will statement (9.1), signed acknowledgement (9.2.1), and code of ethics (9.3). Virginia is an at-will employment state, so the handbooks should contain a statement including this, and five of the handbooks did not. Half of the handbooks studied did not have a signed acknowledgement available. Only six of the handbooks had a code of ethics statement.

Right to revise (9.2) and disclaimers (9.4) were present in the same section in the handbooks that had them, which was approximately 75% of the handbooks evaluated. Disclaimers explained that the handbook did not constitute a contract of employment, and that the city had the right to revise the handbook at any time. **Table 5.12** summarizes the analysis results for this practical ideal category.

Table 5.12 Analysis Results for Practical Ideal Category 9: Miscellaneous

Components	Small Cities	Medium Cities	Large Cities	Extra-Large Cities	Averages
9.1 Employee at will Statement	3.80	3.67	2.67	0.00	2.54
9.2 Handbook Right to revise	3.00	5.00	3.00	3.67	3.67
9.2.1 Signed Acknowledgement	4.00	5.00	1.60	0.00	2.65
9.3 Code of Ethics Statement	0.00	2.33	2.00	3.67	2.00
9.4 Disclaimer	3.60	5.00	2.60	3.33	3.63
Averages	2.88	4.20	2.37	2.13	

Results Summary

The previous sections described the results in detail for each component of the ideal handbook model. Overall, municipal employee handbooks from Large Cities in the Commonwealth of Virginia had the strongest ratings averages across all components. Municipal employee handbooks in Extra-Large cities were the weakest across all components.

Three of the handbooks stood out as models for other cities: Lynchburg, Hampton, and Norfolk. These handbooks had ratings averages of above 3.75 for quality, and had most, if not all of the components in the ideal handbook model. Lynchburg and Hampton are in the Large Cities classification and Norfolk is in the Extra-Large Cities classification. **Table 5.14** describes this in further detail.

Table 5.13 Model Handbooks

City	City Classification	Overall Quality Rating	Supporting Evidence
Lynchburg	Large Cities	3.77	<ul style="list-style-type: none"> • Four out of five components present in Introductory and preface materials • Only handbook to mention the Patient Protection and Affordable Care Act of 2010 • Extensive Social Media and Electronic Media Policies
Hampton	Large Cities	3.81	<ul style="list-style-type: none"> • Detailed leave policies with excellent use of tables to support the narratives • Online employee manual, but policies are readily accessible and easy to find • Very well organized on website
Norfolk	Extra-Large Cities	3.85	<ul style="list-style-type: none"> • Only handbook to mention the Age Discrimination in Employment Act of 1967 • Table of Contents was in the form of PDF bookmarks, which made it easy to navigate overall.

Table 5.15 summarizes the results for all components, and uses the following rating scale for the ideal handbook component ratings averages.

0.00	Not Present
0.01 - 1.99	— Poor
2.00 - 2.99	— Weak
3.00 - 3.99	— Marginal
4.00 - 4.99	— Acceptable
5.00	— Excellent

Table 5.14 Summary Table for All Components with Strongest and Weakest City Classification

Category and Ideal Type Component	Component Rating	Rating	Strongest City Size	Weakest City Size
CHARACTERISTICS				
• Quality	3.00	Marginal	Large Cities	Extra Large Cities
• Accessible and up to date	3.36	Marginal	Medium Cities	Extra Large Cities
1. INTRODUCTION AND PREFACE MATERIALS				
1.1 Date of Employee Handbook Update	4.18	Acceptable	Extra-Large Cities	Medium Cities
1.2 Table of Contents	4.50	Acceptable	Extra-Large Cities	Large Cities
1.3 Welcome Statement	2.82	Marginal	Extra-Large Cities	Small Cities
1.4 Mission Statement	1.07	Poor	Large Cities	Medium Cities
1.5 Historical Information	0.75	Poor	Small Cities	Medium Cities
2. COMPENSATION: ADMINISTRATION				
2.1 *Acknowledgement of Equal Pay Act (EPA)	0.75	Poor	Extra-Large Cities	Small/Medium/Large Cities
2.1.1 *Title VII of the Civil Rights Act of 1964	0.64	Poor	Extra-Large Cities	Medium Cities
2.1.2 *The Lilly Ledbetter Fair Pay Act of 2009	0.00	Not Present	None	Small/Medium/Large Extra-Large Cities
2.2 Pay Plans and Periods	3.44	Marginal	Large Cities	Medium/Extra-Large Cities
2.3 Probationary Periods	4.65	Acceptable	Medium/Extra-Large Cities	Small Cities
2.4 Hiring/Promotion/Demotion Policies	3.90	Marginal	Large Cities	Extra-Large Cities
2.5 Overtime	3.24	Marginal	Large Cities	Small Cities
2.5.1 Requirements under Fair Labor Standards Act (FLSA)	3.15	Marginal	Large Cities	Small Cities
2.6 Compensatory Time	3.59	Marginal	Large Cities	Medium/Extra Large Cities
3. LEAVE POLICIES				
3.1 Leave Time				
3.1.1 Annual	4.41	Acceptable	Small Cities/Large Cities	Medium Cities
3.1.2 Sick	3.99	Marginal	Large Cities	Extra-Large Cities
*3.1.3 Requirements of Family Medical Leave Act (FMLA)	3.82	Marginal	Medium/Large Cities	Extra-Large Cities
3.1.4 Maternal/Paternal Leave	2.72	Weak	Medium Cities	Extra-Large Cities
3.1.5 Funeral/Military/Jury Duty	4.05	Acceptable	Large Cities	Extra-Large Cities
3.2 Holidays for Agencies	4.32	Acceptable	Medium/Large Cities	Extra-Large Cities

4. INSURANCE, RETIREMENT AND BENEFITS				
4.1 Medical Insurance (Dental)	3.37	Marginal	Medium Cities	Extra-Large Cities
4.1.1 *Patient Protection and Affordable Care Act of 2010	0.25	Poor	Large Cities	Small/Medium/Extra-Large Cities
4.2 Life Insurance	3.10	Marginal	Medium Cities	Extra-Large Cities
4.3 Workers Compensation	4.17	Acceptable	Small/Medium Cities	Extra-Large Cities
4.4 Retirement Eligibility and Membership	3.92	Marginal	Medium Cities	Extra-Large Cities
4.5 Disability	3.00	Marginal	Medium Cities	Extra-Large Cities
4.6 Social Security and Medicare	1.77	Poor	Medium Cities	Extra-Large Cities
5. EEO AND DISCRIMINATION				
5.1 Statement of Nondiscrimination	4.30	Acceptable	Medium/Extra-Large Cities	Small Cities
5.2 Equal Employment Opportunity (EEO) Compliance	4.10	Acceptable	Medium/Extra-Large Cities	Small Cities
5.3 *Rights under the Equal Employment Act of 1972 (EEA)	0.00	Not Present	None	None
5.4 *Rights under Americans with Disabilities Act (ADA)	2.83	Weak	Large Cities	Extra-Large Cities
5.5 *Rights under Age Discrimination Act (ADEA)	0.75	Poor	Extra-Large Cities	Small/Medium/Large Cities
5.6*Sexual Orientation Discrimination	1.60	Poor	Extra-Large Cities	Medium Cities
6. *SEXUAL HARASSMENT/BULLYING				
6.1 Statement Denouncing Sexual Harassment	3.75	Marginal	Large Cities	Extra-Large Cities
6.2 Sexual Harassment Defined	3.50	Marginal	Large Cities	Extra-Large Cities
6.3 Statement Denouncing Bullying	3.85	Marginal	Large Cities	Extra-Large Cities
6.4 Bullying Defined	3.55	Marginal	Large Cities	Medium/Extra-Large Cities
6.5 Complaint Procedure and Investigative process	3.55	Marginal	Large Cities	Medium Cities
6.6 Disciplinary Actions	3.72	Marginal	Medium/Large Cities	Extra-Large Cities
7. USE OF *SOCIAL MEDIA/ELECTRONIC MEDIA				
7.1 Social Media (Twitter, Facebook, Myspace, blogging, etc.)	2.00	Weak	Large Cities	Small Cities
7.2 Use of Computers/Phones/	3.17	Marginal	Small Cities/Large Cities	Extra-Large Cities

8. CONDITIONS OF EMPLOYMENT				
8.1 Employment Practices				
8.1.1 Working Hours and Absenteeism	3.34	Marginal	Large Cities	Medium Cities
8.1.2 Public Employee Unions	0.30	Poor	Large Cities	Small/Medium/ Extra-Large Cities
8.1.3 Conflict of Interest Prohibition	3.62	Marginal	Large Cities	Small Cities
8.1.4 Appearance and Conduct	3.80	Marginal	Large Cities	Small Cities
8.1.5 Political Activities	2.84	Poor	Large Cities	Extra-Large Cities
8.1.6 Outside Employment	3.77	Marginal	Extra-Large Cities	Medium Cities
8.1.7 Substance Abuse	4.42	Acceptable	Small/Medium/Large Cities	Extra-Large Cities
8.2 Grievance Procedure				
8.2.1 A statement defining the investigative process	4.80	Acceptable	Medium/Extra-Large Cities	Small/Large Cities
8.2.2 A statement of due process	3.99	Marginal	Large Cities	Medium Cities
8.2.3 The notification process	4.57	Acceptable	Large/Extra-Large Cities	Medium Cities
8.2.4 Corrective Actions and Monitoring	4.17	Acceptable	Large Cities	Extra-Large Cities
8.3 Performance Appraisals				
8.3.1 Time of Appraisals	4.57	Acceptable	Large Cities	Medium/ Extra-Large Cities
8.3.2 Components	1.50	Poor	Large Cities	Medium Cities
8.3.3 Employee/Management Acceptance	3.50	Marginal	Small/Large Cities	Medium Cities
8.3.4 Accessibility of Performance Appraisals	3.24	Marginal	Small Cities	Extra-Large Cities
9. MISCELLANEOUS				
9.1 Employee at will Statement	2.54	Weak	Small Cities	Extra-Large Cities
9.2 Handbook Right to revise	3.67	Marginal	Medium Cities	Small/Large Cities
9.2.1 Signed Acknowledgement	2.65	Weak	Medium Cities	Extra-Large Cities
9.3 Code of Ethics Statement	2.00	Weak	Extra-Large Cities	Small Cities
9.4 Disclaimer	3.63	Marginal	Medium Cities	Large Cities

Chapter Summary

This chapter presented the results based on the assessment of city employee handbooks in the Commonwealth of Virginia using the ideal handbook model. The next chapter makes recommendations on how to improve municipal employee handbooks in Virginia and recommendations for further research.

Chapter 6

Conclusion and Recommendations

This chapter draws conclusions from the results and makes recommendations for improvements to employee handbooks in the Commonwealth of Virginia. The chapter then concludes with recommendations for further research.

One key aspect that the author would like to note is that handbooks are just one tool used in employee-employer relations. They are used to communicate an agency's policy and procedures as well as the rights and responsibilities of the employer and its employees and may be one of many ways that an agency communicates with its employees. This research did not examine the other ways that cities in the Commonwealth of Virginia communicate policies to their employees, nor did the researcher interview human resources officials to find out those additional tools. Additional policies may be communicated through means other than the handbooks.

Recommendations

Based on the research and the results presented in the previous chapter, the following recommendations are presented to improve the quality of the employee handbooks in the Commonwealth of Virginia. The ideal handbook model influences these recommendations. The handbooks studied were just a sampling of handbooks in the state so recommendations are made for improvement across all city categories, and not just individual city classifications. **Table 6.1** outlines these recommendations. The practical ideal components that need improvement are bolded and underlined in the table, and recommendations are made based on those components. The table also names handbooks that can serve as a model for other cities needing to update their

policies.⁸ As previously discussed, some of the larger cities may need to have more detailed policies than smaller cities. These recommendations are made based on the overall evaluation of the employee handbooks, and not individual groups.

⁸ Screenshots are provided from handbooks that can serve as models for the components that are named as needing improvement.

Table 6.1 Recommendations for Improving Commonwealth of Virginia Employee Handbooks

Category and Ideal Type Component	Recommendation
<p>Characteristics</p> <ul style="list-style-type: none"> • Quality • Accessible and up to date 	<p>The handbooks need to be accessible to city employees, either in an electronic version or stored on the city website. The policies also should be current and updated as needed with new legislation.</p>
1. Introduction and Preface Materials	
<p>1.1 Date of Employee Handbook Update 1.2 Table of Contents 1.3 <u>Welcome Statement</u> 1.4 <u>Mission Statement</u> 1.5 <u>Historical Information</u></p>	<ol style="list-style-type: none"> 1. Employee handbooks should include a mission statement clarifying what the agency's priorities are, as well as a welcome statement from the city manager or a person in a comparable position. The City of Lynchburg's employee handbook's mission statement was one of the most robust mission statements in the handbooks studied (City of Lynchburg 2016) 2. Historical information about the city and its government should be present in the handbook. The City of Suffolk's historical background statement was the most detailed and informative of the handbooks studied (City of Suffolk 2017, p. 1)
2. Compensation: Administration	
<p>2.1 <u>*Acknowledgement of Equal Pay Act (EPA)</u> 2.1.1 <u>*Title VII of the Civil Rights Act of 1964</u> 2.1.2 <u>*The Lilly Ledbetter Fair Pay Act of 2009</u> 2.2 Pay Plans and Periods 2.3 Probationary Periods 2.4 Hiring/Promotion/Demotion Policies 2.5 Overtime 2.5.1 Requirements under Fair Labor Standards Act (FLSA) 2.6 Compensatory Time</p>	<ol style="list-style-type: none"> 1. Only one of the handbooks contained a very brief reference to the Equal Pay Act. It is recommended that the legislation be included as part of the compensation section of the handbooks. The City of Norfolk Personnel Administrative Policies Manual referenced the Equal Pay Act in its list of laws related to equal employment opportunity (City of Norfolk 2012, p. 199). 2. Title VII of the Civil Rights Act of 1964 was referenced in regards to equal employment for city employees in the handbooks, but not in regards to pay equality. It is recommended to include references to this law in the pay section of the handbook 3. None of the handbooks studied referenced the Lilly Ledbetter Fair Pay Act of 2009. Because this law is an extension of the Equal Pay Act, the two should be referenced in the compensation section together.

3. Leave Policies	
3.1 Leave Time 3.1.1 Annual 3.1.2 Sick *3.1.3 Requirements of Family Medical Leave Act (FMLA) <u>3.1.4 Maternal/Paternal Leave</u> 3.1.5 Funeral/Military/Jury Duty 3.2 Holidays for Agencies	<ol style="list-style-type: none"> 1. The handbook maternal/paternal leave policies in many of the handbooks were treated as an extension of FMLA. If appropriate, separate maternal and paternal leave policies should be stated, even if they include FMLA leave.
4. Insurance, Retirement and Benefits	
4.1 Medical Insurance (Dental) <u>4.1.1 *Patient Protection and Affordable Care Act of 2010</u> 4.2 Life Insurance 4.3 Workers Compensation 4.4 Retirement Eligibility and Membership <u>4.5 Disability</u> 4.6 Social Security and Medicare	<ol style="list-style-type: none"> 1. The Patient Protection and Affordable Care Act of 2010 (ACA) went into effect after publications of some of the handbooks. Only one handbook studied mentioned ACA. The handbooks should be updated to include this and how it affects employee health insurance. The City of Lynchburg employee handbook referenced the law and requirements related to the ACA (City of Lynchburg 2016, p. 41) 2. It is recommended that a reference to both short term and long-term disability and what to do if an employee become disabled due to his or her job. the City of Suffolk referenced both disability payments related to retirement and short and long-term disability (City of Suffolk 2015, p. 148)
5. EEO and Discrimination	
5.1 Statement of Nondiscrimination 5.2 Equal Employment Opportunity (EEO) Compliance <u>5.3 *Rights under the Equal Employment Act of 1972 (EEA)</u> <u>5.4 *Rights under Americans with Disabilities Act (ADA)</u> <u>5.5 *Rights under Age Discrimination Act (ADEA)</u> <u>5.6*Sexual Orientation Discrimination</u>	<ol style="list-style-type: none"> 1. The employee handbooks had few references to anti-discrimination laws including the EEA, ADA, and the ADEA. None of the handbooks referenced the EEA, and about half referenced the ADA. The City of Norfolk Personnel Administrative Policies manual referenced the ADEA (City of Norfolk 2012, p.199) as the authority for the equal employment opportunity statement. 2. Although there is no formal national legislation yet, the employee handbooks should include sexual orientation in its anti-discrimination and any applicable state or local laws to support it.

6. *Sexual Harassment/Bullying	
6.1 Statement Denouncing Sexual Harassment 6.2 Sexual Harassment Defined 6.3 <u>Statement Denouncing Bullying</u> 6.4 <u>Bullying Defined</u> 6.5 Complaint Procedure and Investigative process 6.6 Disciplinary Actions	1. There are references to what constitutes other harassments in some of the handbooks, and a statement denouncing these. This should be a standard across the board for all the handbooks. The City of Wytheville has an excellent example of a workplace bullying policy in its employee handbook City of Wytheville, N.D., pp 15-16).
7. Use of *Social Media/Electronic Media	
7.1 <u>Social Media (Twitter, Facebook, Myspace, blogging, etc.)</u> 7.2 Use of Computers/Phones/Internet	1. Not all the employee handbooks studied contained social media policies. The City of Leesburg had a comprehensive policy in its Employee Conduct section that could be used as a model for other cities' policies (City of Leesburg 2017, p. 129)
8. Conditions of Employment	
8.1 Employment Practices 8.1.1 Working Hours and Absenteeism 8.1.2 <u>Public Employee Unions</u> 8.1.3 Conflict of Interest Prohibition 8.1.4 Appearance and Conduct 8.1.5 Political Activities 8.1.6 Outside Employment 8.1.7 Substance Abuse 8.2 Grievance Procedure 8.2.1 A statement defining the investigating process 8.2.2 A statement of due process 8.2.3 The notification process 8.2.4 Corrective Actions and Monitoring 8.3 Performance Appraisals 8.3.1 Time of Appraisals 8.3.2 <u>Components</u> 8.3.3 Employee/Management Acceptance 8.3.4 Accessibility of Performance Appraisals	1. Because Virginia code prohibits public employees from joining unions, this should be mentioned in the employee handbooks, and reference this statute. The City of Hampton Personnel Policies Manual Employee Relations section references union membership prohibition (Employee Relations 2015, p. 12) This is sufficient, but it should reference the state code. It is recommended that the other handbooks studied follow the same guidelines. 2. About half of the handbooks studied did not have references to the components of employee performance appraisals. The methods and parts of the employee evaluation should be included in the handbook. The City of Lynchburg employee handbook has an entire appendix devoted to the performance appraisal process and what constitutes and employee performance evaluation (City of Lynchburg, 2016, pp 87-95). This could be used as a model for other cities.

9. Miscellaneous	
<u>9.1 Employee at will statement</u> 9.2 Handbook Right to revise 9.2.1 Signed Acknowledgement <u>9.3 Code of Ethics Statement</u> 9.4 Disclaimer	<ol style="list-style-type: none"> 1. Virginia is an at-will employment state and employee handbooks should have a statement with that policy. Many of the handbooks either had an inadequate statement or none at all. The City of Staunton employee handbook has an excellent example that is in conjunction with its disclaimer statement (City of Staunton, N.D., 3). Other employee handbooks can use this as a basis for their statement. 2. Some of the handbooks did not contain a code of ethics for employees to reference. A code of ethics forms the backbone of the rules under which an agency operates. The City of Chesapeake employee handbook had an excellent example of a code of ethics statement and could be used as a reference for other handbooks (City of Chesapeake Code of Ethics N.D.).

Opportunities for Further Research

This research was derived from the updated model presented by Brown in 2013, and it can serve as a starting point for other research in the area of personnel management. The research took the ideal handbook model and applied it to a sample of municipal employee handbooks that represented population categories in the Commonwealth of Virginia. This was just a small sampling of the various styles of employee handbooks. In the future, it would be interesting to see this model applied to cities and agencies in other states, as well as non-profit organizations. One thing of note in this research was that some of the employee handbooks were purely website based, and there was not a physical copy of the handbook with all the policies available. The model could possibly be adapted to evaluate handbooks with that layout.

Additionally, as laws evolve, the ideal handbook model would need to be updated to incorporate those changes. This was evident with the addition of the Patient Protection and Affordable Care Act of 2010 to Brown's ideal handbook model. This research enhanced the

previous models with the addition of sexual orientation discrimination in the Equal Employment Opportunity category. As previously stated, there are no national laws prohibiting such discrimination, and it is not a protected class under Title VII. Many state and municipal governments have enacted laws protecting them, and that supports its addition to the model. As it gains more public recognition, it will be interesting to see how other city governments start to include it in their policies, and how it affects employee-employer relations as a whole.

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APPENDIX A: INDIVIDUAL HANDBOOK RATINGS

Table A.1 Small City Quality Ratings

City	Quality Rating
Emporia, VA	2.88
Lexington, VA	2.25
Wytheville, VA	3.18
Martinsville, VA	3.55
Colonial Heights, VA	2.06
Averages	2.78

Table A.2 Medium City Quality Ratings

City	Quality Rating
Leesburg, VA	3.64
Fairfax, VA	3.22
Staunton, VA	2.63
Averages	3.16

Table A.3 Large City Quality Ratings

City	Quality Rating
Portsmouth, VA	2.83
Lynchburg, VA	3.77
Suffolk, VA	3.67
Newport News, VA	3.68
Hampton, VA	3.81
Averages	3.55

Table A.4 Extra-Large City Quality Ratings

City	Quality Rating
Richmond, VA	1.69
Chesapeake, VA	1.93
Norfolk, VA	3.85
Averages	2.49

APPENDIX B: IDEAL HANDBOOK COMPONENT EXAMPLES

Figure B.1 Welcome Statement (1.3)
City of Lynchburg



Message from the City Manager

In the pages that follow you will find the City of Lynchburg's formal employment policies and procedures that guide the management of our most valuable resource, its people.

Our mission every day is to deliver services to City residents, workers and visitors in an efficient, effective and equitable manner and to build a stronger community. Arts & Culture, Citizen Engagement and Social Capital, Economic Development, Infrastructure, Land Use, Lifelong Learning, Natural Resources, Neighborhoods, Safe Community, Social Equity, and Transportation are the pillars that support making our City "A Great Place to Live, Work and Play." We promise to do this through our values of Open Communication, Customer Focus, Personal Responsibility, and Integrity.

As a City of Lynchburg employee you are also an ambassador, representing the City on a daily basis. As an ambassador for the City, my expectation is that you will comply with the policies and procedures that are outlined. In addition, while not a policy or a procedure, I also ask that you exhibit excellent judgement and common sense in your delivery of services to our citizens and to each other.

Thank you for giving your very best to our City each day!

A handwritten signature in black ink, reading "Bonnie Smeek".

Figure B.2 Mission Statement (1.4) City of Lynchburg



"We, the employees of the City of Lynchburg, are dedicated, service-oriented individuals working together to serve our community. We act responsibly and with integrity. We value open and honest communication. We respect all individuals. We recognize that our actions and behaviors reflect upon ourselves, our co-workers and the City."

The City of Lynchburg's "Employment Policies & Procedures" manual is a publication of the Human Resources Department in cooperation with the City Manager's Office, City Attorney, and Communications and Marketing Department. These policies do not imply or create a vesting or a contract entitling City employees to any specific benefits or policies from the City.

The contents of this manual and the City of Lynchburg's policies and procedures may be changed at any time so long as they are in compliance with all applicable Federal, State and local employment laws and regulations.

October 1, 2016.

Figure B.3 Historical Information (1.5) City of Suffolk

About the City Of Suffolk

As Virginia's largest city, Suffolk is 430 square miles of rich land with woods, lakes, rivers, and rolling terrain - not to mention wise development and the use of it - that makes this area bountiful for residents and businesses alike. Our schools and parks, neighborhoods, health care facilities and utilities help create a successful community. In fact, some of the region's most prosperous companies already call Suffolk home. The great growth potential is attracting many new businesses and employees. This is a place full of pride. Full of promise. A place where progressive isn't just a description, it's an attitude. It's a place with vision. It's Suffolk, Virginia.

The history of this city dates back to 1609 when Native Americans lived off the bountiful land in Suffolk and the Nansemond Indians drove out Captain John Smith, who was interested in the oyster beds in the Nansemond River. This river, the commerce it helped create, and the English settlers who recognized the opportunity they would have here, gave birth in 1742 to the Town of Suffolk, named after Governor William Gooch's home of Suffolk County, England. Burned by the British in 1779 and damaged by other fires during the next century, Suffolk survived to become a city in 1910. In 1974, it became the present City of Suffolk, consolidating with the towns of Holland and Whaleyville, and the County of Nansemond. The result was a new municipality encompassing 430 square miles, making it the second largest Virginia City in land area. In 1912, an Italian immigrant named Amedeo Obici moved from Pennsylvania to Suffolk and opened Planters Nut and Chocolate Company. Today, Suffolk remains a major peanut processing center and transportation hub.

Figure B.4 Acknowledgment of the Equal Pay Act (2.1)

City of Suffolk

II. POLICY

- A. The City of Suffolk maintains an employee Compensation Plan consistent with Title VII of the Civil Rights Act, the **Equal Pay Act**, the Fair Labor Standards Act and other Federal, State and City regulations.
1. The compensation plan shall be based upon the budget adopted by City Council and constitute the city's pay grades for positions and job titles for the ensuing fiscal year and thereafter until a new plan shall be adopted.
 2. The Director of Human Resources shall be responsible for maintaining an official copy of the Compensation Plan. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.

Figure B.5 Requirements under the Fair Labor Standards Act (FLSA) (2.5.1)

City of Martinsville

5.7 Work Week and Fair Labor Standards Act

The City's overtime policies comply with those established under the Fair Labor Standards Act or **(FLSA)**. The Fair Labor Standards Act does not limit the number of hours that an employee may work. It simply requires that overtime pay must be paid at a rate of not less than one and one-half times a non-exempt employee's regular rate of pay for each hour worked in a workweek in excess of the maximum hours required. This usually means overtime for hours in excess of 40 per week.

To be considered exempt from overtime, an employee's duties must fit into a specific category as determined by the FLSA. The duties performed by the employee will be designated as either "non-exempt" or "exempt", as defined in this Chapter, and used to determine if the employee is eligible for overtime compensation. Prior to their appointment, a new employee will be informed of their overtime status under the Fair Labor Standards Act. Employees whose primary duty is law enforcement or fire protection provide services on a seven (7) day, 24-hour-per-day basis and may work a special work period of up to 28 days, as permitted by Section 7 (k) of the FLSA.

In order to meet the business needs of the City, an employee may be required to work beyond the daily or weekly work schedule, or to return to work after leaving the work site for the day. Department directors will arrange and control the work schedules in their department so that, to the extent possible, required work will be accomplished without overtime. No overtime is to be worked except as authorized by the department director or his/her designee.

**Figure B.6 Requirements under Family Medical Leave Act (FMLA) (3.1.3)
and Maternal/Paternal Leave (3.1.4)
City of Leesburg**

6.8 Family and Medical Leave Act (FMLA)

The Federal Family and Medical Leave Act (FMLA) of 1993 requires that all eligible employees are provided up to 12 weeks of protected FMLA leave annually for certain family and medical reasons. The object of this policy is to explain to employees and supervisors when FMLA leave may be taken and how FMLA leave is calculated and accounted for, giving consideration to the leave benefits employees already receive. An employee's leave may qualify for FMLA leave, and may be designated by the Town as FMLA leave, even when an employee does not specifically request FMLA leave. Effective July 10, 2017 employees are responsible for promptly contacting CareWorks Absence Management to make FMLA leave requests at 1-888-436-9530. Failure to promptly notify CareWorks will result in notification to the employee's supervisor for follow up.

A. Eligibility

TOWN OF LEESBURG – PERSONNEL PROCEDURES MANUAL

To be eligible for leave, employees must have been employed for at least 12 months with the Town, but the 12 months do not need to be consecutive. Employees must also have worked 1,250 hours for the Town during the 12 months prior to the beginning of leave. In determining the number of hours worked, annual, sick or unpaid leave, including leave taken under workers' compensation are not included.

B. Purposes for using FMLA Leave

If the employee meets the eligibility requirements, he/she is qualified to receive twelve work-weeks of FMLA leave for the following purposes:

1. To care for the spouse, son, daughter, or parent of the employee with a serious health condition;
2. For the birth or placement of a new child. This will apply in the case of Parental Leave, and the employee will be required to exhaust sick leave first.
3. For the employee's own serious health condition that makes the employee unable to perform the essential functions of his/her job.
4. For any qualifying exigency arising out of the foreign deployment of the employee's spouse, son, daughter or parent, who is a member of the Armed Forces on covered active duty. Please refer to the Department of Labor's Fact Sheet #28M(c) for "qualifying exigency" categories.

<https://www.dol.gov/whd/regs/compliance/whdfs28mc.pdf>

Twenty-six work-weeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is a servicemember's spouse, son, daughter, or parent, or next of kin (military caregiver leave).


Figure B.7 Patient Protection and Affordable Care Act of 2010 (4.1.1)
City of Lynchburg

II. Medical and Dental Coverage

- A. Eligibility:** Group medical and dental coverage is currently available for all full time employees and their eligible dependents. In accordance with the Patient Protection and Affordable Care Act (PPACA) employees who average 30 paid hours per week over a one-year time period are eligible for medical and dental coverage for the subsequent plan year. Enrollment takes place at new hire orientation and coverage begins the 1st day of the month following the date of full-time hire, except that if an employee is hired on the first of the month, coverage begins on that date, and thereafter during open enrollment periods. Employees may make changes in their coverage during open enrollment periods and when a qualifying event occurs that allows changes such as marriage, divorce and birth or adoption of a child.

Figure B.8 Disability (4.5)
City of Suffolk

E. Short Term Disability Benefits

 CITY OF SUFFOLK	ADMINISTRATIVE PERSONNEL POLICIES	Page: 4 of 8
		Date: 1/6/2015
	TIME AND ATTENDANCE POLICY	Supersedes: 1/01/2014

1. Short Term Disability Benefits are granted to full time employees hired on or after January 1, 2014 (Public Safety employees which are covered under enhanced VRS benefits are exempt) that are in the Virginia Retirement System's Hybrid Plan or those employees that have moved to the Virginia Retirement System's hybrid plan after 12 months of service. The maximum short-term disability period is 125 workdays. The 125-workday period is based on a Monday-through-Friday workweek and includes paid holidays. If an employee is still disabled after 125 workdays, he or she may be placed on long-term disability.
2. Short-term disability begins after seven calendar days from the first day of the disability. During the seven calendar day waiting period, employees may use PTO, personal leave, or other eligible leave to cover the absence from work with the approval of their supervisor. Employees may also use eligible leave to offset a reduction in income replacement when using short term disability, which may not exceed 100% income replacement.

SHORT TERM DISABILITY BENEFITS FOR PTO EMPLOYEES

Months of Continuous Service	Workdays of Income (Replacement at 100%)	Workdays of Income (Replacement at 80%)	Workdays of Income (Replacement at 60%)
Less than 12	0	0	0
13-59	0	0	125
60-119	25	25	75
120-179	25	50	50
180 or more	25	75	25

**Figure B.9 Rights Under Americans with Disabilities Act (5.4)
City of Leesburg**

TOWN OF LEESBURG – PERSONNEL PROCEDURES MANUAL

B. Americans with Disability Acts (ADA) Policy

The Town reaffirms and declares its policy based on the Americans with Disabilities Act. The Town will not discriminate against any applicant or employee because of the presence of a mental or physical disability. The Town has committed financial and organizational resources necessary to provide access to Town facilities according to the recommendations and requirements of the ADA. Where an applicant or employee with a disability is able to perform the essential functions of the job requirements, the Town may be obligated to provide reasonable accommodation to the needs of that individual, unless such accommodations would cause undue hardship to the Town. Reasonable accommodations will be determined on a case-by-case basis.

Employees with medically recognized and documented disabilities who are able to perform the essential functions of the job, and who are in need of special accommodations shall notify the Human Resources Division of their needs upon being hired.

**Figure B.10 Acknowledgment of Equal Pay Act of 1963 (EPA) 2.1
Rights under the Age Discrimination in Employment Act of 1967 (ADEA) (5.5)
City of Norfolk**

V. HISTORY

This policy replaces the Equal Employment Opportunity Policy, Policy Number 6.1, dated November 1, 2014.

VI. AUTHORITY

- A. Title VII of the Civil Rights Act of 1964, as amended
 - Title I and Title V of the Americans with Disabilities Act of 1990, as amended
 - Age Discrimination in Employment Act of 1967, as amended
 - Equal Pay Act of 1963, as amended
-

**Figure B.11 Statement Denouncing Bullying (6.3) and Bullying Defined (6.4)
City of Wytheville**

2.4 Workplace Bullying Policy

The purpose of this policy is to communicate to all employees, including supervisors, managers and executives that the Town of Wytheville will not **in any instance** tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be a consideration when discipline is given. As in sexual harassment, it is the effect of the behavior upon the individual which is important. The Town of Wytheville considers the following types of behavior examples of bullying:

- **Verbal Bullying:** slandering, harassment, intimidation, or maligning of a person or his/her family while on the job; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks
- **Physical Bullying:** pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property

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- **Gesture Bullying:** non-verbal threatening gestures, glances which can convey threatening messages

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Using verbal or obscene gestures
- Constant criticism on matters unrelated or minimally related to the person's job performance or description
- Ignoring, undermining, or continually interrupting a supervisor during meetings
- Spreading rumors and gossip regarding individuals which are unfounded and can be considered as slanderous
- Encouraging others to disregard a supervisor's instructions
- Manipulating the ability of someone to do their work (e.g., overloading, under loading, withholding information, setting meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions)
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property)

All acts of bullying will be reported immediately to the supervisor, Department Head and/or Human Resource Manager.

Figure B.12 Social Media (Twitter, Facebook, Myspace, blogging, etc.) (7.1)
City of Leesburg

10.8 Social Media Policy

A. Introduction

The Town's Social Media Policy is intended to respect and honor the First Amendment rights of Town employees to speak out as citizens on matters of public concern, and to post personal comments on the Internet (e.g., an employee's personal website, blog, Facebook, MySpace, Twitter, LinkedIn or similar social networking site), while balancing the Town's interests in providing effective and efficient services to the public.

B. Policy

An employee whose public statements in social media or Internet postings interfere with the Town's ability to provide effective and efficient services to the public may be disciplined, pursuant to Section 13 Employee Discipline, for such comments or postings that:

1. Impair discipline or harmony among co-workers, to include harassment or intimidation;
2. Negatively impact, disrupt or interfere with the employee's job performance or the employee's ability to perform his/her duties;
3. Interfere with the operation of Town business;
4. Disclose confidential or sensitive governmental information;
5. Have a detrimental impact on working relationships that require personal loyalty and confidence.
6. Use the Town's logo or image without the Town's written consent;
7. Discredit or undermine the mission of the Town;
8. Abuse the authority and public accountability that the employee's role entails.

Figure B.13 Public Employee Unions (8.1.2)
City of Hampton

VII. Union Activity

Employees with managerial/supervisory responsibilities shall not:

- a) hold office in a union or similar employee association in which non-managerial and/or non-supervisory City employees are members;
- b) publicly advocate support for or opposition to a union or employee association in any matter concerning the wages, hours, benefits, working conditions, or labor relations policies ;
- c) become involved in union or association matters that conflict with supervisory responsibilities; or
- d) engage in any activity relating to such unions or associations which impairs the efficiency of the organization or which may impair the ability to work in harmony with managers, colleagues, or other employees.

**Figure B.14 Performance Appraisals—Components (8.3.4)
City of Lynchburg**

	<p>II. City of Lynchburg Employee Feedback Tool Introduction</p> <p>Values Statement We, the employees of the City of Lynchburg, are dedicated, service-oriented individuals working together to serve our community. We act responsibly and with integrity; we value open and honest communication; we respect all individuals. We recognize that our actions and behaviors reflect upon ourselves, our co-workers and the City.</p> <p>A. The City's Valued Behaviors are the ways employees are expected to treat customers, citizens, and each other; and how they expect to be treated in return.</p> <ol style="list-style-type: none">1. Open communication: listens to others, offers suggestions and receives feedback in an open, honest and constructive way;2. Customer-Focus: considers customer needs and delivers professional, polite and respectful service to all internal and external customers;
<p>89 CHAPTER 6-Appendix Engaging and Developing Employees</p> <p>Engaging and Developing Employees</p>	<ol style="list-style-type: none">3. Personal Responsibility: monitors self and takes responsibility for actions and decisions and does not blame others;4. Integrity: operates with honesty, respect and the highest ethical and moral principles. <p>B. The City's Core Employee Competencies are the following fundamental traits, behaviors and actions that are expected of all employees.</p> <ol style="list-style-type: none">1. Adaptability/Flexibility: Adjusts to changing priorities and is proactive; accommodates new or changing conditions; adapts to changes in the work environment, frequent changes, delays or unexpected events; manages competing demands; uses an approach or method that best fits the situation.2. Professionalism: Displays personal behavior that reflects positively on the organization and the workforce; demonstrates safe work practices and habits; maintains appearance and personal hygiene appropriate for the job; delivers best effort each day; uses paid time off appropriately; demonstrates good time management and punctuality; maintains appropriate confidentiality.3. Teamwork/Getting Along with Others: Demonstrates positive attitude; actively contributes to the goals and success of the department and work unit by maintaining equitable share of workload; demonstrates willingness to help co-workers, is approachable and friendly; develops and maintains cooperative work relationships; actively seeks solutions that consider all participants' interests; balances personal needs with those of co-workers. Treats co-workers and citizens with respect and demonstrates appreciation for similarities and differences of co-workers and citizens/customers.

Section 2.0 Employment

2-A Employment - At- Will

It is the policy of the City of Staunton that all employees are employed at the will of the City. Employment with the City is considered at-will so that either party may terminate the relationship at any time with or without a stated reason. Neither this manual nor any other policy nor procedure of the City of Staunton shall be construed to create a contract of employment for any specified duration.

No City official is authorized to make any representations to employees or applicants in recruiting materials, interviews, or discussions concerning the terms and conditions of employment which are not consistent with the foregoing at-will relationship. Any such statements are hereby disavowed by the City and should not be relied on by any employee or prospective applicant. Statements of specific grounds for termination set forth in this handbook or in any other City documents are guidelines and are not intended to restrict the City's right to terminate at-will. Completion of an initial period or conferral of full-time status does not change the at-will employment relationship.

9 D Equal Employment Opportunity

3 Acknowledgement of Receipt of Employee Manual

I have received a copy of the City of Martinsville's Employee Manual. This manual replaces any employee manuals or guides that I may have received as part of my employment with the City. The manual has been prepared from relevant laws, regulations, and policies, and outlines my privileges and obligations as an employee. I will become familiar with the specific guidelines in the manual because it summarizes specific procedures that may affect my daily work. If I have any questions or need further assistance with matters covered by it, I will contact my supervisor, department director, or the Human Resources Office.

This manual is subject to change with or without notice. It is understood that revisions in policy, procedure, or employee benefits in this Employee Manual will supersede or eliminate those found in pre-existing Employee and Administrative Policies & Procedures Manuals, and I may be notified of such changes through normal communication channels.

Nothing in this manual is intended or interpreted to create a contract (stated or implied) or guarantee of employment and/or benefits for any specific period of time or for any specific procedures or type of work. This means that either the City of Martinsville or I may end the work relationship at any time for any reason. This practice is not a change from long-standing City policy and is only referred to here to avoid any misunderstanding.

I have had the opportunity to review the Employee Manual, ask questions if necessary, and acknowledge that I understand the policies and procedures set forth. I agree to comply with the guidelines, policies, and procedures of the City. I further agree that failure to comply with any policy, procedure, or standard practice of the City may result in corrective action including immediate termination of employment.

I understand and agree that the City may execute a payroll deduction in order to reimburse the City for any lost, stolen, or damaged City property or worker's compensation reimbursement for any reason and at any time with or without notice. I further understand and agree that the City may deduct from my vacation and comp-time banks at its discretion in order to reimburse the City for any lost, stolen, or damaged City property or worker's compensation reimbursement for any reason and at any time with or without notice.

I further understand no supervisor, manager or representative of the City, other than the City Manager, can make any agreement guaranteeing employment for any specified period. I also understand any such agreement, if made, will not be enforced unless it is in writing and is signed by the City Manager.

Print Name of Employee	Employee's Signature/Date
Print Name of Witness	Signature of Witness/Date

After obtaining the employee's signature, this completed form will be retained in the Human Resources Office. It will become a part of your employee personnel file.

Figure B.17 Code-of-Ethics Statement (9.4)
City of Chesapeake

CITY OF CHESAPEAKE

CODE OF ETHICS

We, the employees of the City of Chesapeake are committed to the highest standards of ethical conduct that reflect:

Responsibility

Provide quality services.
Deliver results that make a positive difference.
Accountable for the decisions we make.
Fulfill personal commitments to others.

Honesty

Be open and truthful with ourselves.
Be open and truthful in our relationships with our co-workers and customers.
Exercise care to not misrepresent the City.

Respect

Regard for the environment, policies, rules, diversity and citizens.
Consider all points of view when resolving conflict.
Treat everyone with courtesy and dignity.

Fairness

Make decisions that consider all sides of an issue.
Respect and follow the City's rules and regulations.
Conduct ourselves in a manner that reflects well upon the City.
Treat all citizens equitably.
Provide equitable access to the resources of the City.

Compassion

Internalize and promote the "Chesapeake, Virginia: The City That Cares" campaign.
Understand and be sensitive to the needs of others.

Integrity

Hold as confidential all information accepted in trust.
Exhibit conduct that inspires public confidence.
Seek no favor or personal gain.
Avoid conflicts of interest.
Avoid improper influence.
Make decisions/take actions in the best interest of the community.

Loyalty

Embrace and support the mission of the City through daily behavior.
Serve as an ambassador of the City.
Assure that leadership has sufficient information to make informed and ethical decisions.
Fully support decisions of leadership once made.