



400 - EMPLOYEE STATUS

I. POLICY

The status of an employee is based on the status of the position held. Employee status is determinative of eligibility for employee benefits and application of personnel policies. Regardless of the anticipated duration of the position held, nothing in this policy shall constitute an employment contract. The City of Newport News is an at-will employer.

II. DEFINITIONS

- A. Regular Full-time positions are those which are established in the annual operating budget to work a full-time schedule of 40 hours per week (2080 hours per year) or equivalent. For Fire positions assigned to a 24 hour shift, a full-time schedule is 216 hours per 27 day cycle (2920 hours per year).
- B. Regular part-time positions are those established to work a regular schedule generally not to exceed an average of 29 hours per week annually unless given permission by the Director of Human Resources.
- C. Temporary positions are those which do not meet the criteria for regular full-time or regular part-time status. This designation is intended to include temporary, seasonal and positions of a limited period of time.
- D. An employee in Active Payroll Status is any employee who has worked at least one scheduled work day in a pay period or who is in a paid status (paid personal leave -PPL, paid medical leave - PML, administrative leave with pay, or paid compensatory time off) during a pay period. An employee in an active payroll status is eligible for all the benefits of his/her employee status as defined under Section A, B, and C above.
- E. Inactive Payroll Status is any employee who is still employed and has not worked at least one scheduled work day in a pay period and has exhausted all forms of paid leave (PPL, PML, and compensatory time), with the exception of employees out on military leave. Time in inactive payroll status does not apply to retirement credit and it may not apply to service requirements for a merit salary increase.

III. CHANGES IN EMPLOYEE STATUS

- A. Employee status may be changed when the employee is transferred to a position with a different status, or when the current status of a position is reviewed and it is determined by the department director and the Director of Human Resources that a different status is more appropriate. When a position is recommended to be changed to regular full-time status, the approval of the Director of Budget and Evaluation and the authorization of the City Manager are required.

Any changes in employee status may involve changes in employment rights, benefits and salary increase eligibility, as described below.

1. From Temporary or Regular Part-time to Regular Full-Time Status

Except as hereinafter provided, time served in a temporary or regular part-time status shall not apply to the accumulation of benefits, seniority, probationary period or eligibility for salary increases when an employee is changed from temporary or regular part-time status to regular full-time status shall become the new anniversary date from which benefits and seniority accrue and the probationary period begins.

Time served in regular part-time employment may be credited on an equivalent time basis for employment probationary period and merit increase eligibility purposes when the employee remains in the same job.

2. From Regular Full-Time to Temporary or Regular Part-time Status

Regular full-time employees changing to temporary or regular part-time status will forfeit the benefits of regular full-time status. Any PPL and compensatory time will be paid to employees at the time of the change in status, except in cases where employees changing to regular part-time status remain in the same department.

Service time for employees changing from regular full-time status to regular part-time status may be credited for merit increase eligibility purposes when the employee remains in the same job.*

3. From Regular Part-time to Temporary Status

Employees changing from regular part-time to temporary status will no longer be eligible for part-time PPL benefits and will be paid for any leave balance at the time of transfer.

4. From Temporary to Regular Part-time Status

Employees changing from temporary to regular part-time status may receive service time credit for PPL when the temporary position held by the employee had a regular work schedule of 20 hours or more per week.

Service time may be credited for merit increase eligibility purposes on an equivalent time basis when the employee remains in the same job.*

Time served in temporary status does not apply to the employment probationary period.

Note:* The determination of whether an employee remains in the same job will be made by the Director of Human Resources. In order to be considered the same job, the job must remain in the same department with the same responsibilities and the same performance expectations. Job titles and rates of pay are normally the same but duties and responsibilities will be the determining factors.

IV. PROBATIONARY STATUS

Regular full-time and regular part-time City employees are on probationary status in the following circumstances:

A. Employment Probation

Each regular full-time and regular part-time City employee shall serve an employment probationary period of 12 months following employment, unless the employee is in a job for which a longer probationary period has been authorized by the City Manager. The purposes of this probationary period are to provide a reasonable period for management to assess the employee's adjustment to the work situation, to assess the employee's potential for satisfactory performance in the position, and to provide the employee a period of learning and adjustment.

The City Manager has authorized that each employee in the following jobs serve an 18-month probationary period:

- Police Officer Recruit (Non-State of Virginia Certified)
- Firefighter/Medic Recruit
- 911 Dispatcher

During the employment probationary period, the performance of the employee will be evaluated on an interim basis at approximately three (3) month intervals. Supervisors are expected to counsel employees during their interim evaluations on expectations of the position, the employee's progress, and recommended or required actions to improve employee work performance.

Employees who do not satisfactorily meet standards for continued employment may be terminated at any time during the employment probationary period provided proper procedures have been followed and the action is approved by the Director of Human Resources. Employees on employment probationary status are ineligible to utilize the City's Grievance Procedure as prescribed by City Ordinance.

In extenuating circumstances, an individual employee's employment probationary period may be extended for up to three (3) months beyond the stated period. (Examples of extenuating circumstances would be prolonged absences and significantly improved or changed employee performance toward the end of the employment probationary period.) Extensions must be approved by the Director of Human Resources prior to the end of the stated employment probationary period.

Successful completion of the employment probationary period does not constitute an employment contract. The City of Newport News is an at-will employer.

V. ACTING STATUS

- A. When a job opening exists which is considered vital to continued departmental operations, an employee may be appointed to fill the position on a temporary basis until the proper recruiting procedures have been accomplished and a regular appointment made, but not to exceed six (6) months unless specifically authorized by the Director of Human Resources. Acting appointments are made only when the employee is given full responsibility for all the essential functions of the job, and the functions of the job must include supervisory and signatory responsibilities. Acting assignments shall be justified in writing and approved by the Department Director and submitted to the Director of Human Resources for review and approval prior to placing the employee in an acting capacity.
- B. The City Manager authorizes the appointment of Acting Assistant City Managers and Acting Department Directors. The authorization of the Director of Human Resources is required for all other acting appointments. A Personnel Action Request is required to add and remove an employee from acting status.
- C. In view of the additional responsibilities and accountabilities in the higher position, a temporary salary adjustment may be made in accordance with established compensation policies, when the appointment to acting capacity is anticipated to be more than 30 consecutive working days.
- D. The employee who is placed in an acting capacity retains the status and benefits eligibility held in his/her regular position.
- E. An acting appointment of 30 consecutive working days or less may be considered a temporary assignment for training purposes and does not require approval or salary adjustment. An acting appointment anticipated to be less than 30 consecutive working days but which exceeds 30 consecutive working days may allow the incumbent to be given a temporary salary adjustment retroactive to the date of the appointment, pending approval of the Director of Human Resources.
- F. When an employee is given significant additional responsibilities but is not placed in acting capacity, the employee may qualify for a temporary salary adjustment or for a merit bonus or other award in accordance with established salary compensation policies.

VI. UNDERFILL STATUS

- A. When the most suitable applicant for a budgeted vacancy does not possess the minimum required education, experience, knowledge, skills and abilities, that applicant may be employed in a lower level position at a pay level commensurate with the applicant's qualifications. An employee in this situation is considered to have "underfill" status. This status does not affect employee status, probationary status or any benefits eligibility.

- B. In situations where the attainment of a specific level of qualifications, such as attainment of a specific license, is critical to operations, the employee in an underfill status may, as a condition of employment, be given a specified, reasonable period of time in which to attain the qualification. Any employee hired in an underfill status is expected to meet the requirements for the higher level position within a reasonable time frame, usually a maximum of two (2) to four (4) years. Employees who are underfilling a higher level position normally perform most to all of the work of the budgeted position but usually under closer supervision and with more guidance.

- C. When an employee in an underfill status meets the requirements of the higher position for a sustained period of time and the employee performance evaluation indicates anticipated satisfactory performance at the higher level, the employee may be administratively promoted to the higher position pending approval through the channels stated in Section 604, Salary Administration Policies.

- D. A personnel action must be submitted by the department to Human Resources and include a recent performance evaluation to administratively promote an employee from an underfill status.

Supersedes/Amends: 400, 07/01/15,

Approved:



City Manager