

**RESOLUTION TO EXTEND TO CONSTITUTIONAL OFFICERS
THE POWHATAN COUNTY PERSONNEL SYSTEM**

WHEREAS, pursuant to Virginia law, Va. Code §15-2-1600, the voters of Powhatan County elect Constitutional Officers: the Treasurer, the Sheriff, the Commonwealth Attorney, the Clerk of the Circuit Court, and the Commissioner of the Revenue; and

WHEREAS, the Constitutional Officers perform essential functions for Powhatan County and its citizens; and

WHEREAS, pursuant to Virginia law Powhatan County Board of Supervisors is required to provide certain benefits to the Constitutional Officers, their deputies and employees; and

WHEREAS, pursuant to Va. Code §2.2-3008 the Constitutional Officers may enter into an agreement with the Powhatan County Board of Supervisors to accept the personnel system of Powhatan County; and

WHEREAS, the Powhatan County Board of Supervisors wishes to extend to the Constitutional Officers the opportunity to accept the personnel system of Powhatan County; and

WHEREAS, pursuant to Virginia law, it is in the discretion of the individual Constitutional Officers as to whether they accept the Powhatan County personnel system.

NOW BE IT THEREFORE RESOLVED by the Board of Supervisors of Powhatan County as follows:

1. If any Constitutional Officer desires to accept the Powhatan County personnel system, they shall enter into an agreement with the Powhatan County Board of Supervisors on or before January 22, 2016 for the period January 1, 2016 through December 31, 2019.
2. The Constitutional Officer shall work with the County Administrator to finalize terms of an agreement substantially similar to the attached DRAFT.
3. The Chairman of the Board of Supervisors is authorized to sign said agreements with the Constitutional Officers on behalf of the Board of Supervisor.
4. If it is the Constitutional Officer's desire not to accept the Powhatan County personnel system, the Board of Supervisor shall provide the salaries and benefits prescribed by Virginia law to the Constitutional Officer, their deputies and employees. In addition, the Constitutional Officer, their deputies and employees shall continue to be paid the salary amount previously approved by the Board of Supervisors as of December 31, 2015, if it is greater than that prescribed by Virginia law.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON
JANUARY 4, 2016.**

**Chairman
Powhatan County Board of Supervisors**

ATTEST:

**Patricia A. Weiler, Clerk
Powhatan County Board of Supervisors**

Recorded Vote:

David T. Williams	___
Larry J. Nordvig	___
Angela Y. Cabell	___
William E. Melton	___
Carson L. Tucker	___

**ATTACHMENT TO RESOLUTION R-2016-02
DRAFT AGREEMENT BETWEEN THE _____(CONSTITUTIONAL OFFICER)
AND THE
BOARD OF SUPERVISORS OF POWHATAN COUNTY, VIRGINIA**

THIS AGREEMENT, effective January 1, 2016, and established pursuant to Virginia law and governed thereby, is between the _____ (Constitutional Officer) and the Board of Supervisors of Powhatan County, Virginia (the Board).

The Constitutional Officer and the Board hereby agree that the County of Powhatan Employee Handbook (Employee Handbook) is extended to cover all employees and deputies of the Constitutional Officer except for the Constitutional Officer herself/himself, thereby establishing a uniform personnel system to the end that the Constitutional Officer's employees will have the same rights and benefits, and will be subject to the same procedures and regulations as other County employees, except as otherwise provided herein.

Employees and deputies of the Constitutional Officer will be subject to the County's personnel policies and regulations as stated in the Employee Handbook, excepting the County's grievance procedure and further excepting the advertising of position vacancies, which shall be consistent with Virginia Code Section 15.2-1604. Nothing in the Agreement shall be interpreted to infringe upon the authority of the Constitutional Officer to control the operations of her/his office, including, without limitation, the authority:

- (1) to direct the work of her employees and deputies;
 - (2) to hire, promote, transfer, or appoint employees and deputies;
 - (3) to discipline, suspend, demote, dismiss, or terminate the appointment of any employee or deputy.
- The Constitutional Officer's authority to terminate the appointment of a deputy pursuant to Virginia Code Section 15.2-1603, shall not be infringed by this agreement.

The Constitutional Officer shall have the same authority as the County Administrator to grant exceptions to the working hours of employees as allowed by Section 2.5 of the Employee Handbook.

Fringe benefits and future pay increases shall be set by the Board notwithstanding salary levels set by the State Compensation Board, but in no event shall the salary be less than that established by the State Compensation Board. Any COLA, merit, or other general pay increase granted to county employees by the Board shall also be extended to the employees of the Constitutional Officer. Any pay increase granted to the employees of the Constitutional Officer by the State Compensation Board may be offset against pay increase granted by the Board so that the result is that the employees of the Constitutional Officer and the employees of the county receive the same net pay increase.

If a County employee is granted a salary increase within a specific pay grade (without a change in pay grade), and if the Constitutional Officer believes that he/she has an employee that is similarly situated to the County employee that was granted the raise, the Constitutional Officer may make a request to the Powhatan County Board of Supervisors to adjust the pay of said employee so that they receive the same percentage raise as was granted to the specific County Employee.

This agreement shall remain in effect until December 31, 2019, unless earlier cancelled by either party by the giving of sixty (60) days written notice to the other party. In the event this Agreement is cancelled, no salary of an employee or deputy shall be diminished below the greater of the level of their January 1, 2016 salary or the level set by the State Compensation Board as of the date of the cancellation of this agreement. Upon cancellation of the agreement, the Board shall not be obligated to increase the salary of any employee or deputy so affected above the level set by the State Compensation Board regardless of increases provided by the Virginia General Assembly.

The County Human Resources Office (HR) shall maintain the official records of all employment actions for employees and deputies of the Constitutional Officer except for records or forms related to pre-employment reference checks, disciplinary actions, termination, employee grievances/complaints, letters of commendation or complaint about the employee and employee evaluations. The Constitutional Officer shall submit to HR annually the score of each employee's evaluation on a form agreed upon by the Constitutional Officer and the County Administrator. Records and forms, except those previously noted, will be submitted in accordance with procedures outlined by the County Administrator and/or stated in the Employee Handbook.

Constitutional Officer

Date

Chairman, Powhatan County Board of Supervisors

Date

DRAFT