

## CHAPTER 1

### Authority and Scope of Fairfax County Merit System Ordinance and Personnel Regulations

#### 1.1 Authority

- 1 The Fairfax County Merit System is established by the Merit System Ordinance (Article 1, Chapter 3, Code of Fairfax County).
- 2 The Ordinance provides for adoption of Personnel Regulations and amendments thereto by the Board of Supervisors after consideration of the views of the County Executive, Human Resources Director, Employees Advisory Council and the Civil Service Commission. The Commission shall advertise and conduct a public hearing on each proposed change to the Personnel Regulations before submitting its recommendation to the Board of Supervisors. The Board of Supervisors also may amend the Personnel Regulations on its own motion without following the above procedure; however, any amendment adopted on the Board's own motion shall be referred to the County Executive, Human Resources Director, Employees Advisory Council and Civil Service Commission for comment, and the Civil Service Commission shall advertise and hold a public hearing before submitting its recommendations to the Board of Supervisors for further consideration by the Board.
- 3 To the extent that they are consistent with the Code of Virginia and the Fairfax County Merit System Ordinance, Personnel Regulations adopted by the Board of Supervisors have the force of law. Any provision of the Personnel Regulations which conflicts with the Code of Virginia or the Merit System Ordinance, or with any future amendment to the Code or Ordinance, shall be without effect until it has been amended to conform. Such suspension of effect shall relate only to those specific provisions which are in conflict with the Code or Ordinance and shall not affect other provisions of the Personnel Regulations which are not so in conflict.

#### 1.2 Scope

- 1 These Regulations apply to all positions and persons in the competitive service, as defined in the Ordinance.
- 2 Portions of these Regulations also may apply to the exempt service. Provisions, which apply to the exempt service, shall so state, or may be applied by reference in administrative directives issued by the County Executive as provided in the Ordinance.

- 3 In accordance with Section 3-1-1(c)(2) of the Ordinance, the Personnel Regulations also may be applied to designated employees of other public agencies within the County, pursuant to written agreements between the heads or governing bodies of such agencies and the Human Resources Director of the County, subject to approval of the County Executive and Board of Supervisors, to the effect that the conditions of employment of such employees are to be administered under the Ordinance and Personnel Regulations in the same manner as if those employees were in the administrative service of the County.
- 4 Whenever a person is designated by his or her position by these regulations to take an action or to approve or disapprove an action, the person's deputy, if any; the person, if any, who has been designated to act in an acting capacity for that position; and his or her superiors are authorized to take, approve, or disapprove the action.

### 1.3 Administration of Program

- 1 The Fairfax County Merit System shall be administered by the Human Resources Director.
- 2 The objective of the Department of Human Resources shall be to provide those services to County officials and employees, which can best be obtained through a central office, staffed with specially trained personnel. This goal is dependent on the establishment and recognition of certain procedures, which will assist supervisors in maintaining high standards of performance while protecting employees from arbitrary and capricious actions. The Regulations which outline these procedures are based on the assumption that a sound public personnel program can best be developed by the delegation of specified powers to appointing authorities, while making the Human Resources Director responsible for provision of necessary advice, leadership and support, and for ensuring that the standards contained in the Personnel Regulations are met.

### 1.4 Final Administrative Authority

Final administrative authority shall rest with the County Executive for all Merit System employees except as otherwise provided in the Code of Virginia. When necessary to continue County operations, the County Executive may suspend any rule in these Personnel Regulations to address catastrophic emergency situations (such as pandemic flu) following a Declaration of Emergency consistent with the County's Comprehensive Emergency Management Program, State and Federal law. The Board of Supervisors may revise or rescind such rule suspension at any time following the County Executive's action when deemed to be in the best interest of the County. The rule suspension will automatically end at the close of the declared emergency, if not revoked or rescinded earlier by the County Executive or Board of Supervisors.

1.5 Civil Service Commission

The Civil Service Commission shall have the composition, responsibilities, authority and duties prescribed in the Ordinance, plus such other responsibilities, authority and duties as may be prescribed in these Regulations or by the Board of Supervisors.

1.6 Human Resources Director

- 1 The Human Resources Director shall have such qualifications and shall perform such duties as are specified in the Merit System Ordinance.
- 2 The Human Resources Director shall perform such additional functions as are specified in these Regulations or as may be directed by the Board of Supervisors and the County Executive, provided that such functions are consistent with the Code of Virginia and the Code of Fairfax County.
- 3 The Human Resources Director is authorized to issue procedural directives to implement these Regulations.

1.7 Department Heads

- 1 The department head is the appointing authority for the employees working in his or her department. A department head is responsible for personnel administration in his or her department.
- 2 In accordance with the provisions of these Personnel Regulations, a department head may delegate the authority to act with respect to certain matters of personnel administration to his or her deputy or designee. When a department head delegates such authority, he or she still retains the management responsibility for actions taken or not taken pursuant to such delegation of authority.

1.8 Employees Advisory Council

- 1 The Merit System Ordinance establishes an Employees Advisory Council, the purpose of which shall be to provide a continuing medium through which all employees in the competitive service may contribute their advice and suggestions for the improvement of a career merit system and other aspects of the government of Fairfax County.
- 2 The operation of the Employees Advisory Council shall be in accordance with the rules and procedures adopted by the Civil Service Commission and concurred in by the Board of Supervisors.

## 1.9 Equal Employment Opportunity

- 1 It is the policy of Fairfax County to provide equal opportunity to all employees and potential employees.
- 2 No officer or employee of the County shall discriminate against any employee or applicant for employment with regard to recruitment, application, testing, certification, appointment, assignment, performance evaluation, training, working conditions, promotion, demotion, discipline, lay-off, discharge, retirement, or any other aspect of employment on the basis of race, color, sex, creed, religion, national origin, age, disability, pregnancy or related medical conditions, gender identity, sexual orientation, genetic information, or military status.
- 3 No officer or employee of the County shall retaliate against any employee with regard to recruitment, application, testing, certification, appointment, assignment, performance evaluation, training, working conditions, promotion, demotion, discipline, lay-off, discharge, retirement, or any other aspect of employment because the employee has used or has participated in the County's grievance procedure, has complied with any law of the United States, or of the Commonwealth, or has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement to the Board of Supervisors, the County Executive, or other governmental authority.
- 4 The Human Resources Director shall maintain a current Diversity Plan to achieve equal employment opportunity goals.

## 1.10 Veterans' Preference

Consistent with the requirements and obligations to protected classes under federal and Virginia law and the requirements of Fairfax County Code Section 3-1-21 and Section 1.9 of this chapter, in making initial appointments to the County service appointing authorities shall take into consideration or give preference to an applicant's status as an honorably discharged veteran of the armed forces of the United States, provided that such veteran meets all of the knowledge, skills, and eligibility requirements for the applied for position. Appointing authorities shall give additional consideration to veterans who have a service-connected disability rating fixed by the United States Department of Veterans Affairs. Such consideration or preference shall be limited to initial appointments to County service and shall not be required in demotions, promotions or transfers.

## 1.11 Person with a Disability Preference

Consistent with the requirements and obligations to protected classes under federal and Virginia law and the requirements of Fairfax County Code Section 3-1-21 and Section 1.9 of this chapter, in making initial appointments to the County service appointing authorities shall take into consideration or give preference to an applicant's status as a person with a disability,

provided that such person meets all of the knowledge, skills, and eligibility requirements for the applied for position. Such consideration or preference shall be limited to initial appointments to County service and shall not be required in demotions, promotions or transfers.

*1.12 Collective Bargaining Agreements*

To the extent that any provisions of these Regulations conflict with the terms of a Collective Bargaining Agreement (CBA) in effect between the County and an exclusive bargaining representative, the terms of the CBA shall control.