

## City Council Work Session

Tuesday, May 26, 2015  
7:00 p.m.  
Council Chambers – Rouss City Hall

### AGENDA

#### 1.0 Call to Order

**2.0 Public Comments:** (Each person will be allowed 3 minutes to address Council with a maximum of 10 minutes allowed for everyone)

#### 3.0 Items for Discussion:

**3.1 R-2015-21:** Resolution – Approving Virginia Department of Rails and Public Transportation Financial Assistance – Perry Eisenach, Public Services Director (pages 2-4)

**3.2 R-2015-22:** Resolution – Approving Federal Transit Administration Financial Assistance - Perry Eisenach, Public Services Director (page 5)

**3.3 O-2015-12:** AN ORDINANCE TO AUTHORIZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES FOR FISCAL YEAR 2015 – Mary Blowe, Finance Director (pages 6-13)

**3.4 O-2015-13:** AN ORDINANCE TO AMEND ARTICLES 1, 8, 9, 10, 11 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITION AND USES PROVISIONS OF IMPROVEMENT DONATION CENTERS. (*Proposal will create a definition and district use provisions for Home Improvement Donations Centers.*) TA-15-177 – Aaron Grisdale, Director of Zoning and Inspections (pages 14-17)

**3.5 Discussion** Request of the City of Winchester for a conditional use permit for amphitheater use for the Taylor Pavilion at 119 N. Loudoun Street (Map Number 173-01-F-26) zoned B-1 (HW). CUP-15-219 - Tim Youmans, Planning Director (pages 18-25)

**3.6 R-2015-23** Resolution – CEMS Amendments Sections 3.9, 3.10, 5.3-5.5, 5.14, Appendix J, K and the addition of Appendix DD – Eden Freeman, City Manager (pages 26-66)

#### 4.0 Monthly Reports

**4.1 Fire and Rescue Department** (pages 67-69)

**4.2 Financial Report** (pages 70-83)

#### 5.0 Adjournment

R-2015-21  
R-2015-22

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL/COMMITTEE MEETING OF:** May 26, 2015 **CUT OFF DATE:** \_\_\_\_\_

**RESOLUTION**  X  **ORDINANCE**      **PUBLIC HEARING**    

**ITEM TITLE:** Federal Transit Administration (FTA) and Virginia Department of Rail and Public Transportation (VDRPT) Financial Assistance

**STAFF RECOMMENDATION:** Approval of two (2) resolutions.

**PUBLIC NOTICE AND HEARING:** NA

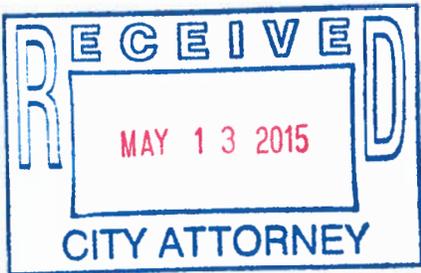
**ADVISORY BOARD RECOMMENDATION:** NA

**FUNDING DATA:** See attached.

**INSURANCE:** NA

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance	<u>JB</u>	_____	<u>5-12-15</u>
2. City Attorney	<u>[Signature]</u>	_____	<u>5/13/2015</u>
3. City Manager	<u>[Signature]</u>	_____	<u>8 May 15</u>
4. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature:	<u>[Signature]</u>	_____	<u>5/11/15</u> Date



APPROVED AS TO FORM:

[Signature]  
CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Perry Eisenach, Public Services Director  
**Date:** May 26, 2015 (Council Work Session)  
**Re:** Federal Transit Administration Financial Assistance, and Virginia Department of Rail and Public Transportation Financial Assistance

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**THE ISSUE:** Federal Transit Administration Financial Assistance, and Virginia Department of Rail and Public Transportation Financial Assistance

**RELATIONSHIP TO STRATEGIC PLAN:** Goal #3: Advance the quality of life for Winchester residents

**BACKGROUND:** The City receives significant funding from the Federal Transit Administration (FTA) and the Virginia Department of Rail and Public Transportation (VDRPT) for the operation of the Winchester Transit system. FTA and VDRPT rules require that City Council adopt resolutions each year in order to accept these federal funds and state funds.

The total amount of federal and state funding for FY15 are:

	<b>Federal Funds (FTA)</b>	<b>State Funds (VDRPT)</b>
Operating Assistance	\$496,000	\$182,000
Capital Assistance	\$216,000	\$ 43,000
Total Funding	\$712,000	\$225,000

**BUDGET IMPACT:** The federal and state funds that will be received from FTA and VDRPT are already included in the current FY15 operating and capital budget for Transit.

**OPTIONS:** Either approve or not approve the attached resolutions.

**RECOMMENDATIONS:** Approve the resolutions.

**RESOLUTION APPROVING  
VIRGINIA DEPARTMENT OF RAILS AND PUBLIC TRANSPORTATION  
FINANCIAL ASSISTANCE**

**WHEREAS**, the Virginia Department of Rail and Public Transportation has been delegated authority to award state financial assistance for transportation services and projects; and

**WHEREAS**, the grant or cooperative agreement for state financial assistance will impose certain obligations upon the applicant, and may require the applicant to provide the local share of the project cost; and

**WHEREAS**, the applicant will provide all annual Certifications and Assurances to the Virginia Department of Rail and Public Transportation as required for the project; and

**NOW, THEREFORE, BE IT RESOLVED BY** the Common Council of the City of Winchester for Winchester that:

1. The City Manager or her designee is authorized, for and on behalf of Winchester Transit, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, for a grant of financial assistance to defray the operating costs borne by the Winchester Transit for public transportation purposes and to accept from the Virginia Department of Rail and Public Transportation grants in the amount of \$182,000 in Operating Assistance and \$43,000 in Capital Assistance, as may be awarded, and to authorize the Winchester Transit to furnish to the Virginia Department of Rail and Public Transportation such documents and other information as may be required for processing the grant request.
2. The Common Council of the City of Winchester certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the Winchester Transit will provide funds which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted Winchester Transit may be subject to audit by the Virginia Department of Rail and Public Transportation and by the State Auditor of Public Accounts, and that the funds granted to Winchester Transit for defraying the expenses of the Winchester Transit shall be used only for such purposes as authorized in the Code of Virginia.

**RESOLUTION APPROVING  
FEDERAL TRANSIT ADMINISTRATION FINANCIAL ASSISTANCE**

**WHEREAS**, the Federal Transit Administration has been delegated authority to award Federal financial assistance for transportation services and projects; and

**WHEREAS**, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the applicant, and may require the applicant to provide the local share of the project cost; and

**WHEREAS**, the applicant will provide all annual Certifications and Assurances to the Federal Transit Administration required for the project; and

**NOW, THEREFORE, BE IT RESOLVED BY** the Common Council of the City of Winchester for Winchester that:

1. The City Manager or her designee is authorized to execute and file an application for Federal assistance on behalf of the Winchester Transit with the Federal Transit Administration for Federal operating assistance, in the amount of \$496,000, and Federal capital expenditure assistance in the amount of \$216,000, as authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration. The City of Winchester is the designated recipient of said funds.
2. The City Manager or her designee is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a Federal assistance grant or cooperative agreement.
3. The City Manager or her designee is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the Winchester Transit.

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL/COMMITTEE MEETING OF:** May 26, 2015 **CUT OFF DATE:**     

**RESOLUTION**      **ORDINANCE**   X   **PUBLIC HEARING**     

**ITEM TITLE:** Authorize Supplemental Appropriations for the FY 2015 budget

**STAFF RECOMMENDATION:** Approve as recommended; send to public hearing

**PUBLIC NOTICE AND HEARING:** June 23, 2015

**ADVISORY BOARD RECOMMENDATION:** N/A

**FUNDING DATA:**  
See attached ordinance

**INSURANCE:**  
N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The Director's initials for approval or disapproval address only the readiness of the issue for Council consideration. This does not address the Director's recommendation for approval or denial of the issue.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney		_____	5/13/2015 15 MAY 15
6. City Manager		_____	_____
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature:  \_\_\_\_\_ Date: 5-12-15

Finance Director

Date



APPROVED AS TO FORM:

  
CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Mary Blowe, Finance Director  
**Date:** May 26, 2015  
**Re:** Ordinance to authorize the additional appropriation of funds for necessary expenditures for Fiscal Year 2015

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**THE ISSUE:** The FY 2015 budget needs to be amended to account for additional revenues and proposed expenditures.

**RELATIONSHIP TO STRATEGIC PLAN:** These budget amendments help to advance quality of life for Winchester residents and also improve City services and advance the City's strategic plan goals by promoting a culture of transparency, efficiency and innovation.

**BACKGROUND:** City Staff is requesting the following amendments to the FY 2015 budget:

1. **General Fund** to increase by **\$157,500**, as follows:
  - a. City Council - \$30,000 for prior year strategic planning consulting fees.
  - b. Storm Drainage - \$45,000 for storm water management engineering fees.
  - c. Loudoun Mall - \$46,000 for maintenance, landscaping and water & sewer fees.
  - d. Commonwealth Attorney - \$19,500 for furniture for the new office space.
  - e. Airport - \$17,000 additional City operating share due to decreased fuel sales.
2. **Juvenile Detention Center** to increase by \$49,000 from fund balance for new computers and rooftop heat exchanges.
3. **School Funds** – see attached School Board Resolutions dated March 23, 2015 and April 13, 2015.

**BUDGET IMPACT:** The budget will increase to allow for the expenditure of identified funds.

**OPTIONS:** Adopt ordinance as presented or amend the ordinance

**RECOMMENDATIONS:** Staff recommends the adoption of this ordinance.

**WINCHESTER PUBLIC SCHOOLS  
SCHOOL BOARD RESOLUTION  
MARCH 23, 2015**

Be it resolved that the Winchester City School Board requests the following budget amendments for fiscal year 2014-2015:

**SCHOOL OPERATING FUND**

**INCREASED STATE FUNDING FOR ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE TEST FEES OF \$925:** These reimbursable state funds will be used to supplement funds available to assist individuals identified as low-income students in paying for AP and IB testing.

**PROJECT GRADUATION INCREASE OF \$6,622.** These reimbursable state funds will target students who have not achieved a verified credit in English, Writing, Reading, and/or Algebra.

**INCREASED STATE FUNDING AWARD BONUS FOR NATIONAL BOARD CERTIFICATIONS OF \$22,500.** These funds will be awarded to National Board Certified teachers. WPS currently has nine teachers with National Board certifications. Each Board Certified teacher received a \$2,500 continuing award.

**CTE INDUSTRY CERTIFICATIONS INCREASE OF \$5,197,** These reimbursable state funds were used to cover student expenses for licensure in Microsoft Certification for financial literacy.

**CTE WORKPLACE READINESS INCREASE OF \$912,** These reimbursable state funds were used to cover student expenses related to testing of customer service skills.

**DONATION FROM THE ADAMS FAMILY FOUNDATION OF \$15,000.** Historically these funds were used in our early childhood literacy initiatives.

**FEDERAL GRANT FUND**

**TITLE I DECREASE OF \$908.** These reimbursable funds are used for expenses associated with the pre-school program, and the elementary reading programs.

**TITLE VI B, INCREASE OF \$796.** These reimbursable funds are used to help fund Special Education programs

**BUDGET AMENDMENTS  
MARCH 23, 2015**

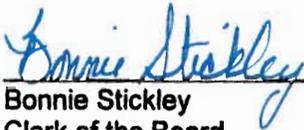
**CAPITAL IMPROVEMENTS FUND**

**DONATION FROM TAVOSO FAMILY CHARITABLE FUND THROUGH THE WINCHESTER EDUCATION FOUNDATION OF \$10,000.** These funds will be used to purchase wrestling equipment at Daniel Morgan Middle School.



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**Erica Truban  
Chairman**



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**Bonnie Stickle  
Clerk of the Board**

**WINCHESTER PUBLIC SCHOOLS  
SCHOOL BOARD RESOLUTION  
APRIL 13, 2015**

Be it resolved that the Winchester City School Board requests the following budget amendments for fiscal year 2014-2015:

**FEDERAL GRANT FUND**

**VPI + (Pre-K), INCREASE OF \$65,000.** These reimbursable funds are used for expenses associated with the recently announced VPI + grant. These funds are for anticipated startup expense that would occur in FY15.

**FOOD SERVICES FUND**

**Fund balance transfer of \$33,500.** These funds will be used to replace the following equipment.

<b>School</b>	<b>Description</b>
<b>GQES</b>	Replace Ovens
<b>HHS</b>	Replace tray line drop-in ice cream box
<b>FDES</b>	Replace Pass-thru Food Warmer
<b>VACDES</b>	Replace Steam Jacket Kettle
<b>DMMS</b>	Replace 2-Dorr Reach-in Salad Refrigerator.

The current fund balance for the food services fund totals \$654,837.

  
Erica Truban  
Chairman

  
Bonnie Stickley  
Clerk of the Board

# COMMON COUNCIL



Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601  
540-667-1815  
TDD 540-722-0782  
www.winchesterva.gov

## AN ORDINANCE TO AUTHORIZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2015

WHEREAS, Council approves the following additional funds for the purposes herein specified for the fiscal year ending June 30, 2015:

### GENERAL FUND

#### REVENUE

Fund Balance/Supplemental Appropriation	<u>157,500</u>
TOTAL GENERAL FUND REVENUE	157,500

#### EXPENDITURES

Legislative	30,000
Public Works	91,000
Judicial Administration	19,500
Community Development	<u>17,000</u>
TOTAL GENERAL FUND EXPENDITURES	157,500

### JUVENILE DETENTION CENTER FUND

#### REVENUE

Fund Balance/Supplemental Appropriation	<u>49,000</u>
TOTAL JDC REVENUE	49,000

#### EXPENDITURES

Public Safety	<u>49,000</u>
TOTAL JDC EXPENDITURES	49,000

**SCHOOL OPERATING FUND**

<u>REVENUE</u>	
State	36,156
Local	<u>15,000</u>
TOTAL SCHOOL OPERATING REVENUE	51,156
 <u>EXPENDITURES</u>	
Instruction	<u>51,156</u>
TOTAL SCHOOL OPERATING EXPENDITURES	51,156

**SCHOOL FOOD SERVICES FUND**

<u>REVENUE</u>	
Fund Balance/Supplemental Appropriation	<u>33,500</u>
TOTAL SCHOOL FOOD SERVICES REVENUE	33,500
 <u>EXPENDITURES</u>	
Food Services	<u>33,500</u>
TOTAL SCHOOL FOOD SERVICES EXPENDITURES	33,500

**SCHOOL FEDERAL GRANTS FUND**

<u>REVENUE</u>	
Federal	<u>64,888</u>
TOTAL SCHOOL FEDERAL GRANTS REVENUE	64,888
 <u>EXPENDITURES</u>	
Instruction	<u>64,888</u>
TOTAL SCHOOL FEDERAL GRANTS EXPENDITURES	64,888

**SCHOOL CAPITAL IMPROVEMENTS FUND**

<u>REVENUE</u>	
Local	<u>10,000</u>
TOTAL SCHOOL CIP REVENUE	10,000
 <u>EXPENDITURES</u>	
Facilities	<u>10,000</u>
TOTAL SCHOOL CIP EXPENDITURES	10,000

WHEREAS, there is available in the general fund an unencumbered and unappropriated sum sufficient to meet such appropriations, and

WHEREAS, all appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully obligated or encumbered, and

WHEREAS, all ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Winchester that the additional appropriations specified herein are hereby appropriated for the purposes specified for the fiscal year ending June 30, 2015.

0-2015-13

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL MEETING OF:** 5/26/15, **CUT OFF DATE:** 5/20/15  
6/9/15 (1<sup>st</sup> Reading) 6/23/15 (2<sup>nd</sup> Reading/Public Hearing)

**RESOLUTION**      **ORDINANCE**   X   **PUBLIC HEARING**   X  

**ITEM TITLE:**

**TA-15-177 - AN ORDINANCE AMENDING ARTICLES 1, 8, 9, 10, AND 11 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITION AND USE PROVISIONS OF HOME IMPROVEMENT DONATION CENTERS. (Proposal will create a definition and district use provisions for Home Improvement Donation Centers.)**

**STAFF RECOMMENDATION:**

Adopt the text amendment.

**PUBLIC NOTICE AND HEARING:**

Public hearing required with 2<sup>nd</sup> reading on 6/23/2015.

**ADVISORY BOARD RECOMMENDATION:**

Planning Commission unanimously forwarded with favorable recommendation.

**FUNDING DATA:** N/A

**INSURANCE:** N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Planning Director			5/20/15
2. City Attorney			5/20/2015
3. City Manager			20 May 15
4. Clerk of Council			

Initiating Department Director's Signature: 5/20/2015  
(Zoning and Inspections)



**APPROVED AS TO FORM:**

5/20/2015  
**CITY ATTORNEY**

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Aaron Grisdale, Director of Zoning and Inspections  
**Date:** May 26, 2015  
**Re:** TA-15-177 - AN ORDINANCE AMENDING ARTICLES 1, 8, 9, 10, AND 11 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITION AND USE PROVISIONS OF HOME IMPROVEMENT DONATION CENTERS. (*Proposal will create a definition and district use provisions for Home Improvement Donation Centers.*)

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## **THE ISSUE:**

Create definition and use provisions for *Home Improvement Donation Centers*. The result of this amendment will create a specific use definition for centers where building supplies, materials, appliances and related materials are donated and resold to the public.

## **RELATIONSHIP TO STRATEGIC PLAN:**

Goal 2 – Promote and accelerate revitalization of targeted areas throughout the city.

## **BACKGROUND:**

Originally the applicant discussed allowing this use in the Limited Industrial (M-1) district. Presently, there is not a use provision in the M-1 district that will allow for this style of use. The closest available use classification is a *Retail Lumberyard*. Following discussions with staff, the applicant decided to sponsor a zoning text amendment. After initial discussions with staff, the ordinance amendment was modified and expanded beyond the M-1 district to include the Highway Commercial (B-2), Central Business (B-1) and Commercial Industrial (CM-1) districts. The use is proposed to be permitted by-right in the M-1, B-2, and CM-1 districts and permitted with a conditional use permit in the B-1 district. Staff believes this type of proposed use is slightly unique and distinct from general retail services such as a hardware store and related uses in that the customer traffic and interaction with the business is two-way: goods are both brought to the site to be donated as well as merchandise is purchased on-site and removed from the customer. (Full staff report attached).

## **BUDGET IMPACT:**

No funding is required.

## **OPTIONS:**

- Adopt the text amendment
- Adopt the text amendment with modifications
- Decline to adopt the text amendment

## **RECOMMENDATIONS:**

The Planning Commission unanimously recommended approval.

**TA-15-177 AN ORDINANCE AMENDING ARTICLES 1, 8, 9, 10, AND 11 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITION AND USE PROVISIONS OF HOME IMPROVEMENT DONATION CENTERS (*Proposal will create a definition and district use provisions for Home Improvement Donation Centers.*)**

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**REQUEST DESCRIPTION**

This is a privately sponsored zoning ordinance text amendment intended to create definition and use provisions for *Home Improvement Donation Centers*. The result of this amendment will create a specific use definition for centers where building supplies, materials, appliances and related materials are donated and resold to the public.

Originally the applicant discussed allowing this use in the Limited Industrial (M-1) district. Presently, there is not a use provision in the M-1 district that will allow for this style of use. The closest available use classification is a *Retail Lumberyard*. Following discussions with staff, the applicant decided to sponsor a zoning text amendment. After initial discussions with staff, the ordinance amendment was modified and expanded beyond the M-1 district to include the Highway Commercial (B-2), Central Business (B-1) and Commercial Industrial (CM-1) districts. The use is proposed to be permitted by-right in the M-1, B-2, and CM-1 districts and permitted with a conditional use permit in the B-1 district.

**STAFF COMMENTS**

Staff has met with the applicant prior to submitting this application and supports the current proposal. The *Home Improvement Donation Center* use in the M-1, B-2, and CM-1 districts is consistent with the types of uses permitted by-right within each of those districts. In the B-1 district, the use would only be permitted with a conditional use permit, which would allow the Planning Commission and City Council to evaluate such uses on a case by case basis and mitigate any potential negative impacts. Staff believes this type of proposed use is slightly unique and distinct from general retail services such as a hardware store and related uses in that the customer traffic and interaction with the business is two-way: goods are both brought to the site to be donated as well as merchandise is purchased on-site and removed from the customer.

**RECOMMENDATION**

At their May 19, 2015 meeting, the Planning Commission unanimously forwarded **TA-15-177** with a favorable recommendation because the amendment, as proposed, presents good planning practice by providing for expanded commercial opportunities consistent with Council's Strategic Plan and the City's Comprehensive Plan.

AN ORDINANCE AMENDING ARTICLES 1, 8, 9, 10, AND 11 OF THE WINCHESTER ZONING  
ORDINANCE PERTAINING TO DEFINITION AND USE PROVISIONS OF HOME  
IMPROVEMENT DONATION CENTERS

**TA 15-177**

Draft 3 – 5/18/2015

Ed. Note: The following text represents excerpts of the Zoning Ordinance that are subject to change. Words with strikethrough are proposed for repeal. Words that are boldfaced and underlined are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.

**ARTICLE 1  
DEFINITIONS**

**1-2-48.1**      **HOME IMPROVEMENT DONATION CENTER – A facility in which building supplies, materials, appliances and related materials are donated and resold to the public.**

**ARTICLE 8  
HIGHWAY COMMERCIAL DISTRICT - B-2**

**SECTION 8-1. USE REGULATIONS.**

**8-1-53**      **Home Improvement Donation Center**

**ARTICLE 9  
CENTRAL BUSINESS DISTRICT – B-1**

**SECTION 9-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.**

**9-2-27**      **Home Improvement Donation Center**

**ARTICLE 10  
COMMERCIAL INDUSTRIAL DISTRICT - CM-1**

**SECTION 10-1. USE REGULATIONS.**

**10-1-44**      **Home Improvement Donation Center**

**ARTICLE 11  
LIMITED INDUSTRIAL DISTRICT - M-1**

**SECTION 11-1. USES REGULATIONS.**

**11-1-32**      **Home Improvement Donation Center**

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL MEETING OF:** 5/26/15 (Work Session)      **CUT OFF DATE:** 05/22/15  
6/09/15 (Regular meeting)

**RESOLUTION**     **ORDINANCE**     **PUBLIC HEARING**

**ITEM TITLE:**

**CU-15-219** Request of the City of Winchester for a conditional use permit for amphitheater use for the Taylor Pavilion at 119 N. Loudoun Street (Map Number 173-01-F-26) zoned B-1 (HW).

**STAFF RECOMMENDATION:**

Approval.

**PUBLIC NOTICE AND HEARING:**

Public hearing for 06/09/2015 Council meeting.

**ADVISORY BOARD RECOMMENDATION:**

Planning Commission recommended approval with conditions by a vote of 3-2.

**FUNDING DATA:** N/A

**INSURANCE:** N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Zoning & Inspections	<u>AMG</u>	_____	<u>5/20/15</u>
2. Old Town Winchester	<u>JG B</u>	_____	<u>5/20/15</u>
3. City Attorney	<u>[Signature]</u>	_____	<u>5/20/2015</u>
4. City Manager	<u>[Signature]</u>	_____	<u>20 May 2015</u>
5. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: [Signature]      5/20/15  
 (Planning Dept)



**APPROVED AS TO FORM:**  
[Signature]      5/20/2015  
**CITY ATTORNEY**

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Tim Youmans, Planning Director  
**Date:** May 20, 2015  
**Re:** **CU-15-219** Request of the City of Winchester for a conditional use permit for amphitheater use for the Taylor Pavilion at 119 N. Loudoun Street (Map Number 173-01-F-26) zoned B-1 (HW).

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**THE ISSUE:**

The City is requesting a conditional use permit (CUP) for amphitheater use for the Taylor Pavilion at 119 N. Loudoun Street.

**RELATIONSHIP TO STRATEGIC PLAN:**

Vision: Active, healthy entertaining city (cultural hub)  
Goal # 3: Advance Quality of Life for Winchester residents

**BACKGROUND:**

See attached staff report

**BUDGET IMPACT:**

N/A

**OPTIONS:**

1. Approve as recommended by Planning Commission
2. Approve with modified conditions
3. Deny

**RECOMMENDATIONS:**

Recommend Option 1

**CUP-15-219** Request of the City of Winchester for a Conditional Use Permit for amphitheater use for the Taylor Pavilion at 119 N. Loudoun Street (Map Number 173-01-F-26) zoned Central Business (B-1) District with Historic Winchester Overlay (HW).

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**REQUEST DESCRIPTION**

The request is for Conditional Use Permit (CUP) approval under Section 9-2-25 of the Zoning Ordinance pertaining to Arenas, Amphitheaters, and Stadiums. The City owned outdoor venue was part of the Taylor Hotel Renovation project and is planning to host the Old Town Farmers Market and other outdoor events.

**AREA DESCRIPTION**

The site sits between two historic buildings; the Taylor Hotel which contains five apartment units and a restaurant located on the Loudoun Street Pedestrian Mall and the Fly Tower which contains two apartment units and a restaurant on the ground floor located along Indian Alley. The Taylor Pavilion contains a concrete stage area with a tiered pocket park for seating, as well as a wood frame covered pavilion. Land to the north and south contains a mixed-use of residential and commercial retail. The subject property and all surrounding properties are zoned Central Business and within the Historic Winchester overlay District.



**STAFF COMMENTS**

The history of the site goes back to 1848 when the Taylor Hotel first opened as a hotel for visitors traveling through Winchester. Over the 19<sup>th</sup> & 20<sup>th</sup> centuries, the Taylor Hotel was used as Stonewall Jackson’s headquarters during the Civil War, a theater, department store, and telecom center before becoming vacant in 2004. Subsequently, the building significantly deteriorated over time, most notably after a partial roof collapse in 2007 and in 2010 the City Council condemned the property as blighted and unsafe. In 2011, the Winchester Economic Development Authority (EDA) purchased the Taylor Hotel with the intent to restore the building into a successful and contributing member of the Old Town Mall. Through the use of historic tax credits, federal and state grants, and private investment, the EDA began the restoration efforts in the fall of 2012 and which was completed in the fall of 2014.

In a letter (see attached) from Jennifer Bell, Downtown Manager of Old Town Winchester (who operates and manages the Taylor Pavilion), outlined her request for a CUP for amphitheater use. Ms. Bell also provided a list of list of events and dates for live entertainment Taylor Pavilion. Generally events at the Taylor Pavilion would occur between the May through October coinciding with the Saturday Farmer’s Market and a variety of events during the summer months. **The proposed hours of operation for amphitheater use would be from 9 AM to 10 PM Sunday through Wednesday and 9 AM to midnight Thursday through Saturday.** Staff sees the most frequent times of this particular use being weekends (Fridays thru Sundays) and generally evening hours.

Staff also contacted Erik Wishneff of Brian Wishneff & Associates, who manages the apartments at the Taylor Hotel and Fly Tower, seeking comments from adjoining residents to the Taylor Pavilion regarding the CUP request. Two residents of the Taylor Hotel emailed staff in favor of the CUP proposal and having no objections to the events or proposed hours of operation (see attached). City staff has no concerns for this proposed use and supports this use as envisioned with the Taylor Hotel restoration project.

#### RECOMMENDATION

For a conditional use permit to be approved, a finding must be made that the proposal as submitted or modified will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood.

At the May 19, 2015 meeting, the Planning Commission forwarded **CU-15-219** to City Council recommending approval because the use, as proposed, will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The approval is subject to:

1. Use to begin no earlier than 9 AM and end no later than 10 PM Sunday through Wednesday and begin no earlier than 9 AM and end no later than midnight Thursday through Saturday and on New Year's Eve.
2. All events are coordinated through the Downtown Manager or other City official designated by the City Manager.



Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601

Telephone: (540) 722-7576  
FAX: (540) 722-7570  
Website: [www.winchesterva.gov](http://www.winchesterva.gov)

May 4, 2015

Dear Chairman Slaughter,

It is my hope that a Conditional Use Permit for amphitheater use will be granted for the Taylor Pavilion, 119 N. Loudoun Street. This area which once housed a theater, which was destroyed by neglect, now has the potential to become a cultural hub in the downtown. Through the Taylor Project a new community space was created with a wooden market pavilion building, terraced seating, green space and a stage-like area which could once again host entertainment and contribute to the City Council Goal to Continue Revitalization of Old Town. In order for this to be fully utilized as a performance space, a CUP is required.

As part of the dynamic programming to serve the broader community within the downtown it is my intention to relocate several existing events from parking lots to this location as well as adding new programming. The events will range from the Friday Night Live bands to a new Classic Movie series. Each month a free concert will be performed on a Sunday afternoon. We will also host the Old Town Farmers Market which will run May 16 – October 31 Saturday mornings from 9 – 1. During the market times, we would like to have local musicians perform on the stage area and possibly showcase cooking demonstrations.

I have requested the permit to run until midnight on Thursdays through Saturdays to allow the maximum potential for programming. Having the ability to use the space until midnight does not mean we plan on using it as a rule, however, we would like to have that flexibility. City Council, the City Manager and I have oversight as to the actual hours of operation. Friday Night Live concerts would end no later than 11 p.m. However, many classic movies run more than two hours and as dusk falls around 9 p.m. in summer having the hours restricted to 11 p.m. would limit our ability to show movies such as Gods and Generals, Gone With the Wind and other popular long movies even in late summer. A Conditional Use Permit allowing amphitheater use in this location is a crucial step in actively programming this area to be a contributing resource in the on-going revitalization of Old Town Winchester.

Sincerely,

Jennifer Bell  
Downtown Manager  
City of Winchester  
33 E. Boscawen Street  
Winchester, VA 22601

**Taylor Pavilion 2015 Programming**

- Taylor Pavilion Classic Movie.....June 13<sup>th</sup>
- Friday Night Live.....June 19<sup>th</sup>
- Taylor Pavilion Concert.....June 21<sup>st</sup>
- SU Community Day..... June 27<sup>th</sup>
- Taylor Pavilion Classic Movie.....July 11<sup>th</sup>
- Friday Night Live.....July 17<sup>th</sup>
- Taylor Pavilion Concert.....July 19<sup>th</sup>
- Children’s Literacy Day .....August 8<sup>th</sup>
- Taylor Pavilion Classic Movie.....August 8<sup>th</sup>
- Friday Night Live.....August 21<sup>st</sup>
- Taylor Pavilion Concert.....August 23<sup>rd</sup>

Saturday Farmers Market each Saturday 9a.m. – 1 p.m. May 16 – October 31

**Josh Crump**

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**From:** Josh Crump  
**Sent:** Friday, May 15, 2015 11:17 AM  
**To:** Aaron Grisdale; Anthony Williams; Eden Freeman; Timothy Youmans; Jennifer Bell; David Smith; Dr. Richard Fieo; John Tagnesi; Kelly Wolfe; Mark Loring; Martha Shickle; Steve Slaughter  
**Subject:** FW: Taylor Hotel - Taylor Pavilion activities

Commissioners:

Please find below a message from a resident of the Taylor hotel regarding the Taylor Pavilion CUP.

Have a good weekend,

--

**Josh Crump**

Planner  
City of Winchester  
15 N. Cameron Street  
Winchester, VA 22601  
Phone: (540) 667-2117 (direct)  
Email: [Josh.Crump@winchesterva.gov](mailto:Josh.Crump@winchesterva.gov)



[www.winchesterva.gov/planning](http://www.winchesterva.gov/planning)

**From:** William Bolton [mailto:william.bolton.jr@gmail.com]  
**Sent:** Thursday, May 14, 2015 7:25 PM  
**To:** Josh Crump  
**Subject:** Re: Taylor Hotel - Taylor Pavilion activities

Hi Josh,

Thank you for the response and additional information. Unfortunately I will be traveling this coming week for work, but I am generally supportive of the conditional use permit. I say this under the following premise:

- I believe if one chooses to live in the downtown area, specifically in such a prominent location overlooking a public space, you are doing so because you are looking for a lively atmosphere. If you want quiet, you do not live in this environment.
- I also believe proposed events will help foster a better Downtown Winchester community; as a tenant of a surrounding building, I also enjoy these benefits.
- Events are planned with discretion (as it notes that all events will go through a City official); I am certainly not promoting entertainment late into the evening every night of the week, but believe the hours and types of events listed in the report are appropriate.
- I speak only for my unit, not the building as a whole.

I would be happy to provide any additional feedback.

Thank you,  
Will Bolton

**CUP-15-219**

**From:** [Rotundo, Debra](#)  
**To:** [Josh Crump](#)  
**Cc:** [Rotundo, Debra](#)  
**Subject:** Taylor Hotel  
**Date:** Monday, May 18, 2015 10:17:40 AM

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Good morning- Eric had sent me an e-mail stating that you all were interested in what the residents of the hotel felt about the activities planned for the pavilion. I don't have any problem with the activities scheduled for there. I knew that that's what was planned for there and I think its an awesome idea to put it to use for the community. It doesn't sound like anything is scheduled for too late in the evening and anyone living in the hotel should have had the foresight to know that that space would be used for activities. I look forward to all that is planned there this summer. Thank you for asking for my input. Have a good day. Debra Rotundo- Taylor Hotel

# CITY OF WINCHESTER, VIRGINIA

## PROPOSED CITY COUNCIL AGENDA ITEM

**CITY COUNCIL/COMMITTEE MEETING OF:** May 26, 2015    **CUT OFF DATE:** \_\_

**RESOLUTION**   X      **ORDINANCE**         **PUBLIC HEARING**     

**ITEM TITLE:** Resolution Amending Sections 3.9, 3.10, 5.3 - 5.5, 5.14, Appendix J, Appendix K and the addition of Appendix DD to the City of Winchester's Comprehensive Employee Management System

**STAFF RECOMMENDATION:** Approval

**PUBLIC NOTICE AND HEARING:** N/A

**ADVISORY BOARD RECOMMENDATION:** N/A

**FUNDING DATA:** N/A

**INSURANCE:** N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance _____	<u>CB</u>	_____	<u>5/21/15</u>
2. Human Resources _____	<u>TBS</u>	_____	<u>5/21/15</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney _____	<u>[Signature]</u>	_____	<u>5/21/2015</u>
6. City Manager _____	<u>[Signature]</u>	_____	<u>21 May 15</u>
7. Clerk of Council _____	_____	_____	_____

Initiating Department Director's Signature: [Signature: Edwin Jeeman]      21 May 15  
City Manager Date



**APPROVED AS TO FORM:**

[Signature]  
**CITY ATTORNEY**

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council

**From:** Eden Freeman, City Manager

**Date:** May 26<sup>th</sup>, 2015

**Re:** Resolution Amending Sections 3.9, 3.10, 5.3 – 5.5, 5.14, Appendix J, Appendix K and the addition of Appendix DD to the City of Winchester's Comprehensive Employee Management System

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**THE ISSUE:** Sections 3.9, 3.10, 5.3 – 5.5, 5.14, Appendix J, Appendix K and the addition of Appendix DD to the City of Winchester's Comprehensive Employee Management System (CEMS) require amendments to accommodate for recommended changes to the City's existing pay plan, overtime, modified duty requests, and nonessential/essential personnel closing requirements.

**RELATIONSHIP TO STRATEGIC PLAN:** Goal Four: Improve City services and advance the City's strategic plan goals by promoting a culture of transparency, efficiency and innovation.

**BACKGROUND:** The City of Winchester's Comprehensive Employee Management System was adopted by the Common Council of the City of Winchester in July 1979 and governs all City employees except those specifically exempted as stated within the system. City Staff has prepared a series of amendments to various sections within CEMS that alter existing policies pertaining to modified duty requests, overtime regulations, on-call duty, and nonessential/essential personnel attendance when the City deviates from its normal operating hours. See attached summary of current policies are applied and the proposed changes.

**BUDGET IMPACT:** No budget impact.

**OPTIONS:**

1. Approve the attached resolution
2. Modify and approve the attached resolution
3. Reject the attached resolution

**RECOMMENDATIONS:** City Staff recommends the approval of the attached resolution.

**RESOLUTION AMENDING SECTIONS 3.9, 3.10, 5.3 –5.5, 5.14, APPENDIX J, ADDENDIX K, AND THE  
ADDITION OF APPENDIX DD TO THE CITY OF WINCHESTER’S COMPREHENSIVE EMPLOYEE  
MANAGEMENT SYSTEM**

**WHEREAS**, the City of Winchester’s Comprehensive Employee Management System (CEMS) was adopted by the Common Council of the City of Winchester in July 1979; and,

**WHEREAS**, CEMS governs all City employees except those specifically exempted as stated within the system; and,

**WHEREAS**, CEMS has been periodically amended by City Staff and the Common Council since its inception to accommodate for various changes within the administration; and,

**WHEREAS**, City Staff has prepared a series of amendments to Sections 3.9, 3.10, 5.3 – 5.5, 5.14, Appendix J, Appendix K and the addition of Appendix DD to the CEMS; and,

**WHEREAS**, these amendments alter existing policies pertaining to the City’s modified duty requests, overtime regulations, on-call pay, and nonessential /essential personnel attendance when the City deviates from its normal operating hours.

**NOW therefore be it RESOLVED** the City of Winchester Common Council hereby adopts the proposed series of amendments to Sections 3.9, 3.10, 5.3 – 5.5, 5.14, Appendix J, Appendix K and the addition of Appendix DD to the City of Winchester’s Comprehensive Employee Management System.

### 3.9 Overtime Pay and Compensatory Time

#### A. Purpose

To establish a policy for compensating employees, *including employees of Constitutional Officers subject to the City's personnel policies* for overtime hours worked. This regulation is intended to comply with all ~~minimum~~ requirements of the Fair Labor Standards Act (FLSA) and other applicable law, ~~as known to the City~~. Further, it is the policy of the City that any overtime work necessary to the continued effective operation of the City shall be managed in the most efficient and economical manner possible.

#### B. Authorization for Overtime

Overtime work shall be authorized only to cover emergencies, necessary seasonal activity, weather conditions, and unusual working requirements, and may be authorized only by Department Heads prior to such work being performed. It is the responsibility of each Department Head to determine that overtime pay is administered in the best interest of the City and to assure adequate funds are available for the payment of overtime.

In addition, it is equally important for the Department Head to control unauthorized overtime. Unauthorized work shall be counted as hours worked if the employer should have stopped it but did not, or if he knows or has reason to know of its practice. No employee shall start work before the appointed time, work through lunch or work past the appointed time without prior authorization from their Department Head. Nothing herein shall be construed to preclude disciplinary action for an employee's refusal after proper notice to cease and desist the performance of unauthorized work. ~~and notification of the Director of Administration.~~

#### C. Categories of Jobs

Under the Fair Labor Standards Act, there are two basic categories of jobs:

- Exempt (E) - those employees not covered by the Act
- Non-exempt (N) - those employees covered by the Act

The exempt category consists of three subordinate categories which are applicable to the City's classified service:

- executive
- administrative
- professional

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FLSA requirements apply to positions and employees qualifications -- not to classes. The City's class descriptions serve as a general guide in determining whether individual positions are exempt or non-exempt from the provisions of the FLSA. All City classes will be identified as exempt (E) or non-exempt (N), and this designation shall be placed in the City's Schematic List of Classes.

**D. Defintions:**

1. *Fire protection employee: An employee, including a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker, who – (1) is trained in fire suppression, has the legal authority and responsibility to engage in fire suppression, and is employed by the City, and (2) is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.*
2. *Law enforcement employee: An employee (1) who is a Police Officer, Sheriff's deputy or other uniformed or plain-clothed member of a body of officers and subordinates who are empowered by State statute or local ordinance to enforce laws designed to maintain public peace and order and to protect both life and property from accidental or willful injury, and to prevent and detect crimes; (2) who has the power to arrest; (3) who is presently undergoing or has undergone or will undergo on-the-job training and/or a court of instruction and study which typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigative and law enforcement techniques, community relations, medical aid and ethics; or (4) is a Corrections Officer who has the responsibility for controlling and maintaining custody of inmates and of safeguarding them from other inmates or for supervising such functions.*
3. *Overtime: Overtime is defined as hours worked by a non-exempt employee (excluding employees in law enforcement and fire protection as otherwise defined herein) in excess of 40 hours during a seven (7) consecutive day work period. Overtime for non-exempt law enforcement personnel shall be hours of work in excess of 80 hours during a 14 consecutive day work period. Overtime for non-exempt fire protection personnel shall be hours of work in excess of 144 hours during a 21 consecutive day work period.*

**E. D. Eligibility for Overtime Pay and Compensatory Time**

1. Department Heads on advice of the *Human Resources Administration* Director shall establish a department overtime pay and compensatory time policy in accordance with these provisions and determine eligibility giving consideration to budgetary restrictions. ~~Under special situations, an employee may be deemed eligible for overtime pay or compensatory time while identified as EXEMPT under the FLSA.~~ Departmental policies shall be submitted to the City Manager for approval. No deviations from

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established policy may be made except through written request to and approval by the City Manager.

2. Employees identified as NON-EXEMPT from the provisions of the FLSA shall receive ~~cash~~ payment at time and one-half the employees regular rate of pay for all hours worked in excess of the limit established for the work period in Section 3.9F 40E. THE CITY MAY ELECT TO GRANT COMPENSATORY TIME IN LIEU OF ~~CASH~~ PAYMENT TO ~~THIS CATEGORY OF THE~~ EMPLOYEE AT THE RATE OF TIME AND ONE-HALF FOR EACH HOUR OF OVERTIME WORKED. Payment at the final salary rate shall be made to NON-EXEMPT employees on separation who have accrued compensatory time.
3. Employees who have accrued compensatory time shall be permitted to use such time within a reasonable period after making a request if the use of the compensatory time does not unduly disrupt the operations of the City. Time frames for use of compensatory time and maximum accrual amounts (compensatory time banks) shall be determined by the Department Head provided the employee does not accrue in excess of 40 hours. Accrued compensatory time shall be used before annual or floater time.
4. Department Heads are not eligible for overtime pay or compensatory time.
5. No payment shall be made to EXEMPT employees for compensatory time ~~on separation~~.

#### **F. E. Establishment of the Work Period**

1. Non-Exempt Employees (excluding ~~Sworn~~ Law Enforcement *and Fire Protection Employees-Officers*)

The work period for purposes of overtime eligibility and compliance with the Fair Labor Standards Act shall be seven (7) consecutive days commencing with 00:01 a.m. Saturday through midnight Friday. This seven day work period will correspond to the reporting period on the employee's time and attendance sheets. Overtime pay or compensatory time for non-exempt employees must be given for all hours in excess of 40 hours in a seven day work period. However, Department Heads are required, to the extent possible, to reduce or eliminate overtime hours worked within the work period in which they are earned. Overtime pay must always be calculated on the basis of a seven day work period, and may never be averaged over a two week pay period.

2. **Non-Exempt Sworn Law Enforcement *Employees Officers***

In accordance with the ~~partial~~ overtime exemption provided in *Section 7(k)* of the Fair Labor Standards Act, Title 29, Chapter V, Section 553.429 C.F.R. §553.230, the work period for non-exempt ~~sworn~~ law enforcement

~~officers~~*employees* for purposes of overtime eligibility shall be fourteen (14) consecutive days commencing with 00:01 a.m. Saturday through midnight Friday two weeks hence. This fourteen day work period will correspond to the reporting period on the employee's time and attendance recordsheets. Overtime pay or compensatory time for non-exempt *law enforcement* employees must be given for all hours in excess of 80 hours in a fourteen day work period. However, the Department Head is required, to the extent possible, to reduce or eliminate overtime hours worked within the work period in which they are earned. Overtime pay must always be calculated on the basis of a fourteen day work period.

### 3. *Non-Exempt Fire Protection Employee*

*A 21-day standard work period has been established for non-exempt Fire Protection employees. Fire Protection employees receive pay based on 144 compensable hours during a single work period. All hours worked in excess of 144 are reimbursable as overtime. In addition, paid time off taken for regularly scheduled hours will be included in the overtime hour's calculation. Overtime will be managed in accordance with approved work schedules, which are typically 144 hours during a work period. Variations from established work schedules must be specifically authorized by the Fire Chief.*

## G. F. Overtime Pay Calculation

~~Overtime pay is calculated by multiplying the "regular rate" of pay by a factor of time and one-half. The regular rate of pay is defined as the rate per hour paid for normal non-overtime work and is determined by dividing total compensation for the work period by the number of hours in the employee's regular work period.~~

*It is the policy of the City that compensation for compensable hours worked by non-exempt personnel in excess of the established work period within a single work week/period shall be paid as overtime pay.*

1. *Overtime Hours worked in excess of the established work period will be paid at the rate of one and one-half times the annual hourly equivalent of the employee's salary, and will be paid in the first feasible pay period after it is earned.*

*a. Non-exempt employees, excluding Law Enforcement and Fire Protections employees, will be paid overtime for hours worked in excess of 40 in a 7-day work period.*

*b. Non-exempt Law Enforcement employees will be paid overtime for all hours worked in excess of 80 in a 14-day work period.*

1.c. Non-exempt Fire Protection employees will be paid overtime for all hours worked in excess of 144 in a 21-day work period.

2. *When compensatory time is intended as a substitute for overtime pay, it must be given at the same rate at which overtime pay would have been earned as described in this section.*

## H. ~~G.~~ Definition of Hours Worked

All time during which an employee is required or permitted to be on the employer's premises on duty or at a prescribed work place, except for meals or other periods when he is free from duty, is considered as hours worked.

Payment for annual leave, holidays, and compensatory time shall also be counted as hours worked for the purposes of calculating overtime. Payments made for other periods during which no work is performed including sick leave, military leave, civil leave, injury leave, funeral leave and on call/ standby are not included in hours worked for calculating overtime eligibility. For NON-EXEMPT ~~uniformed Fire Protection and Rescue personnel, and Law Enforcement employees; except Corrections Officers,~~ hours worked is defined to include all hours of pay that an employee works or is in a paid status including but not limited to annual leave, sick leave, holidays, and compensatory time.

To assist departments in defining hours worked under the provisions of FLSA, the following definitions apply:

### 1. Meals

A bona fide meal period is a span of at least 30 consecutive minutes (never less) during which an employee is relieved of duty and free to use the time for his own purposes. It is not counted as hours worked or paid time. Any "meal period" of less than 30 consecutive minutes must be paid as hours worked.

It is not necessary that an employee be permitted to leave the premises during the meal period. However, the time will have to be counted as time worked if the employee is required or permitted to perform any duties while eating.

### 2. Training

Time spent attending classes after hours required by the City to maintain the job must be defined as hours worked.

### 2. Travel

~~Time spent on away from home travel outside of regular work hours for required City business may be considered work time. Department Heads on advice of the Administration Director shall determine when travel counts as hours worked. Normal travel from home to work and work to home is not work time.~~

*Time spent traveling in a capacity which is not considered normal home-to-work travel must be defined as hours worked. Such travel time includes:*

- a. Traveling to a work site in another city for a special one day assignment.*
- b. Travel which is part of the principal activity of an employee's job during the work day. For example: travel between job sites.*
- c. Travel which requires the employee to be away from home overnight. When away from the home communities, hours worked are calculated by using a comparison to the typical start and finish times of a regular work day.*

#### 4. Sleep Time

- a. Duty of less than 24 hours: Under certain conditions an employee is considered to be working even though some of his time is spent in sleeping or in certain other activities. ~~Thus~~Under such conditions, an non-exempt employee who is required to be on duty for less than 24 hours is working even though the employee is permitted to sleep or engage in other personal activities when not busy. It makes no difference if the employee is furnished facilities for sleeping.
- b. Duty of 24 hours or more: Where an non-exempt employee is required to be on duty for 24 hours or more, the employer and the employee may agree to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than 8 hours from hours worked, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night's sleep. If the sleeping period is of more than eight hours, only eight hours will be ~~credited~~excluded from hours worked. Where no expressed or implied agreement to the contrary is present, the eight hours' sleeping time and lunch periods constitute hours worked.

If the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked. If the period is interrupted to such an extent that the employee cannot get a reasonable night's sleep, the entire period must be counted. For enforcement purposes, the Wage and Hour Division of the Department of Labor has adopted the rule that if the employee cannot get at least five hours' sleep during the scheduled period the entire time is working time.

## **H. Time of Payment**

~~There is no requirement under FLSA that overtime compensation be paid weekly. The general rule is that overtime pay earned in a particular work week must be paid on the regular pay day for the period in which the work week ends. If the correct amount of overtime pay cannot be determined until sometime after the regular pay period, the City shall pay the overtime compensation as soon after the regular pay period as practicable. Payment shall not be delayed for a period longer than is reasonably necessary for the City to compute and arrange for payment and in no event shall payment be delayed beyond the next pay day after such computation can be made.~~

## **I. Volunteers**

### **1. Non-Employee Volunteers**

Individuals who volunteer or donate their services, usually on a part-time basis for public service, religious or humanitarian objectives not being performed at the request of or for the benefit of the City are not considered employees of the City during these hours even if they receive a nominal fee or are reimbursed for expenses.

### **3. Employee Volunteers**

An employee may perform volunteer services for the City as long as the services are not the same type of services as the person is employed to perform. If, while off-duty, an employee performs the duties of his position, the time he puts in shall be considered "hours worked" for the purposes of calculating overtime pay. An employee who believes he is entitled to overtime pay shall submit a claim to the supervisor within fifteen (15) working days of the event. Nothing herein shall prohibit an employee from serving as a member of a volunteer organization provided this service does not conflict with employment requirements.

## **J. Secondary Employment**

The City shall not permit an employee who is already employed with the City in a full-time capacity to accept a secondary job ~~with the City except with~~without the prior authorization of the City Manager. Employees must complete the Secondary Employment Request form and submit to Human Resources.

## **K. Shift Trading**

~~An employee may trade shifts with another employee only with the prior approval of the supervisor. The hours worked as a substitute may be excluded~~

~~by the department in the calculation of the hours for overtime compensation when traded in the same work week.~~

### **L.K. Recordkeeping Requirements**

Each department must keep attendance records of regular and overtime hours worked and leave usage for all non-exempt employees. ~~Electronic Time sheets records~~ provide adequate documentation. The actual hours worked must be recorded in the City's Time Keeping System and ~~the completed forms~~ submitted to the Finance Department the Monday of pay week. All employee time and attendance records, leave usage reports and payroll records must be kept for three years, and are maintained in the ~~Administration~~ Finance Department.

### **3.10 On Call Pay (Standby)**

On call pay is compensation for *non-exempt* eligible employees who are *designated by the Department Head as "on-call" and* required to be available when needed to handle emergency situations occurring outside of standard working hours.

- A. When conditions warrant, the Department Head will schedule sufficient manpower to work outside of standard working hours.
- B. An employee who is required to remain on the City's premises or so close thereto that he cannot use the time effectively for his own purposes is working. An employee who is not required to remain on the City's premises but is required to leave word at his home or with officials where he may be reached is "on call".
- C. ~~In most cases, employees will be guaranteed a department defined minimum of straight time compensation per day while on call which is not applied towards the normal work week.~~ *A non-exempt employee who is designated as "on-call" and who is off City premises and is not working shall receive \$28.00 per day during weeknights, \$42.00 per day on weekends, and 50.00 dollars per day on holidays. This compensation shall be in addition to the 2 hour minimum that an employee receives when called in to work and time spent beyond the 2 hour minimum.*
- D. When an employee is called back to work after hours, he will receive credit for the actual time worked or two hours' time, whichever is greater. ~~, beginning at the time he reports to work~~ *When activated, the employee is entitled to compensation for all time necessary to respond, including time spent on the telephone and travel time.* Hours worked on call back *count as hours worked for calculating overtime eligibility* ~~apply to the normal work week.~~

E. IF AN EMPLOYEE ON CALL IS NOT AVAILABLE OR CANNOT BE REACHED  
*WITHIN A REASONABLE PERIOD AS PRE-DETERMINED BY THE*  
*DEPARTMENT HEAD*, HE WILL NOT BE ENTITLED TO ON CALL PAY AND  
MAY BE SUBJECT TO THE CITY'S DISCIPLINARY POLICY.

### 5.3 Sick Leave

Sick leave benefits are a privilege granted by the City to every classified employee. Sick leave is not earned in the sense that it must be taken. It is accrued and is available when justified. Sick leave benefits shall be granted for the following reasons:

A. Absence of Employee Due to Personal Illness and Doctor Appointments  
- illness or injury incapacitating the employee to perform assigned duties; doctor or dental appointments during working hours; and exposure to contagious disease such that the employee's presence on duty would jeopardize the health of fellow workers on the job.

B. Light Duty Return-to-Work Modified Work Assignment Policy

No employee is to be returned to work following an off-duty illness, injury or surgery until the attending physician has released the employee to full duty. The City, however, will make available to an employee who has a non- contagious condition an offer to perform work in a light duty capacity modified duty assignment where there is a legitimate business necessity and where the attending physician has given written authorization to return to light duty perform essential functions of the work assignment. The employee will be paid at an hourly rate classified for the light duty work. ~~The employee may choose to use available sick leave to supplement any salary difference.~~ Any return to light duty modified duty work assignments must be on recommendation of the Department Head to the Administration Human Resources Director with final approval of the City Manager. (See Appendix DD – Modified Work Assignment Procedures)

C. Absence of Employee Due to Illness or Injury in Immediate Family - illness or injury in the immediate family requiring the attendance of the employee. Immediate family is defined as an employee's spouse, children, parents, or other relatives living in the household.

In accordance with the City's established FMLA policy, FMLA runs concurrent with sick leave and begins following the third day of leave.

Sick leave benefits will accrue at the rate of eight (8) hours per month of service. The regular schedule of some employees exceeds 40 hours per week. When employees are authorized to work more than 40 hours on their normal work schedule, they earn leave on a prorated basis. Classified employees whose normal work week schedule is less than 40 hours shall earn leave in proportion to scheduled hours. Accumulation of sick leave benefits will be unlimited. Payment of sick leave benefits will be at a rate equivalent to that payable if the employee was present for work.

In case of illness, an employee (or representative) will notify his Department Head or immediate supervisor as soon as reasonably possible. Failure to notify supervisor in a

reasonable period of time is cause for disciplinary action. Abuse of sick leave may result in an employee's immediate discharge from the City.

The employee may be required to furnish the Department Head and the [Administration-Human Resources](#) Department with a written statement from the physician. This statement shall include:

- B. the nature of the employee's condition,
- C. the expected date on which the employee will be able to return and perform full, unrestricted work duties as described in the job description for the position, and
- D. the approximate anticipated date of medical release by the physician.

If the [Administration-Human Resources](#) Department determines that sick leave benefits cannot be granted to an employee, then the absence will be controlled by the guidelines for other leave categories (i.e., annual leave, leave without pay, etc.). Absence due to job related injury will be recorded as workers compensation as defined in the injury leave policy.

Classified employees who have five or more continuous years of employed service with the City shall be paid 25% of the accumulated sick leave balance at the time of termination or retirement. The amount paid shall not exceed \$5,000.00 for any one employee.

## 5.4 **Family and Medical Leave Act**

The Family and Medical Leave Act (FMLA) ~~of 1993~~, provides employees with unpaid ~~job protected leave for family and medical leave as the result of~~ the birth, adoption or placement of a child for foster care, to care for a spouse, child or parent with a serious health condition or due to the disabling illness of the employee. This policy is intended to supplement but not replace the provisions of the FMLA. Reference should be made to the Act for any requirements or provisions not set out in this section.

### A. **Eligibility**

To be eligible for FMLA leave, an employee must have been employed by the City for at least twelve (12) months, and have provided at least 1,250 hours of service during the twelve (12) months before leave is requested and work at a site with at least 50 employees within a 75 miles radius. An eligible employee is entitled to a total of twelve (12) work weeks (480 hours) of FMLA leave during the rolling twelve (12) month period from the date the first FMLA

begins for one or more of the following:

1. Because of the birth of a child of the employee and in order to care for such child.
2. Because of the placement of a child with the employee for adoption or foster care.
3. In order to care for the spouse, child or parent of the employee having a serious health condition.
4. Because of a serious health condition that makes the employee unable to perform the functions of his position.
5. Because of a spouse, son, daughter, or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces. ([See Special Rules for Military Members](#))

FMLA leave may be taken for birth or placement of a child only within twelve (12) months of that birth or placement. FMLA leave may begin before the actual date of birth of a child, if the expectant mother's condition makes her unable to work.

In any case in which the City employs a husband and wife, the aggregate number of work weeks of leave to which both may be entitled shall be limited to twelve (12) work weeks during the above defined twelve (12) month period, if such leave is taken under Section 5.4(A)(1) or (2) or (3).

[FMLA hours eligible will be determined by the primary work schedule of an employee if he or she is working more than a 40 hour per week schedule.](#)

### **1) Special Rules for Military Members (USERRA)**<sup>[PM1]</sup>

[The Uniformed Services Employment and Reemployment Rights Act \(USERRA\) requires that a person reemployed under its provisions be given credit for any months and hours of service he or she would have been employed but for the USERRA-covered service in determining eligibility for Family and Medical Leave Act \(FMLA\) leave.](#)

[Qualifying Exigency Leave -- This provision allows eligible employees of covered employers to take up to 12 weeks of job-protected FMLA-qualifying leave: Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty \(or has been notified of an impending call or order to active duty\) in the Armed Forces in support of a contingency operation.](#)

[Military Caregiver Leave](#) -An eligible employee is entitled to twenty-six (26) weeks of FMLA leave during a single twelve (12) month period [for the following](#): because of a spouse, son, daughter, parent, or nearest blood relative caring for a [recovering-injured covered](#) service member.

FMLA defines a covered service member as “a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.”

An eligible employee is the spouse, son, daughter, parent or next of kin. “Next of kin” means the nearest blood relative (other than the covered service member’s spouse, parent, son or daughter) in the following order of priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, Brothers and sisters, Grandparents, Aunts and uncles, and First cousins. If the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA, then that individual is deemed to be the service member’s or veteran’s only FMLA next of kin. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members will be considered the covered service member’s next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously.

## **B. Definitions**

1. Child is defined as a biological, adopted or foster child, a step-child, a legal ward, or a child for whom the employee is "in loco parentis", who is under eighteen (18) years of age, or if eighteen (18) years of age or older is incapable of self-care because of mental or physical disability.
2. Parent is defined as the biological parent of an employee, or an individual who stood "in loco parentis" to an employee when the employee was a child. This term does not include parents "in law".
3. Spouse is defined as husband or wife. (same-sex spouses are spouses under federal law if they are spouses under state law, all federal laws and regulations that include spouses include the broader same-sex definition in those states where same-sex marriage is legal.)
4. Serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider.
5. ~~A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active duty that may~~

~~render the person unable to perform the duties of the member's office, grade, ranch, or rating.~~

### C. **FMLA Leave Usage**

1. FMLA leave shall be taken as leave without pay. The use of annual leave, sick leave, injury leave, compensatory time and floater day balances must run concurrently with FMLA. An employee must provide thirty (30) days advance written notice before the date on which the leave would begin in any case where the necessity for the leave is foreseeable. (See Appendix J)
2. FMLA leave may be taken intermittently or on a reduced schedule if medically necessary. FMLA leave on an intermittent or reduced schedule may not be taken for the birth, adoption or receipt into foster care of a child. If FMLA leave is taken intermittently, an employee may be required to transfer temporarily to an alternative position, with equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular position.
3. If FMLA leave is foreseeable based on planned medical treatment, the employee shall make a reasonable effort to schedule treatment so as not to disrupt unduly the operations of the workplace.

### D. **Recordkeeping Requirements**

1. Requests for FMLA leave must be submitted to the Department Head in writing ~~along with required doctor's certification (See Appendix J) outlining the nature of the request.~~ The Department Head will forward the request to the ~~Administration~~ Human Resources Director for review and final approval by the City Manager. Employee will be required to submit the Health Care Provider Certification of a serious health condition to Human Resources within 15 days of the request. (See Appendix J). Certification is to include the date on which the serious health condition began; the probable duration of the condition; appropriate medical facts regarding the condition; a statement that the employee is needed to care for a spouse, parent or child, and an estimate of the time required, or that the employee is unable to perform the job functions, and in the case of intermittent leave, the dates and duration of treatments to be given. Once received, The decision of the City will be documented on the Employer Response to Employee Request for FMLA form (See Appendix J).

2. FMLA leave requests shall be for a period of not less than one (1) hour increments, and additional increments shall be in not less than one (1) hour.
3. ~~The employee must provide doctor's certification of a serious health condition for himself or spouse, parent or child. When necessary, the City shall provide the doctor with the Certification of Health Care Provider form for completion (See Appendix J). Certification is to include the date on which the serious health condition began; the probable duration of the condition; appropriate medical facts regarding the condition; a statement that the employee is needed to care for a spouse, parent or child, and an estimate of the time required, or that the employee is unable to perform the job functions, and in the case of intermittent leave, the dates and duration of treatments to be given.~~
4. An employee may be required to submit to a medical evaluation for a second opinion at the City's expense. In the event of conflicting opinions, the employer may pay for a third and final provider to offer a binding decision.
5. The employee may be required to provide subsequent "recertification" on a reasonable basis as required by the City.
6. An employee returning to work from FMLA leave due to his own serious health condition is required to present to the Department Head and the Administration-Human Resources Department a statement from the attending physician certifying his ability to return to full, unrestricted duty as described in the job description for the position. Employee cannot return to work until granted permission from the Human Resources Department.

#### **E. Status of Benefits**

1. An employee who completes a period of FMLA leave will be returned to the same or an equivalent position.
2. FMLA leave will not result in the loss of any previously acquired benefits, however, FMLA leave time will not be credited towards any future benefits.
3. The employee may elect to continue participation in the City's group health benefit program during the employee's FMLA leave status. The employer is responsible for paying the employee's portion of the premium. When an employee returns to work upon completion from leave, the employee will be responsible for reimbursing the City for his/her portion of the premiums. This also includes contributions due from the employee for Virginia Retirement

System and all other voluntary elected benefits. If an employee does not return to work following the expiration of FMLA leave, the City shall take action to recover any unpaid employee premiums as well as contributions due from the employee for Virginia Retirement System and all other voluntary elected benefits. ~~the City's contributions to premiums. Exceptions to this include the employee's failure to return to work due to the continuation, recurrence, or onset of a serious health condition or, other circumstances beyond the control of the employee.~~

## **5.5 Sick Leave Bank**

### **A. Purpose**

The Sick Leave Bank is designed for extenuating health circumstances where an employee does not have adequate accrued leave to meet the medical need without adversely impacting his income. It is designed to help co-workers and their families during financial hardship brought about by serious and unforeseen illness of significant duration or other unforeseen tragic family event. The program is not intended to assist employees with routine medical problems, elective procedures, or predictable medical events (such as the normal six- week recovery period following childbirth). If an employee qualifies for worker's compensation, they may not draw from the bank.

### **B. Eligibility for Membership**

All full and part-time classified employees may elect to participate in the Sick Leave Bank. The employee must be employed for six consecutive months. New employees may enroll after this six-month period. Current employees who opted not to join at onset of Sick Leave Bank may elect to enroll during WinFlex annual benefits open enrollment. Enrollment may be denied based on the employee's past attendance record. All employees participating in the Sick Leave Bank are required to certify that they are covered by a health insurance plan.

Upon termination of employment, withdrawal of membership from the bank or termination of the bank, participating employees will not be permitted to withdraw their contributed days nor will they be reimbursed for any days in the bank.

### **C. Enrollment and Deposits**

An employee must file a completed Application for Sick Leave Bank Membership (See Appendix K) with the ~~Administration~~ Human Resources Department. The application will be forwarded to the City Manager for consideration. The ~~Administration~~ Human Resources Department will notify the employee of his acceptance or denial within ten days of application.

Deposits are defined as an initial contribution of two times an employee's monthly sick leave accrual rate and, when deemed necessary, annually thereafter at one

times the monthly sick leave accrual rate.

A special assessment from each participating employee may apply if the bank balance falls below 240 hours. At that time, members will have the option to cancel their membership. Any member drawing leave from the bank will be exempted from the assessment at that time, but are required to deposit the assessment when next available. The special assessment must produce a minimum deposit of 720 hours or the bank will cease to exist.

#### D. **Eligibility for Benefits**

Prior to withdrawal, the member must use up all ~~sick leave and 50% of remaining available leave balances~~ accrued leave excluding floater time not yet truly earned.

Eligible members may draw up to 240 hours (approximately six working weeks) during a twelve-month period. A twelve (12) month period is defined as the consecutive twelve month period measured forward from the date the first sick leave bank usage begins. Upon exhaustion of eligible benefits, an employee will cease to have access to the sick leave bank and will not be eligible in the future.

#### E. **Bank Withdrawals**

The employee must make application for the benefit; it is not automatic. An employee drawing sick leave from the bank will not be expected to replace it. An employee will not accrue leave of any type including pay for holidays while drawing days from the Sick Leave Bank.

An employee must file a completed Application for Use of Sick Leave Bank (See Appendix K) with the ~~Administration Department~~ Human Resources Department. The Physician's Statement must be attached to this application. The application will be forwarded to ~~the City Manager~~ Human Resources Director for consideration. Once reviewed, the Human Resources Director will obtain final approval from the City Manager and notify the employee of his acceptance or denial within ten days of application.

Participation in the Sick Leave Bank shall run concurrently with Family Medical Leave once all accrued leave has been exhausted. If an employee is receiving short-term disability while using the sick leave bank, the employee shall only draw the amount of time from the sick leave bank to bring his total compensation to equal his regular salary. No benefits shall be paid from the Sick Leave Bank for a work-related injury or for a sickness for which an employee is entitled to worker's compensation.

#### F. **Appeals and Emergency Applications**

If an Application for Sick Leave Bank Membership or for Use of Sick Leave Bank benefits is denied, a formal appeal may be made in writing and within five working days. The City Manager will conduct a hearing and give his final decision within ten

working days of the receipt of appeal.

For those medical emergencies when a City employee does not meet the minimum requirements, or needs an additional withdrawal after exhausting the terms of this policy, the City of Winchester provides for an emergency application process.

Emergency applications are to be made in writing to the [Human Resources Director](#) and the City Manager ~~and copied to the Benefits Committee~~. The City Manager and the ~~Benefits Committee~~ [Human Resources Director](#) will determine the disposition of the emergency application based on the conditions of the individual case and the merit of the individual appeal.

#### 5.14 ***Closings - Emergency/Inclement Weather/Other***

The City Manager *or designee* will determine when weather conditions or *situations* justify curtailing or adjusting work schedules. It is the intent of the City to maintain City operations to the extent that prudence and safety will allow. Department Heads will maintain normal work schedules unless authorized to alter such schedules by the City Manager. Employees are expected to make a reasonable effort to conform to established work schedules.

~~In the event of an existing or anticipated inclement weather, it is the intent of the City to maintain City operations to the extent that prudence and safety will allow. Employees are expected to make a reasonable effort to conform to established work schedules. When employees arrive at work late because of general transportation difficulties, the period of absence, if determined to be reasonable by an employee's Department Head and approval by the City Manager, may be excused. However, if City offices are operative, employees who do not report to work at all will be charged annual leave, if available, for the full period of absence. If no annual leave is available, the day missed will be charged to approved leave without pay. If an employee misses a workday due to bad weather and the office is subsequently closed early he will still be charged with a full absence. Should inclement weather cause early closing of offices, the effect will be the same as if the normal workday ended. Classified employees who reported for work will be paid a full day.~~

~~Employees absent due to an authorized closing for an entire workday will be paid for such absence. To qualify for payment, employees must work the scheduled workday before and after the closing, or work either of such days and be on approved leave with or without pay for the other day. Employees not qualifying may apply annual leave, if available, to the day of closing.~~

~~Employees identified by Department Heads as being required to work during authorized closings shall be referred to as "essential personnel". Essential personnel shall be credited with compensatory leave or paid for straight time plus time for actual hours worked during authorized closings. Essential personnel required to work in excess of the hours in their normally scheduled shift shall be paid according to established departmental overtime policies.~~

#### **1. Definitions**

- a. *Essential Personnel - City employees who, except when specifically exempted, shall continue to perform their assigned duties regardless of existing severe inclement weather or emergency conditions.*
- b. *Non-Essential Personnel - All City employees not designated as Essential personnel.*
- c. *Inclement Weather Conditions - Shall include but not be limited to such natural*

*weather conditions as snow storms, hurricanes, tornados, floods, and/or the imminent reasonable anticipated occurrence of such conditions.*

- d. Emergency Conditions - Shall include but not be limited to such occurrences as explosions, fires, major power failures, major environmental occurrences or conditions of such severity or magnitude that extraordinary governmental action is necessitated in order to avoid immediate and irrevocable harm to the public.*
- e. Other Conditions - Shall include any other situation not listed in 1.c or d. where the City Manager authorizes a closing.*

**2. Predesignation of job classifications and incumbents of positions within job classifications as Essential or Non-Essential:**

- a. Department Directors shall be responsible for predesignation of Essential personnel under their direction. This predesignation shall be included in the employee's job description and shall serve as notification to each Essential employee. Each Essential employee shall sign the job description acknowledging the essential employee designation. Department Directors shall also transmit a list of all Essential positions in their department and the names of incumbents of these positions to the Human Resources Director and Finance Director. The Human Resources Director shall be responsible for maintaining the official list of Essential personnel. Employee positions and names of employees not appearing on such lists are by exception automatically predesignated Non-essential employees. Designations for some employees may be for all circumstances (i.e., police officers may be designated as Essential regardless of emergency or inclement weather conditions) or some employees may be restricted to specific criteria (i.e., a maintenance tech may be designated Essential only when it snows).*
- b. Predesignation of personnel as Essential or Non-essential shall not restrict or limit the authority of the City Manager or Department Directors to call upon specific Non-Essential personnel for service during emergency/inclement conditions or to relieve Essential personnel from services as necessary or advisable, in particular instances (i.e., incidents of long duration).*

**3. Announcements:**

- a. Announcements of an emergency/inclement weather condition closure or adjustment of work schedules will be communicated through the City's email system, website, City Facebook Page, and Employee Cancellation Hotline (540-667-1815 ext. 1111). Emergency/inclement weather condition designations are automatically canceled at the end of each day.*
- b. The distinction between Essential and Non-essential will generally not be included in announcements since Essential employees are expected to report to duty for the designated emergency/inclement weather condition.*

- d. *City employees will be responsible for monitoring, City email, the City website and/or the Employee Cancellation Hotline (540-667-1815 ext. 1111) for announcements related to the designation and cancellation of emergency/inclement weather conditions. An employee's failure to hear such announcements shall be the responsibility of the employee, and an employee's unexcused late arrival to or absence from scheduled work due to failure to monitor and act upon such announcements may subject the employee to the City's disciplinary policy.*
- e. *When an emergency/inclement weather condition closure or adjustment of work schedules is designated:*
  - (1) *Announcements will be transmitted through the City's email, the City website and/or the Employee Cancellation Hotline (540-667-1815 ext. 1111), and/or through employees' supervisors.*
  - (2) *If designated during work hours essential personnel will remain on duty, or if scheduled for duty will report at their established reporting time. In the event of an official closure of the City Government non-essential personnel will leave the work site, except such personnel who are subject to a specific call of duty. (A supervisor may request non-essential specific personnel to stay on duty if needed.)*
  - (3) *If designated prior to established work hours essential personnel will report to work at the usual starting time of their work day or as otherwise scheduled by their supervisor. Non-essential personnel would not report to work, except such personnel who are subject to a specific call of duty. (A supervisor may require specific non-essential employees to report for a specific call of duty unlike other non-essential personnel.)*

#### **4. Leaves of absence and overtime compensation during closures:**

- a. *If adverse weather conditions cause difficulty in employees getting to or from work and City offices are not officially closed, non-essential employees may use leave to cover their absence should they not report to work or leave work early. Such absence, as in the case for all absences, requires approval of the Department Head or designee.*
- b. *If the City Manager authorizes the delayed opening or early closure of all City Offices because of an emergency, inclement weather or other conditions:*
  - (1) *Non-essential full-time and part-time employees who have reported to work will not suffer a loss in compensation and will be paid their regularly scheduled hours for that day. Part-time employees who do not report to work will not be paid.*
  - (2) *Non-essential full-time employees who do not report to work due to an emergency/inclement weather/other condition and the office is*

*subsequently closed will be charged leave, if available, for the full period of absence. If leave is not available, the day will be charged to leave without pay.*

- (3) Non-exempt essential personnel required to work outside their normally scheduled hours during an authorized closing will receive pay at their normal hourly rate for all such hours worked outside their normally scheduled hours until total hours exceed the applicable over-time threshold.*
  - (4) In addition, non-exempt essential personnel will receive compensatory leave at straight time, on an hour for hour basis, for any hours of required work performed during the periods of authorized emergency/inclement weather closure that fall within their normally scheduled work hours, not to exceed eight (8) hours.*
  - (5) In the case of a closure due to Other conditions, non-exempt essential personnel will receive compensatory leave at straight time, on an hour for hour basis, for any hours of required work performed during the specified period of closing. For example, the City Manager authorizes a 2 hour early dismissal of non-essential staff on New Year's Eve, non-exempt essential employees who are required to work on New Year's Eve would receive 2 hours of compensatory leave.*
- c. If the City Manager authorizes the closing of all City Offices because of an emergency, inclement weather or other conditions:*
- (1) Non-essential full-time and part-time employees will not suffer a loss in compensation and will be paid their regularly scheduled hours for that day.*
  - (2) Non-exempt essential personnel required to work outside their normally scheduled hours during an authorized emergency closing will receive pay at their normal hourly rate for all such hours worked outside their normally scheduled hours until total hours exceed the applicable over-time threshold and shall be paid in accordance with the overtime policy.*
  - (3) In addition, non-exempt essential personnel will receive compensatory leave at straight time, on an hour for hour basis, for any hours of required work performed during the periods of authorized closure that fall within their normally scheduled work hours, not to exceed eight (8) hours.*
- d. Employees who are absent and have had leave approved prior to the designation of closure will remain in the approved status and have the leave charged to the originally approved leave category.*
- f. If the City Manager authorizes the delayed opening, early closure or full-day closure of a specific City facility due to an emergency or other situation that only affects that facility:*

- (1) Non-essential full-time and part-time employees who are scheduled to work at the closed facility will not suffer a loss in compensation and will be paid their regularly scheduled hours during the closure.*
- (2) Non-exempt essential personnel required to work outside their normally scheduled hours during this type of authorized emergency closing will receive pay at their normal hourly rate for all such hours worked outside their normally scheduled hours until total hours exceed the applicable over-time threshold and shall be paid in accordance with the overtime policy.*
- (3) City employees not affected by this delayed opening, early closure, or full-day closure shall report as scheduled and will receive pay at their normal hourly rate for any hours worked.*



## EMPLOYEE REQUEST FOR FAMILY AND MEDICAL LEAVE

This application is to be completed and returned to Human Resources at least 30 days before the leave is to commence if the need for the leave is foreseeable. In circumstances when the leave is not foreseeable 30 days in advance, an employee must request the leave as soon as practicable. The City of Winchester may designate leave as FMLA leave without a request from an employee.

Employee Information
Employee Name: _____ Employee Number: _____ Date of Request: _____ Department: _____ Job Title: _____
Type of Leave
I hereby request the following type of leave:  <input type="checkbox"/> Family leave for the: <input type="checkbox"/> Birth of my son or daughter <input type="checkbox"/> Placement of a child with me for <input type="checkbox"/> adoption <input type="checkbox"/> foster care Anticipated date of birth or placement: _____  <input type="checkbox"/> Family leave to care for a spouse, son, daughter or parent with a serious health condition Family member's full name: _____ Relationship to you: <input type="checkbox"/> spouse <input type="checkbox"/> parent <input type="checkbox"/> son or daughter <input type="checkbox"/> other (if applicable) <input type="checkbox"/> Medical leave for my own serious health condition (Specify): _____
Amount of Leave
I request that the leave be granted for the following period of time:  Beginning on (date): _____ Ending on (date): _____  I further request that the leave be granted for the following reduced or intermittent leave schedule: _____
<p><b><i>If you are approved for FMLA, you will be responsible for ensuring your benefits are paid for and payments are up to date. As per CEMS Policy 5.4 section C, employees are mandated to use their accrual balances. If you run out of accruals and can no longer make your usual benefit deductions, you will have to pay the City.</i></b></p>
<input type="checkbox"/> Check here if you are participating in the City's Medical Health Insurance and/or Dependent Care Flexible Spending Account(s).  <input type="checkbox"/> Check here if you are enrolled in VRS (Virginia Retirement System) and or any other additional elected benefits (Short Term Disability, Critical Accident Coverage).

APPENDIX J

If you are participating in any of the above benefits, please indicate how you choose to continue to pay for these benefits while on Family and Medical Leave.

- I have enough paid time off accruals to cover my benefit deductions while I am out on leave.
- Pre-pay the contribution on a pre-tax basis.
- When returning to my position, I authorize deductions be taken from my paycheck.

**Employee Certification and Signature**

I understand that while on leave and using accrued leave I will continue to earn paid time off accruals. I also understand that while I am on unpaid leave I will not earn paid time off accruals.

I also understand that during my leave, the City of Winchester will not pay my portion of my health and dental insurance premiums. I am required to pay my share of all health and dental coverage. If I fail to make my share of the monthly premium, I will be provided written notice of this failure and be given an additional 15 days to make payment in full. If payment is not made after this notice, I understand that my health and dental benefit coverage will cease.

In addition to health and dental, if I am taking a full or partial unpaid leave, I am responsible for the payment of all other benefits I have elected. This includes but is not limited to Virginia Retirement System, additional life insurance and additional optional health insurance coverage. Further, if I fail to return to work after the expiration of the leave, I am expected to reimburse the City of Winchester for its share of the health and dental insurance premiums.

I understand that submitting this application does not indicate an approval of my leave. The City of Winchester will respond in writing as to the conditions of my request for leave.

*I certify that the information given on this form is true. I understand that making false statements on this form is grounds for discipline up to and including termination of my employment.*

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Required Signatures**

**Requested and Acknowledged:**

Department Head Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FMLA Eligible: (HR Only)**

Benefits Specialist Signature: \_\_\_\_\_ Date: \_\_\_\_\_

HR Director: \_\_\_\_\_ Date: \_\_\_\_\_

**Approved:**

City Manager Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Frequently Asked Questions and Answers

***Q: How much leave am I entitled to under FMLA?***

If you are an "eligible" employee, you are entitled to 12 weeks of leave for certain family and medical reasons during a 12-month period.

***Q: How is the 12-month period calculated under FMLA?***

Employers may select one of four options for determining the 12-month period:

- the calendar year;
- any fixed 12-month "leave year" such as a fiscal year, a year required by state law, or a year starting on the employee's "anniversary" date;
- the 12-month period measured forward from the date any employee's first FMLA leave begins; or
- a "rolling" 12-month period measured backward from the date an employee uses FMLA leave.

***Q: Does the law guarantee paid time off?***

No. The FMLA only requires unpaid leave. However, the law permits an employee to elect, or the employer to require the employee, to use accrued paid leave, such as vacation or sick leave, for some or all of the FMLA leave period. When paid leave is substituted for unpaid FMLA leave, it may be counted against the 12-week FMLA leave entitlement if the employee is properly notified of the designation when the leave begins.

***Q: Does workers' compensation leave count against an employee's FMLA leave entitlement?***

It can. FMLA leave and workers' compensation leave can run together, provided the reason for the absence is due to a qualifying serious illness or injury and the employer properly notifies the employee in writing that the leave will be counted as FMLA leave.

***Q: Can the employer count leave taken due to pregnancy complications against the 12 weeks of FMLA leave for the birth and care of my child?***

Yes. An eligible employee is entitled to a total of 12 weeks of FMLA leave in a 12-month period. If the employee has to use some of that leave for another reason, including a difficult pregnancy, it may be counted as part of the 12-week FMLA leave entitlement.

***Q: Can the employer count time on maternity leave or pregnancy disability as FMLA leave?***

Yes. Pregnancy disability leave or maternity leave for the birth of a child would be considered qualifying FMLA leave for a serious health condition and may be counted in the 12 weeks of leave so long as the employer properly notifies the employee in writing of the designation.

***Q: If an employer fails to tell employees that the leave is FMLA leave, can the employer count the time they have already been off against the 12 weeks of FMLA leave?***

In most situations, the employer cannot count leave as FMLA leave retroactively. Remember, the employee must be notified in writing that an absence is being designated as FMLA leave. If the employer was not aware of the reason for the leave, leave may be designated as FMLA leave retroactively only while the leave is in progress or within two business days of the employee's return to work.

## APPENDIX J

***Q: Who is considered an immediate "family member" for purposes of taking FMLA leave?***

An employee's spouse, children (son or daughter), and parents are immediate family members for purposes of FMLA. The term "parent" does not include a parent "in-law". The terms son or daughter do not include individuals age 18 or over unless they are "incapable of self-care" because of mental or physical disability that limits one or more of the "major life activities" as those terms are defined in regulations issued by the Equal Employment Opportunity Commission (EEOC) under the [Americans With Disabilities Act \(ADA\)](#).

***Q: May I take FMLA leave for visits to a physical therapist, if my doctor prescribes the therapy?***

Yes. FMLA permits you to take leave to receive "continuing treatment by a health care provider," which can include recurring absences for therapy treatments such as those ordered by a doctor for physical therapy after a hospital stay or for treatment of severe arthritis.

***Q: Which employees are eligible to take FMLA leave?***

Employees are eligible to take FMLA leave if they have worked for their employer for at least 12 months, and have worked for at least 1,250 hours over the previous 12 months, and work at a location where at least 50 employees are employed by the employer within 75 miles.

***Q: Do the 12 months of service with the employer have to be continuous or consecutive?***

No. The 12 months do not have to be continuous or consecutive; all time worked for the employer is counted.

***Q: Do the 1,250 hours include paid leave time or other absences from work?***

No. The 1,250 hours include only those hours actually worked for the employer. Paid leave and unpaid leave, including FMLA leave, are not included.

***Q: How do I determine if I have worked 1,250 hours in a 12-month period?***

Your individual record of hours worked would be used to determine whether 1,250 hours had been worked in the 12 months prior to the commencement of FMLA leave. As a rule of thumb, the following may be helpful for estimating whether this test for eligibility has been met;

24 hours worked in each of the 52 weeks of the year; or  
over 104 hours worked in each of the 12 months of the year; or  
40 hours worked per week for more than 31 weeks (over seven months) of the year.

***Q: Do I have to give my employer my medical records for leave due to a serious health condition?***

No. You do not have to provide medical records. The employer may, however, request that, for any leave taken due to a serious health condition, you provide a medical certification confirming that a serious health condition exists.

***Q: Can my employer require me to return to work before I exhaust my leave?***

Subject to certain limitations, your employer may deny the continuation of FMLA leave due to a serious health condition if you fail to fulfill any obligations to provide supporting medical certification. The employer may not, however, require you to return to work early by offering you a light duty assignment.

## APPENDIX J

### ***Q: Are there any restrictions on how I spend my time while on leave?***

Employers with established policies regarding outside employment while on paid or unpaid leave may uniformly apply those policies to employees on FMLA leave. Otherwise, the employer may not restrict your activities. The protections of FMLA will not, however, cover situations where the reason for leave no longer exists, where the employee has not provided required notices or certifications, or where the employee has misrepresented the reason for leave.

### ***Q: Can my employer make inquiries about my leave during my absence?***

Yes, but only to you. Your employer may ask you questions to confirm whether the leave needed or being taken qualifies for FMLA purposes, and may require periodic reports on your status and intent to return to work after leave. Also, if the employer wishes to obtain another opinion, you may be required to obtain additional medical certification at the employer's expense, or rectification during a period of FMLA leave. The employer may have a health care provider representing the employer contact your health care provider, with your permission, to clarify information in the medical certification or to confirm that it was provided by the health care provider. The inquiry may **not seek additional information** regarding your health condition or that of a family member.

### ***Q: Can my employer refuse to grant me FMLA leave?***

If you are an "eligible" employee who has met FMLA's notice and certification requirements (and you have not exhausted your FMLA leave entitlement for the year), you may **not** be denied FMLA leave.

### ***Q: Will I lose my job if I take FMLA leave?***

Generally, no. It is unlawful for any employer to interfere with or restrain or deny the exercise of any right provided under this law. Employers cannot use the taking of FMLA leave as a negative factor in employment actions, such as hiring, promotions or disciplinary actions; nor can FMLA leave be counted under "no fault" attendance policies. Under limited circumstances, an employer may deny reinstatement to work - but not the use of FMLA leave - to certain highly-paid, salaried ("key") employees.

### ***Q: Are there other circumstances in which my employer can deny me FMLA leave or reinstatement to my job?***

In addition to denying reinstatement in certain circumstances to "key" employees, employers are not required to continue FMLA benefits or reinstate employees who would have been laid off or otherwise had their employment terminated had they continued to work during the FMLA leave period as, for example, due to a general layoff.

Employees who give unequivocal notice that they do not intend to return to work lose their entitlement to FMLA leave.

Employees who are unable to return to work and have exhausted their 12 weeks of FMLA leave in the designated "12 month period" no longer have FMLA protections of leave or job restoration

Under certain circumstances, employers who advise employees experiencing a serious health condition that they will require a medical certificate of fitness for duty to return to work may deny reinstatement to an employee who fails to provide the certification, or may delay reinstatement until the certification is submitted.

### ***Q: Can my employer fire me for complaining about a violation of FMLA?***

No. Nor can the employer take any other adverse employment action on this basis. It is unlawful for any employer to discharge or otherwise discriminate against an employee for opposing a practice made unlawful under FMLA.

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### ***Q: Does an employer have to pay bonuses to employees who have been on FMLA leave?***

The FMLA requires that employees be restored to the same or an equivalent position. If an employee was eligible for a bonus before taking FMLA leave, the employee would be eligible for the bonus upon returning to work. The FMLA leave may not be counted against the employee. For example, if an employer offers a perfect attendance bonus, and the employee has not missed any time prior to taking FMLA leave, the employee would still be eligible for the bonus upon returning from FMLA leave.

On the other hand, FMLA does not require that employees on FMLA leave be allowed to accrue benefits or seniority. For example, an employee on FMLA leave might not have sufficient sales to qualify for a bonus. The employer is not required to make any special accommodation for this employee because of FMLA. The employer must, of course, treat an employee who has used FMLA leave at least as well as other employees on paid and unpaid leave (as appropriate) are treated.

### ***Q: Under what circumstances is leave designated as FMLA leave and counted against the employee's total entitlement?***

In all circumstances, it is the employer's responsibility to designate leave taken for an FMLA reason as FMLA leave. The designation must be based upon information furnished by the employee. Leave may not be designated as FMLA leave after the leave has been completed and the employee has returned to work, except if;

- the employer is awaiting receipt of the medical certification to confirm the existence of a serious health condition;
- the employer was unaware that leave was for an FMLA reason, and subsequently acquires information from the employee such as when the employee requests additional or extensions of leave; or,
- the employer was unaware that the leave was for an FMLA reason, and the employee notifies the employer within two days after return to work that the leave was FMLA leave.

### ***Q: Can my employer count FMLA leave I take against a no fault absentee policy?***

No.

## **FMLA USERRA -Uniformed Services Employment and Reemployment Rights Act**

### **Q. Why is the Department of Labor revising the Family and Medical Leave Act regulations?**

**A. The Department is revising the regulations to implement and interpret two statutory amendments to the Family and Medical Leave Act (FMLA): the National Defense Authorization Act for Fiscal Year 2010 (FY 2010 NDAA) and the Airline Flight Crew Technical Corrections Act (AFCTCA).**

### **Q. How did the FY 2010 NDAA change the military leave entitlements?**

**A. The FY 2010 NDAA amended the FMLA's military family leave provisions to expand the availability of military caregiver leave and qualifying exigency leave. The FY 2010 NDAA extended military caregiver leave to eligible employees whose family members are recent veterans with serious injuries or illnesses, including conditions that do not arise until after the veteran has left the military. The FY 2010 NDAA also expanded the definition of a serious injury or illness for both current servicemembers and veterans to include serious injuries or**

## APPENDIX J

illnesses that result from a condition that existed before the servicemember's active duty service and was aggravated by service in the line of duty on active duty.

In addition, the FY 2010 NDAA expanded qualifying exigency leave to eligible employees with family members serving in the Regular Armed Forces, in addition to the National Guard and Reserves. The FY 2010 NDAA also added the requirement that for all qualifying exigency leave the military member (National Guard, Reserves, Regular Armed Forces) must be deployed to a foreign country.

Q. How does the Final Rule change the military caregiver leave provisions?

A. Military caregiver leave entitles an eligible employee who is the spouse, parent, son, daughter, or next of kin of a covered servicemember with a serious illness or injury to take up to a total of 26 workweeks of unpaid, job-protected leave during any single 12-month period to care for the servicemember. Before the FY 2010 NDAA was enacted, military caregiver leave was limited to eligible employees who were the family members of current servicemembers with a serious injury or illness incurred in the line of duty on active duty. The Final Rule expands military caregiver leave to eligible employees who are the family members of certain veterans with a serious injury or illness incurred or aggravated in the line of duty on active duty and that manifested before or after the veteran left active duty. The Final Rule expands the definition of serious injury or illness for a current servicemember to include injuries or illnesses that existed prior to the servicemember's active duty but were aggravated in the line of duty on active duty.

Q. Does the Final Rule allow eligible family members to take FMLA military caregiver leave for all veterans with a serious injury or illness?

A. No. The Final Rule limits FMLA military caregiver leave to family members of certain covered veterans. A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness is a covered veteran if he or she: (1) was a member of the Armed Forces (including a member of the National Guard or Reserves); (2) was discharged or released under conditions other than dishonorable; and (3) was discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for the veteran.

Q. How is the five-year period for a covered veteran determined?

A. The Final Rule permits eligible employees to begin taking military caregiver leave up to five years after their family member was discharged or released from the military. The employee's first date of leave must be within the five-year period; however, the employee may continue to take such leave throughout the "single 12-month period" that is applicable to military caregiver leave, even if the leave extends beyond the five-year period.

For a veteran who was discharged before the effective date of this Final Rule, the Final Rule excludes the period of time between October 28, 2009 (the FY 2010 NDAA's enactment date) and the effective date of this Final Rule in calculating the veteran's five-year period. By excluding this period of time, the Final Rule protects the military caregiver leave entitlement for the family members of veterans whose five-year period either expired or was diminished between October 28, 2009 and the effective date of this Final Rule. For example, if a

## APPENDIX J

servicemember retired on October 28, 2007, on October 28, 2009 he or she would have had three years remaining of the five-year period. The family member will have three years, starting on March 8, 2013, within which he or she can begin to take military caregiver leave to care for that veteran. Likewise, if a servicemember was discharged on December 1, 2010, the five-year period will begin on March 8, 2013 and extend until March 8, 2018. If the servicemember is discharged on or after March 8, 2013, the five-year period begins on the date of discharge.

Q. What is a serious injury or illness for a covered veteran?

A. The Final Rule defines a serious injury or illness for a covered veteran as an injury or illness that was incurred by the veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that manifested before or after becoming a veteran, and that is either:

1.a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

2.a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; or

3.a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or

4.an injury, including a psychological injury, on the basis of which the veteran is enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

The family member of a veteran only needs to show that the veteran meets one of these definitions to establish that the veteran has a serious injury or illness.

Q. Has the definition of a serious injury or illness for a current service member changed?

A. Yes. The Final Rule expands the definition of serious injury or illness for current servicemembers to include preexisting conditions that were aggravated by service in the line of duty on active duty.

Q. Have the medical certification requirements for military caregiver leave changed?

A. Yes. The Final Rule expands the list of health care providers who can provide a medical certification to support FMLA military caregiver leave to include health care providers who are not affiliated with the military. If a medical certification is obtained from a health care provider who is not affiliated with the military, the employer may request a second (or third) opinion from the employee. The Final Rule retains the provisions that healthcare certifications obtained from healthcare providers associated with the military may not be subject to second and third opinions. In either situation, employers are not permitted to request recertifications.

The Final Rule also allows eligible employees to submit a copy of a VASRD rating determination or documentation of enrollment in the Program of Comprehensive Assistance for Family Caregivers from the Department of Veterans' Affairs to certify that the veteran has a serious injury or illness. However, if an employee submits such documents, the employee may still be required to provide additional information.

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Q. How does the Final Rule change the qualifying exigency leave provisions?

A. Qualifying exigency leave entitles an eligible employee whose spouse, son, daughter, or parent is a military member on covered active duty to take unpaid, job-protected leave to address any of the qualifying exigencies listed in the regulations. Before the FY 2010 NDAA was enacted, qualifying exigency leave was limited to eligible employees whose family member was a military member of the National Guard and Reserves. The Final Rule implements the FY 2010 NDAA amendments expanding qualifying exigency leave to eligible employees with a spouse, son, daughter, or parent in the Regular Armed Forces on covered active duty . The Final Rule also includes a foreign country deployment requirement in the definition of covered active duty for both members of the Regular Armed Forces and members of the National Guard and Reserves.

In addition, the Final Rule adds a new category of qualifying exigency that allows employees to take qualifying exigency leave for certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty. The Final Rule also increases the amount of time from five days to up to 15 calendar days that an eligible employee may take to spend with his or her military family member during the military member's Rest and Recuperation leave.

Q. What is covered active duty?

A. For a member of the Regular Armed Forces, covered active duty or call to covered active duty status means duty during the deployment of the member with the Armed Forces to a foreign country.

For a member of the Reserve components of the Armed Forces (members of the National Guard and Reserves), covered active duty or call to covered active duty status means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

Q. What is the definition of deployment of a member with the Armed Forces to a foreign country?

A. Deployment to a foreign country means the military member is deployed to an area outside of the United States, the District of Columbia, or any Territory or possession of the United States. Deployment to a foreign country includes deployment to international waters.

Q. Under what circumstances can qualifying exigency leave be taken for the care of the military member's parent?

A. The Final Rule creates a new qualifying exigency leave category that allows an eligible employee to take qualifying exigency leave for certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty, such as arranging for alternative care; providing care on a non-routine, urgent, immediate need basis; admitting or transferring the military member's parent to a new care facility; and attending certain meetings with staff at a care facility, such as meetings with hospice or social service providers.

APPENDIX J

**Information obtained on February 24, 2004 from  
<http://www.dol.gov/elaws/esa/fmla/faq.asp>**

**U.S. Department of Labor**  
Frances Perkins Building  
200 Constitution Avenue, NW  
Washington, DC 20210

**1-866-4-USA-DOL**  
TTY: 1-877-889-5627

**APPENDIX K**

**City of Winchester • Application for Sick Leave Bank Membership**

Please type or print:

Name: \_\_\_\_\_  
Last First M.I. Last 4 of Social Security Number

Department: \_\_\_\_\_

I hereby request to participate in the City of Winchester Sick Leave Bank and authorize the contribution of two times my monthly sick leave accrual rate to the bank. I understand that, each fiscal year hereafter, I may be required to contribute one times my monthly sick leave accrual rate to continue my participation. Additional contributions may be required if the bank balance falls below 240 hours.

I understand that sick leave contributions to the bank will not be returned if I cancel participation in the bank, terminate service with the City or the Sick Leave Bank policy is terminated.

I have read the Sick Leave Bank charter and understand the benefits of membership.

Employee Signature: \_\_\_\_\_ Date \_\_\_\_\_

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For Office Use Only

Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_

Comments: \_\_\_\_\_

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HR Director Signature \_\_\_\_\_ Date: \_\_\_\_\_

<u>Fiscal Year</u>	<u>Hours Contributed</u>	<u>Hours Used</u>	<u>Dates of Use</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____



**APPENDIX K**

**City of Winchester • Sick Leave Bank • Physician's Statement**

I hereby authorize my physician to release the information requested on this form and to provide additional information upon request of my employer.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please print name: \_\_\_\_\_

\_\_\_\_\_  
Last 4 of Social Security Number

*Dear Physician:*

*The above named employee is requesting benefits under the provision of the City of Winchester Sick Leave Bank. This program is maintained and supported by the contributions of sick leave days by individual members with the purpose of assisting an employee who is incapacitated by any illness or injury.*

*Please describe the nature of the illness or injury that will prevent the employee from fulfilling his/her work responsibilities:*

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*I hereby certify that the above named employee of the City of Winchester is totally unable to meet work responsibilities due to the conditions described above. The return to work date is projected to be*

\_\_\_\_\_.

\_\_\_\_\_  
Physician's Signature

Please print the following:

Name of Physician: \_\_\_\_\_

Name of Office: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

**Modified Work Assignment Policy**

Modified Work Assignment is intended for employees recovering from a medically documented mental or physical illness or injury sustained on or off the job who have work restrictions, and who are expected to return to unrestricted work.

Assignment of Modified Work Assignment is not a right of employment. As provided in this policy, Modified Work Assignment is allowed with the approval of the Department Head, HR Director and City Manager, as long as necessary and meaningful work is performed. Jobs must be regular positions within the City and no alternative jobs will be created for modified work. In assigning Modified Work Assignments, Department Heads will take the employee's skills and abilities into consideration. Modified Work Assignments can be reviewed within all City departments and if not available in current department, work can be performed in another department. Employees on an Alternate Work Schedule may have their schedule changed while working restricted hours on Modified Work Assignment.

If the employee can perform their regular job duties within the limitations established by a physician, the employee will return to their regular duties, and the provisions of this policy do not apply.

**I. DEFINITIONS**

A. Modified Work Assignment – Temporary work that is physically or mentally less demanding than normal job duties. Employees are required to provide work restrictions documented by their physician to support the need for Modified Work Assignment. An employee who has been accommodated into a permanent position under the ADA is no longer considered on Modified Work Assignment, and therefore, is not subject to this policy.

B. Reasonable Accommodation – Refers to the requirements of the Americans with Disabilities Act (ADA).

**III. PROCEDURES**

A. Department Heads are responsible for requesting in writing to the Human Resources Director and City Manager a modified duty assignment for an employee with a reason, planned duration and recommendation of modified assignment within or outside his/her department.

1. An employee requesting Modified Work Assignment either for a work related or personal injury rendering him/her unable to perform her normal assigned job functions, must have a release from a physician, specifying their work restrictions and expected duration of the restrictions.
2. Employees released to work Modified Work Assignment following an injury may be required to remain off work under Family Medical Leave Act (FMLA), if eligible. An employee who chooses not to return to work once released by a physician for a work related injury will not be eligible for Workers' Compensation benefits.

B. While on Modified Work Assignment, employees may schedule doctor and physical therapy appointments during their current work hours, however, appointments should be scheduled at the beginning or end of the employee's shift to minimize their time away from work. For appointments, evaluations, and treatments outside of the employee's current work hours, paid overtime, compensatory time accrual, and floater time is not allowed. If the employee is working part-time, appointments should be scheduled during non-working hours.

C. Employees returning to work on Modified Work Assignment may be assigned Modified Work Assignments in another City Department. The employee's department is responsible for arranging Modified Work Assignments.

## APPENDIX DD

D. An employee will be sent to the City Physician when:

1. The release to Modified Work Assignment and/or regular duty is due to a work related injury.
2. Clarification or confirmation of work restrictions is needed.

E. An employee may be sent to the City Physician when being released from Modified Work Assignment to regular duty.

F. Employees are required to notify their supervisor immediately upon receiving a physician's release to Modified Work Assignment and/or regular duty every 30 days with a progression plan back to full duty. Supervisors must immediately notify Human Resources Director of the change in the employee's work status. Employees will not be allowed to return to work or extend his/her modified work assignment duration without HR Director and City Manager approval.

G. Department Heads are responsible for monitoring Modified Work Assignments of their employees and assuring the provisions of this policy are followed and report status updates to Human Resources every 30 days.

H. Performance appraisals will be completed for employees on Modified Work Assignments, in compliance with their normal review schedule, and will address their performance while on Modified Work Assignments.

1. Employees on Modified Work Assignments are eligible for merit increases based on job performance and availability of funding.

I. If Modified Work Assignment is approved, employee's pay will remain the same as the current position.

## IV. DURATION

Modified Work Assignment, as defined in this directive, is temporary, not indefinite. Modified Work Assignment will not extend beyond 6 months, and may be terminated at less than 6 months. Modified Work Assignment will be approved and monitored in 30-day increments by Human Resources Director, Department Head and City Manager.

Employees on Modified Work Assignment for six (6) months must be referred to the Human Resources Director to initiate a case review, evaluation, and possible Reasonable Accommodation process. A review will take place to assess the possibility of the employee returning to regular duty within a reasonable period of time. When there is a high expectation that the employee will be able to return to unrestricted job duties, Modified Work Assignment may be extended beyond 6 months as recommended by the Department Head, and approved by the Human Resources Director and the City Manager, as part of a reasonable accommodation.

## 2015 Fire and Rescue Department Statistics

Month	Incidents											Casualties		Training Hours		Resuscitation Efforts	
	EMS	Fire	Total	Struc. Fire	Fire Other	ALS 1	ALS 2	BLS	Pt. Ref.	Mutual Aid Given	Mutual Aid Recvd.	Fire	Civ.	Dept. Personnel	LFCC Ride-Along Students	Cardiac Arrest	Cardiac Arrest Saved
January	356	111	467	8	103	190	5	123	23	43	12	0	2	1204	0	4	2
February	357	133	490	7	126	179	5	125	21	39	15	0	0	984	0	3	3
March	389	111	500	7	104	201	3	139	26	41	14	0	0	1456	0	3	1
April	397	87	484	4	83	198	7	129	28	32	9	0	0	1660	0	8	1
May			0		0												
June			0		0												
July			0		0												
August			0		0												
September			0		0												
October			0		0												
November			0		0												
December			0		0												
<b>TOTAL</b>	<b>1499</b>	<b>442</b>	<b>1941</b>	<b>26</b>	<b>416</b>	<b>768</b>	<b>20</b>	<b>516</b>	<b>98</b>	<b>155</b>	<b>50</b>	<b>0</b>	<b>2</b>	<b>5305</b>	<b>0</b>	<b>18</b>	<b>7</b>
	77.23%	22.77%		5.88%	94.12%	51.23%	1.33%	34.42%	6.54%	7.99%	2.58%						38.89%
	% of Total			% of Fire		% of EMS Responses				% of Total							26.3% National Average

10 Years of Incidents											
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
4932	5288	5711	5673	5571	5365	5407	5539	5541	5756	5605	5888

**Other Monthly Activity:**



Shift Burns, PFF Franks IDLH Clearance, Apple Blossom Event Coverage, Honor Guard Flag Raising

## FY 2015 EMS Revenue Recovery Statistics

	Gross Revenue	Manual Contractual Allowances	Automatic Contractual Allowances	Refunds	Net Collectable	Payments from Patients	Payments from Insurance	Total Deposits
<b>JULY</b>	<b>\$137,770.00</b>	\$9,086.48	\$25,204.96	\$572.00	\$102,906.56	\$7,553.06	\$81,705.89	<b>\$89,258.95</b>
<b>AUGUST</b>	<b>\$152,144.00</b>	\$5,850.90	\$28,995.09	\$86.20	\$117,211.81	\$5,639.83	\$79,022.58	<b>\$84,662.41</b>
<b>SEPTEMBER</b>	<b>\$167,371.00</b>	\$5,788.36	\$32,894.74	\$0.00	\$128,687.90	\$3,870.80	\$65,254.01	<b>\$69,124.81</b>
<b>OCTOBER</b>	<b>\$176,373.00</b>	\$13,803.42	\$30,490.83	\$481.21	\$131,597.54	\$5,531.26	\$104,650.23	<b>\$110,181.49</b>
<b>NOVEMBER</b>	<b>\$150,539.00</b>	\$11,969.51	\$23,077.46	\$1,606.49	\$113,885.54	\$5,146.74	\$87,407.18	<b>\$92,553.92</b>
<b>DECEMBER</b>	<b>\$172,016.00</b>	\$7,560.54	\$34,430.04	\$0.00	\$130,025.42	\$4,406.02	\$86,192.37	<b>\$90,598.39</b>
<b>JANUARY</b>	<b>\$176,435.00</b>	\$10,421.65	\$28,624.64	\$496.24	\$136,892.47	\$5,036.24	\$91,141.31	<b>\$96,177.55</b>
<b>FEBRUARY</b>	<b>\$165,138.00</b>	\$11,714.44	\$28,849.64	\$120.89	\$124,453.03	\$4,882.96	\$94,845.90	<b>\$99,728.86</b>
<b>MARCH</b>	<b>\$183,307.00</b>	\$9,500.65	\$28,505.68	\$813.16	\$144,487.51	\$9,837.78	\$104,192.45	<b>\$114,030.23</b>
<b>APRIL</b>	<b>\$179,299.00</b>	\$12,626.04	\$36,537.49	\$475.25	\$129,660.22	\$8,576.82	\$68,921.40	<b>\$77,498.22</b>
<b>MAY</b>					\$0.00			<b>\$0.00</b>
<b>JUNE</b>					\$0.00			<b>\$0.00</b>
<b>TOTALS</b>	<b>\$1,660,392.00</b>	<b>\$98,321.99</b>	<b>\$297,610.57</b>	<b>\$4,651.44</b>	<b>\$1,259,808.00</b>	<b>\$60,481.51</b>	<b>\$863,333.32</b>	<b>\$923,814.83</b>



## 2015 Fire Marshal Division Statistics

Month	City Fire Property Dollar Loss/Save			Plan Review		Inspections/Investigations							Public Education				
	Loss	Value	Saved	#	Revenue Generated	Annual Fire Insp.	Follow-up	Sprinkler	Alarm	Supres.	Site	Other Insp.*	FMO Staff Investig.	Smoke Alarms Installs	Car Seat Installs	Pub Ed Children	Pub Ed Adult
January	\$212,000.00	\$1,869,100.00	\$1,657,100.00	10	\$272.34	9	27	2	0	1	0	13	3	2	8	0	9
February	\$21,500.00	\$318,200.00	\$296,700.00	7	\$74.46	40	37	2	0	0	0	23	2	0	23	3	28
March	\$25,050.00	\$4,673,500.00	\$4,648,450.00	17	\$1,383.12	17	14	0	0	1	1	25	3	0	10	39	25
April	\$2,000.00	\$2,000.00	\$0.00	10	\$485.52	20	29	2	1	3	0	49	2	0	10	231	230
May			\$0.00														
June			\$0.00														
July			\$0.00														
August			\$0.00														
September			\$0.00														
October			\$0.00														
November			\$0.00														
December			\$0.00														
<b>TOTAL</b>	<b>\$260,550.00</b>	<b>\$6,862,800.00</b>	<b>\$6,602,250.00</b>	<b>44</b>	<b>\$2,215.44</b>	<b>86</b>	<b>107</b>	<b>6</b>	<b>1</b>	<b>5</b>	<b>1</b>	<b>110</b>	<b>10</b>	<b>2</b>	<b>51</b>	<b>273</b>	<b>292</b>

**Other Inspections includes:**

- New Business Inspections
- Massage Permit Inspections
- Knox Box Installation and Maintenance
- Temporary Use Occupancy Inspections
- Night Club Life Safety Inspections

# Budget Summary

## July 1, 2014- April 30, 2015

### General Fund Revenue & Exp. Summary

To date in fiscal year 2015 (July 2014 through April 30, 2015) the G F revenues are \$56,584,009 representing 68.95% of the budget. Prior period last year was \$54,010,318 or 67.50%. Expenditures in the General fund are currently at \$63,436,118 representing 77.30% of the budget. Last year, in FY 2014 for the same period, our expenses were at \$59,118,971 or 73.89%. Sales Tax receipts for Feb. 2015 were \$613,773. Sales Tax receipts for Feb. 2014 were \$366,164.

Old Town Information	Apr-14	Apr-15
Meals tax Primary Dist.	\$ 35,384	\$ 48,275
Meals tax Second Dist	\$ 21,634	\$ 27,696

	Amended	Bgt. (10 mos)	Actual
Revenue		\$68,389,160	\$56,584,009
Expenditures		\$68,389,160	\$63,436,118

#### Highlights

- 1 March Sales tax is \$739,402
- 2 Meals tax up \$ 1,159,108 from last year
- 3 Motel tax up \$109,557 from last year
- 4 Personal Property tax up \$679,636

### Utility Fund Revenue & Exp. Summary

To date in fiscal year 2015 (July 2014 through April 30, 2015) the Utility fund revenues are \$17,703,877, representing 85.44% of the budget. Prior period last year was \$16,927,055 or 81.82%. Expenditures in the Utility fund are currently at \$19,717,271 representing 95.16% of the budget. Last year, in FY 2014 for the same period, our expenses were at \$18,102,434 or 87.50%.

	Operating	Bgt. (10 mos)	Actual
Revenue		\$17,266,660	\$17,703,877
Exp.		\$17,266,660	\$19,717,271

#### Highlights

- 1 Water & Sewer collections up \$776,752 from the same period last year.
- 2 Availability fees up \$94,301 from same period last fiscal year.
- 3 Capital expenditures to date are \$87,615

### Operating Cash

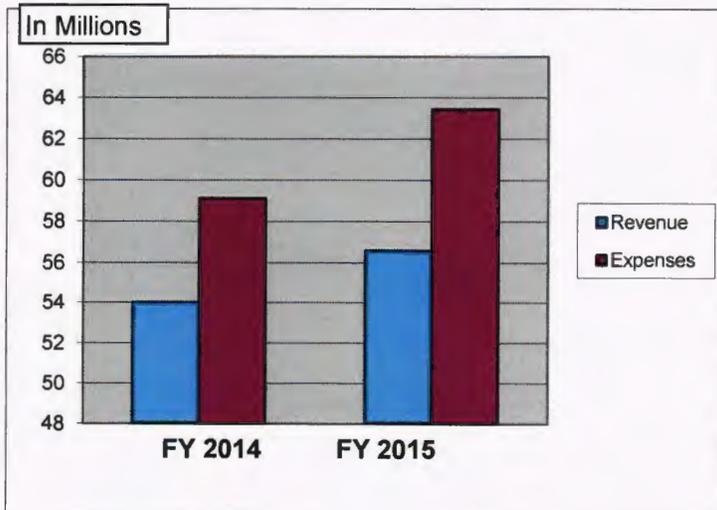
* Total Cash:	\$15,294,784	Fund balance	
Reserved		Committed to date	
cash:		\$1,670,699	
Available cash:	<b>\$15,294,784</b>		
* April-15 (General fund only)			

### Cash & Investments

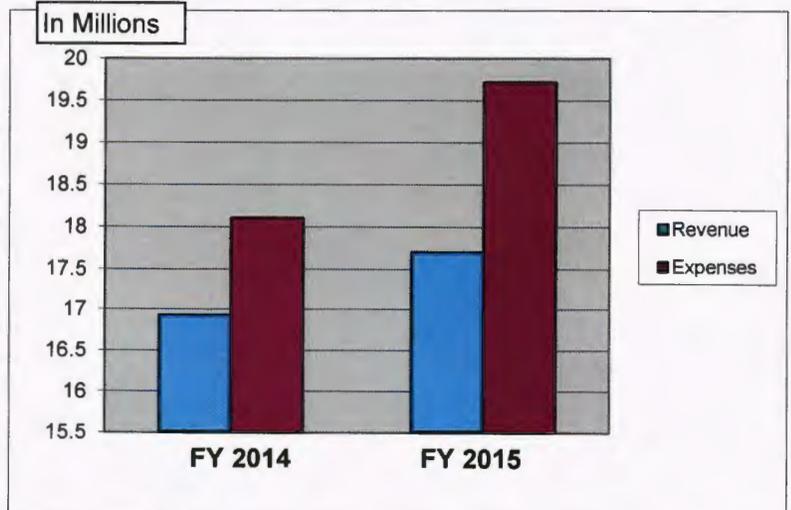
Operating Cash:	\$589,025
Reserves for CIP:	0
Bond Proceeds:	0
Total:	<b>\$589,025</b>
As of April 2015	

### Period to Period Comparison FY 2014 to FY 2015

#### General Fund



#### Utilities Fund



ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 2014 YTD 7/1 - 4/30	FY 2014 Year-end Actual	FY 2015 Original Budget	FY 2015 Amended Budget	FY 2015 YTD 7/1 - 4/30	FY 2015 % of Budget Realized
FUND 111 GENERAL OPERATING FUND							
BASIC 31 REVENUE FROM LOCAL SOURCE							
SUB 1 GENERAL PROPERTY TAXES							
111-0000-311.01-01	CURRENT	12,270,004	25,108,519	25,539,000	25,539,000	12,581,112	49.26
111-0000-311.01-02	DELINQUENT	1,082,291	1,357,230	900,000	900,000	934,123	103.79
111-0000-311.01-03	DELINQUENT-PRIM/SECOND	8,380	9,125	10,000	10,000	4,576	45.76
111-0000-311.01-04	PRIMARY DISTRICT	36,376	71,329	70,000	70,000	34,007	48.58
111-0000-311.01-05	SECONDARY DISTRICT	40,898	82,591	80,500	80,500	41,769	51.89
111-0000-311.01-06	PENALTIES	101,211	127,404	115,000	115,000	75,286	65.47
111-0000-311.01-07	INTEREST	95,110	108,475	95,000	95,000	62,511	65.80
111-0000-311.02-01	REAL ESTATE	641,635	641,635	650,000	650,000	631,361	97.13
111-0000-311.02-03	PERSONAL PROPERTY	267	267	500	500	1,441	288.30
111-0000-311.03-01	CURRENT	7,019,627	7,745,012	7,700,000	8,000,000	7,699,263	96.24
111-0000-311.03-02	DELINQUENT	347,126	420,230	400,000	400,000	412,705	103.18
111-0000-311.03-03	MOBILE HOME TAXES	1,372	1,383	2,000	2,000	1,650	82.52
111-0000-311.03-04	MACHINERY & TOOLS	1,898,608	1,898,608	1,900,000	1,900,000	1,799,328	94.70
111-0000-311.03-06	PENALTIES	95,628	115,371	120,000	120,000	112,187	93.49
111-0000-311.03-07	INTEREST	47,255	59,811	50,000	50,000	50,764	101.53
* GENERAL PROPERTY TAXES		23,685,790	37,746,990	37,632,000	37,932,000	24,442,086	64.44
SUB 2 OTHER LOCAL TAXES							
111-0000-312.01-01	STATE SALES TAX	5,463,155	8,119,431	8,607,000	8,607,000	5,887,327	68.40
111-0000-312.01-02	COMMUNICATIONS TAXES	1,604,175	2,145,662	2,200,000	2,200,000	1,608,634	73.12
111-0000-312.02-01	ELECTRIC UTILITY	999,260	1,323,907	1,300,000	1,300,000	1,137,330	87.49
111-0000-312.02-02	TELEPHONE UTILITY	62	62	0	0	0	.00
111-0000-312.02-03	GAS UTILITY	421,724	751,485	450,000	450,000	425,140	94.48
111-0000-312.02-51	ELECTRIC CONSUMPTION	100,292	132,618	135,000	135,000	114,358	84.71
111-0000-312.02-52	GAS CONSUMPTION	11,541	25,265	25,000	25,000	16,099	64.39
111-0000-312.03-01	CONTRACTING	259,099	263,751	400,000	400,000	261,338	65.33
111-0000-312.03-02	RETAIL	2,128,926	2,153,215	2,150,000	2,150,000	2,126,521	98.91
111-0000-312.03-03	PROFESSIONAL	2,256,904	2,294,916	2,200,000	2,200,000	2,407,948	109.45
111-0000-312.03-04	REPAIR & PERSONAL	825,746	848,676	800,000	800,000	850,953	106.37
111-0000-312.03-05	WHOLESALE	397,189	264,394	200,000	200,000	201,537	100.77
111-0000-312.03-06	OTHER	4,109	4,429	4,000	4,000	1,710	42.74
111-0000-312.03-07	PENALTIES	84,317	99,307	75,000	75,000	47,637	63.52
111-0000-312.03-08	INTEREST	0	99	0	0	43	.00

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 2014 YTD 7/1 - 4/30	FY 2014 Year-end Actual	FY 2015 Original Budget	FY 2015 Amended Budget	FY 2015 YTD 7/1 - 4/30	FY 2015 % of Budget Realized
FUND 111 GENERAL OPERATING FUND							
BASIC 31 REVENUE FROM LOCAL SOURCE							
SUB 2 OTHER LOCAL TAXES							
111-0000-312.03-09	TELEPHONE	87,549	87,743	80,000	80,000	86,766	108.46
111-0000-312.04-02	ELECTRICAL	169,939	242,662	200,000	200,000	189,576	94.79
111-0000-312.04-03	TELEPHONE ROW	85,359	111,299	100,000	100,000	78,839	78.84
111-0000-312.04-05	GAS	48,750	48,750	50,000	50,000	48,750	97.50
111-0000-312.05-01	LICENSES	470,140	563,891	562,400	562,400	458,247	81.48
111-0000-312.05-03	PENALTIES	37,960	45,010	40,000	40,000	36,752	91.88
111-0000-312.06-01	BANK FRANCHISE	1,586	466,517	430,000	430,000	0	.00
111-0000-312.07-01	RECORDATION	176,772	250,423	225,000	225,000	219,749	97.67
111-0000-312.07-02	WILL PROBATE	4,276	5,583	6,000	6,000	7,720	128.67
111-0000-312.08-02	CIGARETTES	420,827	498,544	812,600	812,600	524,113	64.50
111-0000-312.09-01	ADMISSIONS	109,844	142,249	140,000	140,000	97,346	69.53
111-0000-312.09-02	PENALTIES	857	871	1,000	1,000	19	1.89
111-0000-312.09-03	INTEREST	0	0	0	0	1	.00
111-0000-312.10-01	MOTEL	522,329	744,144	830,000	830,000	631,886	76.13
111-0000-312.10-02	PENALTIES	622	1,024	1,000	1,000	43	4.29
111-0000-312.10-03	INTEREST	42	1,399	0	0	1	.00
111-0000-312.11-01	MEALS	4,268,609	5,826,039	6,900,000	6,900,000	5,427,717	78.66
111-0000-312.11-02	PENALTIES	15,561	23,905	20,000	20,000	26,357	131.79
111-0000-312.11-03	INTEREST	134	170	1,000	1,000	479	47.89
111-0000-312.12-01	SHORT TERM	4,933	6,084	8,000	8,000	2,109	26.36
111-0000-312.12-02	PENALTIES	28	28	0	0	49	.00
111-0000-312.12-03	INTEREST	3	3	0	0	1	.00
* OTHER LOCAL TAXES		20,982,620	27,493,555	28,953,000	28,953,000	22,923,093	79.17
SUB 3 PERMITS, PRIVILEGE FEES							
111-0000-313.01-01	DOG	10,017	13,194	12,500	12,500	10,525	84.20
111-0000-313.03-03	ON STREET PARKING	125	155	100	100	145	145.00
111-0000-313.03-05	TRANSFER FEES	447	626	1,000	1,000	491	49.10
111-0000-313.03-24	EROSION, SEDIMENT CONTROL	2,863	3,313	5,000	5,000	5,409	108.17
111-0000-313.03-25	STORMWATER MGMT PERMIT	0	0	0	0	23,506	.00
111-0000-313.03-28	WEAPONS	5,670	7,931	7,500	7,500	4,755	63.40
111-0000-313.03-30	RE TAX APPLICATION FEE	20	20	0	0	60	.00
111-0000-313.03-31	RE PUBLIC HEARING FEE	390	390	0	0	350	.00

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FOR FISCAL YEAR 2015

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JULY 1, 2014 - APRIL 30, 2015

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 2014 YTD 7/1 - 4/30	FY 2014 Year-end Actual	FY 2015 Original Budget	FY 2015 Amended Budget	FY 2015 YTD 7/1 - 4/30	FY 2015 % of Budget Realized
<b>FUND 111 GENERAL OPERATING FUND</b>							
<b>BASIC 31 REVENUE FROM LOCAL SOURCE</b>							
<b>SUB 3 PERMITS, PRIVILEGE FEES</b>							
111-0000-313.03-36	HAZARDOUS USE	500	1,150	1,000	1,000	750	75.00
111-0000-313.03-37	TAXI	828	918	800	800	720	90.00
111-0000-313.03-50	STREET PERMITS	2,415	3,485	3,000	3,000	2,445	81.50
111-0000-313.04-08	BUILDING	61,179	71,691	100,000	100,000	76,277	76.28
111-0000-313.04-10	ELECTRICAL	574	691	1,000	1,000	471	47.08
111-0000-313.04-12	PLUMBING	16,265	19,481	25,000	25,000	17,467	69.87
111-0000-313.04-14	MECHANICAL	20,791	24,222	25,000	25,000	20,724	82.90
111-0000-313.04-15	ELEVATOR	3,140	3,740	3,000	3,000	2,880	96.00
111-0000-313.04-23	OCCUPANCY	850	1,150	1,000	1,000	400	40.00
111-0000-313.04-32	FIRE PROTECTION	6,861	7,853	7,000	7,000	5,583	79.75
111-0000-313.04-35	GAS	408	408	500	500	230	46.00
111-0000-313.04-37	BUILDING PERMITS - SIGNS	3,841	4,401	5,000	5,000	4,640	92.80
111-0000-313.05-04	LAND USE APPLICATION FEES	40,475	49,550	25,000	25,000	43,150	172.60
111-0000-313.05-06	PLANNING ADVERTISING FEES	475	625	1,000	1,000	500	50.00
111-0000-313.05-07	RE-ZONING & SUBDIV PERMIT	11,450	22,050	9,000	9,000	22,900	254.44
111-0000-313.05-19	SIGNS, PERMITS & INSPECTI	850	1,450	2,000	2,000	1,900	95.00
111-0000-313.05-33	ARCHITECTURAL REVIEW	0	0	1,000	1,000	300	30.00
111-0000-313.05-34	BOARD OF ZONING APPEALS	6,500	6,500	10,000	10,000	4,700	47.00
111-0000-313.05-40	MISC FEES	2,550	3,550	2,500	2,500	2,400	96.00
111-0000-313.05-41	CIVIL PENALTIES	4,600	4,600	4,000	4,000	1,450	36.25
111-0000-313.06-02	RNTL HOUSING/INSPECTIONS	27,305	33,905	10,000	10,000	18,325	183.25
111-0000-313.06-03	RNTL HOUSING/PENALTIES	6,700	8,125	3,500	3,500	7,550	215.71
111-0000-313.06-05	MISC FEES	3,062	4,915	5,000	5,000	5,503	110.06
* PERMITS, PRIVILEGE FEES		241,152	300,089	271,400	271,400	286,504	105.57
<b>SUB 4 FINES AND FORFEITURES</b>							
111-0000-314.01-01	COURTS	112,808	144,912	150,000	150,000	106,294	70.86
111-0000-314.01-03	REGISTRAR	100	100	0	0	0	.00
111-0000-314.01-10	INTEREST	3,207	4,158	3,000	3,000	4,206	140.20
* FINES AND FORFEITURES		116,115	149,170	153,000	153,000	110,500	72.22

SUB 5 REVENUE-USE OF MONEY/PROP

PROGRAM GM601L

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JULY 1, 2014 - APRIL 30, 2015

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 2014 YTD 7/1 - 4/30	FY 2014 Year-end Actual	FY 2015 Original Budget	FY 2015 Amended Budget	FY 2015 YTD 7/1 - 4/30	FY 2015 % of Budget Realized
FUND 111 GENERAL OPERATING FUND							
BASIC 31 REVENUE FROM LOCAL SOURCE							
SUB 5 REVENUE-USE OF MONEY/PROP							
111-0000-315.01-01	INTEREST EARNINGS	48,690	57,775	75,000	75,000	25,201	33.60
111-0000-315.02-02	RENTAL REC PROP/FACILITY	91,084	122,016	150,000	150,000	100,398	66.93
111-0000-315.02-03	CONCESSION RENTALS	0	0	2,500	2,500	1,500	60.00
* REVENUE-USE OF MONEY/PROP		139,774	179,791	227,500	227,500	127,100	55.87
SUB 6 CHARGES FOR SERVICES							
111-0000-316.01-03	SHERIFF FEES	2,949	2,949	3,000	3,000	2,949	98.29
111-0000-316.01-05	CASE ASSESSMENT	23,196	28,305	30,000	30,000	22,854	76.18
111-0000-316.01-09	COURTHOUSE SECURITY FEE	38,751	51,133	60,000	60,000	37,199	62.00
111-0000-316.01-11	MISCELLANEOUS FEES	6,023	7,619	7,000	7,000	6,854	97.91
111-0000-316.01-12	COURTHOUSE COMPLIANCE FEE	31,070	37,576	50,000	50,000	30,800	61.60
111-0000-316.01-13	ELECTRONIC SUMMONS FEE	0	0	0	0	8,579	.00
111-0000-316.02-01	COMMONWEALTH ATTORNEY FEE	5,184	7,328	6,000	6,000	5,491	91.52
111-0000-316.04-03	HAZ/MAT	4,826	14,953	5,000	5,000	4,920	98.40
111-0000-316.04-05	LEPC FUNDS	4,692	4,692	7,000	7,000	4,198	59.97
111-0000-316.04-06	ALARM FEES	0	0	5,000	5,000	0	.00
111-0000-316.04-07	FALSE ALARM FEES	11,200	15,700	20,000	20,000	11,500	57.50
111-0000-316.06-01	ANIMAL IMPOUNDING FEES	1,439	1,878	2,000	2,000	1,347	67.35
111-0000-316.06-02	MISC POLICE FEES	4,794	5,382	4,000	4,000	4,090	102.25
111-0000-316.06-10	POLICE O/T REIMBURSEMENT	7,034	15,887	10,000	10,000	5,655	56.55
111-0000-316.06-18	GAS INSPECTION	45,000	54,000	54,000	54,000	64,590	119.61
111-0000-316.08-01	SANITATION FEE	0	0	420,000	420,000	306,035	72.87
111-0000-316.08-02	WASTE COLL/DISPOSAL FEES	2,660	3,513	4,000	4,000	2,989	74.72
111-0000-316.08-05	SALE OF RECYCLE MATERIAL	19,778	24,881	30,000	30,000	17,515	58.38
111-0000-316.13-01	RECREATION ACTIVITIES	10,464	13,505	20,000	20,000	11,195	55.98
111-0000-316.13-02	INDOOR POOL	58,536	70,084	98,700	98,700	59,933	60.72
111-0000-316.13-06	OUTDOOR POOL	39,052	64,356	76,000	76,000	30,066	39.56
111-0000-316.13-21	ADMISSIONS & MEMBERSHIPS	83,204	99,086	108,000	108,000	74,406	68.89
111-0000-316.13-24	ATHLETICS	39,229	68,462	88,600	88,600	35,469	40.03
111-0000-316.13-26	CHILD CARE	142,967	187,802	180,000	180,000	158,900	88.28
111-0000-316.13-28	CONCESSION SALES	15,987	25,705	32,000	32,000	13,317	41.62
111-0000-316.13-30	PARKS CAPITAL REPL FEES	5,935	8,238	13,700	13,700	13,920	101.61
111-0000-316.13-31	SPECIAL EVENTS	915	915	14,000	14,000	870	6.21

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JULY 1, 2014 - APRIL 30, 2015

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 2014 YTD 7/1 - 4/30	FY 2014 Year-end Actual	FY 2015 Original Budget	FY 2015 Amended Budget	FY 2015 YTD 7/1 - 4/30	FY 2015 % of Budget Realized
FUND 111 GENERAL OPERATING FUND							
BASIC 31 REVENUE FROM LOCAL SOURCE							
SUB 6 CHARGES FOR SERVICES							
* CHARGES FOR SERVICES		604,885	813,949	1,348,000	1,348,000	935,641	69.41
SUB 8 MISCELLANEOUS REVENUE							
111-0000-318.01-01	PAYMENT IN LIEU OF TAXES	822,915	822,915	825,000	825,000	431,776	52.34
111-0000-318.04-01	SPECIAL EVENTS	106,375	122,380	132,500	132,500	130,711	98.65
111-0000-318.04-03	OLD TOWN WINCHESTER MISC	1,110	1,110	0	0	300	.00
111-0000-318.04-04	ARTSCAPE PROGRAM	0	0	1,000	1,000	0	.00
111-0000-318.04-05	OLD TOWN PUBLIC RESTROOM	2,796	3,326	5,000	5,000	3,140	62.80
111-0000-318.98-01	BAD CHECKS	625	725	1,000	1,000	475	47.53
111-0000-318.98-02	ADMIN & COLLECTION FEES	38,332	46,817	45,000	45,000	48,744	108.32
111-0000-318.99-03	DONATIONS/SPEC GIFTS	0	0	15,000	15,000	11,000	73.33
111-0000-318.99-05	SALE OF SUPPLIES	508	508	24,000	24,000	22,001	91.67
111-0000-318.99-06	SALE OF SURPLUS PROPERTY	27,318	39,356	10,000	10,000	9,553	95.53
111-0000-318.99-14	SALE OF COPIES & DOCUMENT	800	856	1,000	1,000	275	27.50
111-0000-318.99-17	TICKET SALES	0	0	35,000	35,000	20,901	59.72
111-0000-318.99-22	DONATIONS-FIRE DEPT	1,485	1,485	0	0	2,355	.00
111-0000-318.99-32	PARKS & RECREATION	36,945	45,945	0	0	3,929	.00
111-0000-318.99-33	SHERIFF	1,000	2,100	0	0	0	.00
111-0000-318.99-99	MISCELLANEOUS	250	276	0	0	358	.00
* MISCELLANEOUS REVENUE		1,040,460	1,087,799	1,094,500	1,094,500	685,518	62.63
SUB 9 RECOVERED COSTS							
111-0000-319.02-01	MISCELLANEOUS	1,088	1,256	0	0	1,855	.00
111-0000-319.02-05	REBATES	0	2,683	2,500	2,500	0	.00
111-0000-319.02-20	EXTERNAL RECOVERIES	0	0	0	8,056	8,056	100.00
111-0000-319.02-21	PUBLIC WORKS	1,416	1,416	0	0	0	.00
111-0000-319.02-22	FIRE DEPARTMENT	5,710	6,515	0	0	3,647	.00
111-0000-319.02-24	SOCIAL SERVICES	0	52,008	55,000	55,000	0	.00
111-0000-319.02-25	COMMISSIONER OF REVENUE	14,905	14,905	0	0	0	.00
111-0000-319.02-34	CIRCUIT COURT	69,597	72,237	70,000	70,000	71,181	101.69
111-0000-319.02-35	JJC BUILDING	210,870	287,471	400,000	400,000	208,652	52.16
111-0000-319.02-40	LANDFILL-RECYCLING	0	68,245	170,000	70,000	0	.00

PROGRAM GM601L

FOR FISCAL YEAR 2015

CRVPD10

JULY 1, 2014 - APRIL 30, 2015

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 2014 YTD 7/1 - 4/30	FY 2014 Year-end Actual	FY 2015 Original Budget	FY 2015 Amended Budget	FY 2015 YTD 7/1 - 4/30	FY 2015 % of Budget Realized
FUND 111 GENERAL OPERATING FUND							
BASIC 31 REVENUE FROM LOCAL SOURCE							
SUB 9 RECOVERED COSTS							
111-0000-319.02-43	POLICE DEPARTMENT	2,012	2,158	0	0	1,705	.00
111-0000-319.02-45	PARKS & RECREATION	906	906	0	0	314	.00
111-0000-319.02-51	DATA PROCESSING	40,000	40,000	40,000	40,000	2,074	5.19
111-0000-319.04-20	VML - SAFETY GRANT	0	0	0	0	3,068	.00
* RECOVERED COSTS		346,503	549,800	737,500	645,556	300,553	46.56
** REVENUE FROM LOCAL SOURCE		47,157,300	68,321,143	70,416,900	70,624,956	49,810,993	70.53
BASIC 32 REVENUE FROM COMMONWEALTH							
SUB 2 NON-CATEGORICAL AID							
111-0000-322.01-05	MOBILE HOME TITLING TAXES	570	810	0	0	915	.00
111-0000-322.01-06	TAX ON DEEDS	74,889	104,502	100,000	100,000	83,716	83.72
111-0000-322.01-08	RAILROAD ROLLING STOCK TX	8,251	8,267	8,000	8,000	7,947	99.34
111-0000-322.01-10	GRANTOR'S TAX	45,903	66,900	75,000	75,000	68,044	90.73
111-0000-322.01-11	RENTAL CARS TAX	153,189	185,054	198,000	198,000	179,785	90.80
111-0000-322.01-12	PERSONAL PROPERTY REIMB.	2,622,084	2,622,084	2,622,100	2,622,100	2,622,084	100.00
* NON-CATEGORICAL AID		2,904,886	2,987,617	3,003,100	3,003,100	2,962,492	98.65
SUB 3 SHARED EXPENSES							
111-0000-323.01-01	COMMONWEALTH'S ATTORNEY	509,567	708,387	680,000	630,000	525,135	83.35
111-0000-323.01-03	WITNESS FEES	0	0	0	0	2,072	.00
111-0000-323.02-01	SHERIFF	254,806	337,459	340,000	327,500	255,455	78.00
111-0000-323.02-02	SHERIFF MILEAGE	5,841	10,612	3,000	3,000	9,491	316.36
111-0000-323.03-01	COMMISSIONER OF REVENUE	76,194	101,954	100,000	87,500	76,532	87.47
111-0000-323.04-01	TREASURER	69,991	94,298	83,000	83,000	69,924	84.25
111-0000-323.06-01	REGISTRAR/ELECTORAL BOARD	0	41,442	40,000	32,526	0	.00
111-0000-323.07-01	CLERK OF CIRCUIT COURT	249,640	346,834	345,000	345,000	259,926	75.34
111-0000-323.07-02	JURY REIMBURSEMENT	4,470	10,710	5,000	5,000	5,250	105.00
111-0000-323.10-01	SHARED-VICTIM WITNESS	31,263	50,021	50,000	50,000	0	.00
111-0000-323.10-03	SHARED-WITNESS FEES	75	354	0	0	710	.00
111-0000-323.10-04	SHARED-SPEC GRAND JURY	0	0	0	25,000-	0	.00

PROGRAM GM601L

FOR FISCAL YEAR 2015

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JULY 1, 2014 - APRIL 30, 2015

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 2014 YTD 7/1 - 4/30	FY 2014 Year-end Actual	FY 2015 Original Budget	FY 2015 Amended Budget	FY 2015 YTD 7/1 - 4/30	FY 2015 % of Budget Realized
FUND 111 GENERAL OPERATING FUND							
BASIC 32 REVENUE FROM COMMONWEALTH							
SUB 3 SHARED EXPENSES							
* SHARED EXPENSES		1,201,847	1,702,071	1,646,000	1,538,526	1,204,495	78.29
SUB 4 STATE CATEGORICAL FUNDS							
111-0000-324.04-04	JUV & DOMESTIC RELATIONS	8,710	11,945	10,000	10,000	9,062	90.62
111-0000-324.04-07	LITTER CONTROL	6,682	6,682	7,000	7,000	6,677	95.39
111-0000-324.04-12	FIRE PROGRAMS FUND	66,253	78,695	70,000	70,000	70,826	101.18
111-0000-324.04-13	TWO FOR LIFE GRANT	0	23,740	20,000	20,000	0	.00
111-0000-324.04-17	HAZ MAT FUNDING	15,000	15,040	15,000	15,000	15,037	100.25
111-0000-324.04-23	POLICE	609,603	812,804	820,000	795,000	597,236	75.12
111-0000-324.04-25	JAIL	19,098	19,098	20,000	20,000	23,210	116.05
111-0000-324.04-42	HEALTH DEPARTMENT	208,854	243,774	252,000	252,000	208,854	82.88
111-0000-324.04-44	GENERAL DISTRICT COURT	6,348	8,690	8,000	8,000	6,707	83.84
111-0000-324.04-98	MISC STATE FUNDS	0	0	0	0	3	.00
111-0000-324.05-23	ASSET FORFEITURE POLICE	8,842	8,991	0	0	12,586	.00
111-0000-324.05-45	ASSET FORFEITURE COMM ATY	1,596	1,808	0	0	5,677	.00
111-0000-324.10-02	VIRGINIA MAIN STREET PROG	0	0	0	0	1,000	.00
111-0000-324.10-03	DEPARTMENT OF HEALTH	0	40,771	0	0	0	.00
111-0000-324.10-04	HOUSING & COMMUNITY DEVEL	0	0	0	26,936	26,936	100.00
111-0000-324.10-36	FIRE PROGRAM FUNDS GRANT	0	0	0	0	966	.00
111-0000-324.10-38	WIRELESS E911 SERVICE BD	39,366	50,650	49,000	49,000	43,006	87.77
111-0000-324.10-45	RESCUE SQUAD ASST FUND	0	0	0	0	81,299	.00
* STATE CATEGORICAL FUNDS		990,353	1,322,688	1,271,000	1,272,936	1,109,084	87.13
** REVENUE FROM COMMONWEALTH		5,097,085	6,012,376	5,920,100	5,814,562	5,276,071	90.74
BASIC 33 REVENUE FROM FEDERAL GOVT							
SUB 3 CATEGORICAL AID							
111-0000-333.01-13	EMERGENCY SERVICE GRANT	8,905	17,810	8,900	8,900	0	.00
111-0000-333.01-14	ASSET FORFEITURE FUNDS	29,813	89,488	0	0	0	.00
111-0000-333.04-15	COMMISSION OF ARTS GRANT	5,000	0	5,000	5,000	5,000	100.00
111-0000-333.06-04	CHILD/ADULT CARE FOOD	3,026	3,937	5,000	5,000	3,259	65.17

PROGRAM GM601L

FOR FISCAL YEAR 2015

CRVPD10

JULY 1, 2014 - APRIL 30, 2015

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 2014 YTD 7/1 - 4/30	FY 2014 Year-end Actual	FY 2015 Original Budget	FY 2015 Amended Budget	FY 2015 YTD 7/1 - 4/30	FY 2015 % of Budget Realized
FUND 111 GENERAL OPERATING FUND							
BASIC 33 REVENUE FROM FEDERAL GOVT							
SUB 3 CATEGORICAL AID							
111-0000-333.10-08	JUVENILE JUSTICE	538	538	0	0	1,913	.00
111-0000-333.10-11	POLICE - DCJS GRANTS	5,151	8,204	0	0	0	.00
111-0000-333.10-28	JUSTICE ASSISTANCE GRANTS	0	4,069	0	0	0	.00
111-0000-333.10-40	CDBG GRANT	321,178	287,175	235,000	235,000	223,744	95.21
111-0000-333.10-46	BALLISTIC VEST PROGRAM	5,463	5,463	5,000	5,000	0	.00
111-0000-333.10-47	DEPT OF HISTORIC RESOURCE	0	6,500	0	23,749	23,144	97.45
111-0000-333.10-49	VICTIM WITNESS	37,508	50,021	50,000	75,000	0	.00
111-0000-333.10-55	DMV GRANTS	15,056	29,045	25,000	25,000	9,656	38.62
111-0000-333.10-63	HOMELAND SECURITY/ODP	19,460	32,914	24,100	79,600	13,879	17.44
111-0000-333.10-64	NVRDTF GRANT	33,162	33,162	0	0	0	.00
* CATEGORICAL AID		484,259	568,326	358,000	462,249	280,595	60.70
** REVENUE FROM FEDERAL GOVT		484,259	568,326	358,000	462,249	280,595	60.70
BASIC 34 OTHER FINANCING SOURCES							
SUB 1 NON-REVENUE RECEIPTS							
111-0000-341.01-01	INSURANCE RECOVERIES	21,244	33,437	0	0	16,349	.00
111-0000-341.04-04	CDBG LOANS PRINCIPAL	195	195	0	0	0	.00
111-0000-341.04-11	CDBG LOANS INTEREST	55	55	0	0	0	.00
111-0000-341.04-20	PREMIUMS ON BONDS	1,481,730	1,481,730	0	1,295,670	1,309,592	101.07
111-0000-341.04-58	SALE OF BONDS	18,709,518	18,701,837	0	11,092,980	11,255,180	101.46
111-0000-341.05-27	UTILITIES FUND	1,200,000	1,600,000	1,600,000	1,600,000	1,200,000	75.00
111-0000-341.05-45	OTDB	50,000	50,000	50,000	50,000	0	.00
111-0000-341.06-01	FUND BALANCE	0	0	3,615,000	3,615,000	0	.00
111-0000-341.06-04	ASSIGNED FIRE PROGRAMS	0	0	57,000	57,000	0	.00
111-0000-341.07-01	SUPPLEMENTAL APPROP	0	0	0	1,670,699	0	.00
111-0000-341.07-03	ASSIGNED FUND BALANCE	0	0	50,000	72,577	0	.00
* NON-REVENUE RECEIPTS		21,462,743	21,867,254	5,372,000	19,453,926	13,781,121	70.84
** OTHER FINANCING SOURCES		21,462,743	21,867,254	5,372,000	19,453,926	13,781,121	70.84

CURRENT YEAR REVENUE COMPARED TO PRIOR YEAR  
 FOR FISCAL YEAR 2015  
 JULY 1, 2014 - APRIL 30, 2015

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 2014 YTD 7/1 - 4/30	FY 2014 Year-end Actual	FY 2015 Original Budget	FY 2015 Amended Budget	FY 2015 YTD 7/1 - 4/30	FY 2015 % of Budget Realized
FUND 111 GENERAL OPERATING FUND							
BASIC 34 OTHER FINANCING SOURCES							
SUB 1 NON-REVENUE RECEIPTS							
***	GENERAL OPERATING FUND	74,201,386	96,769,099	82,067,000	96,355,693	69,148,781	71.76
		74,201,386	96,769,099	82,067,000	96,355,693	69,148,781	71.76

(12,564,772) bonds  
\$ 56,584,009      68.95%

EXPENDITURES BY DIVISION  
 FOR FISCAL YEAR 2015  
 JULY 1, 2014 - APRIL 30, 2015

ACCOUNT DESCRIPTION	FY 2014 YTD 7/1 - 4/30	FY 2014 Year-end Actual	FY 2015 Original Budget	FY 2015 Amended Budget	FY 2015 YTD 7/1 - 4/30	FY 2015 % of Budget Realized
<b>FUND 111 GENERAL OPERATING FUND</b>						
<b>DEPT 11 LEGISLATIVE</b>						
* CITY COUNCIL	107,327	133,508	125,800	125,800	129,674	103.08
* CLERK OF COUNCIL	32,629	39,143	37,400	37,400	30,494	81.53
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** LEGISLATIVE	139,956	172,651	163,200	163,200	160,167	98.14
<b>DEPT 12 GENERAL &amp; FINANCIAL ADMIN</b>						
* CITY MANAGER	340,557	471,281	359,000	359,000	346,135	96.42
* CITY ATTORNEY	243,141	318,658	350,900	350,900	266,575	75.97
* INDEPENDENT AUDITORS	55,100	66,950	80,000	80,000	53,716	67.14
* HUMAN RESOURCES	318,502	434,572	534,100	534,100	404,580	75.75
* COMMISSIONER OF REVENUE	403,649	508,867	527,100	527,100	399,457	75.78
* EQUALIZATION BOARD	72	0	0	0	0	.00
* TREASURER	309,098	398,911	427,600	427,600	349,240	81.67
* FINANCE	375,411	533,248	666,600	666,600	494,796	74.23
* INFORMATION TECHNOLOGY	997,458	1,466,001	1,800,900	1,800,900	1,132,322	62.88
* RISK MANAGEMENT	45,767	45,767	50,000	50,000	65,403	130.81
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** GENERAL & FINANCIAL ADMIN	3,088,753	4,244,255	4,796,200	4,796,200	3,512,222	73.23
<b>DEPT 13 BOARD OF ELECTIONS</b>						
* ELECTORAL BOARD OFFICIALS	25,435	34,009	51,000	51,000	21,055	41.28
* REGISTRAR	97,048	120,153	138,200	138,200	101,057	73.12
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** BOARD OF ELECTIONS	122,483	154,162	189,200	189,200	122,113	64.54
<b>DEPT 21 COURTS</b>						
* CIRCUIT COURT	63,984	80,544	83,600	83,600	65,965	78.91
* GENERAL DISTRICT COURT	17,963	22,524	29,100	29,100	20,032	68.84
* J & D RELATION DIST COURT	36,031	42,947	51,400	51,400	37,000	71.98
* CLERK OF CIRCUIT COURT	392,972	488,109	503,700	503,700	399,304	79.27
* CITY SHERIFF	869,121	1,084,984	1,035,600	1,037,200	810,940	78.19
* COURTHOUSE SECURITY	132,351	223,989	174,300	174,300	144,343	82.81
* JUROR SERVICES	4,500	15,250	26,000	26,000	26,000	100.00
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** COURTS	1,516,921	1,958,347	1,903,700	1,905,300	1,503,583	78.92
<b>DEPT 22 COMMONWEALTH'S ATTORNEY</b>						
* COMMONWEALTH ATTORNEY	857,176	1,064,163	1,131,300	1,139,957	950,485	83.38
* VICTIM WITNESS PROGRAM	114,091	142,086	144,600	144,600	115,911	80.16

EXPENDITURES BY DIVISION  
FOR FISCAL YEAR 2015  
JULY 1, 2014 - APRIL 30, 2015

ACCOUNT DESCRIPTION	FY 2014 YTD 7/1 - 4/30	FY 2014 Year-end Actual	FY 2015 Original Budget	FY 2015 Amended Budget	FY 2015 YTD 7/1 - 4/30	FY 2015 % of Budget Realized
FUND 111 GENERAL OPERATING FUND						
DEPT 22 COMMONWEALTH'S ATTORNEY						
** COMMONWEALTH'S ATTORNEY	971,267	1,206,249	1,275,900	1,284,557	1,066,396	83.02
DEPT 31 LAW ENFORCEMENT & TRAFFIC						
* POLICE DEPARTMENT	5,854,889	7,473,634	7,590,100	7,590,100	6,031,627	79.47
* INVESTIGATION DIVISION	13,297	0	0	0	0	.00
* POLICE GRANTS	85,556	54,661	26,600	38,920	29,378	75.48
** LAW ENFORCEMENT & TRAFFIC	5,953,742	7,528,295	7,616,700	7,629,020	6,061,005	79.45
DEPT 32 FIRE AND RESCUE SERVICES						
* FIRE DEPARTMENT	4,039,698	4,957,103	5,199,600	5,199,600	4,285,301	82.42
* EMERGENCY MEDICAL	40	0	0	0	0	.00
* FIRE GRANTS	164,381	209,190	171,100	226,600	227,812	100.53
** FIRE AND RESCUE SERVICES	4,204,119	5,166,293	5,370,700	5,426,200	4,513,113	83.17
DEPT 33 CORRECTION AND DETENTION						
* PROBATION OFFICE	2,009	2,236	3,500	3,500	2,160	61.71
** CORRECTION AND DETENTION	2,009	2,236	3,500	3,500	2,160	61.71
DEPT 34 INSPECTIONS						
* INSPECTIONS DEPARTMENT	380,297	477,669	504,500	494,026	352,550	71.36
** INSPECTIONS	380,297	477,669	504,500	494,026	352,550	71.36
DEPT 35 OTHER PROTECTION						
* ANIMAL CONTROL	141,055	172,926	145,800	145,800	75,188	51.57
* EMERGENCY SERVICES CD	46,941	56,338	140,000	140,000	82,801	59.14
* HAZARDOUS MATERIAL	40,779	41,195	61,700	61,700	43,318	70.21
* COMMUNICATION OPERATIONS	751,897	933,137	1,056,300	1,056,300	789,614	74.75
** OTHER PROTECTION	980,673	1,203,596	1,403,800	1,403,800	990,921	70.59
DEPT 41 MAINT HIGHWAY, STREET ETC						
* STREETS	17,880	22,722	22,600	22,600	22,433	99.26
* STORM DRAINAGE	18,336	28,549	35,000	35,000	38,000	108.57
* LOUDOUN MALL	57,605	79,268	78,700	78,700	87,830	111.60
** MAINT HIGHWAY, STREET ETC	93,821	130,539	136,300	136,300	148,263	108.78

EXPENDITURES BY DIVISION  
 FOR FISCAL YEAR 2015  
 JULY 1, 2014 - APRIL 30, 2015

ACCOUNT DESCRIPTION	FY 2014 YTD 7/1 - 4/30	FY 2014 Year-end Actual	FY 2015 Original Budget	FY 2015 Amended Budget	FY 2015 YTD 7/1 - 4/30	FY 2015 % of Budget Realized
FUND 111 GENERAL OPERATING FUND						
DEPT 42 SANITARY & WASTE REMOVAL						
DEPT 42 SANITARY & WASTE REMOVAL						
* REFUSE COLLECTION	1,066,250	1,352,412	1,532,600	1,532,600	1,265,014	82.54
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** SANITARY & WASTE REMOVAL	1,066,250	1,352,412	1,532,600	1,532,600	1,265,014	82.54
DEPT 43 MAINT GENERAL BLDG/GROUND						
* JOINT JUDICIAL CENTER	377,864	469,205	663,400	663,400	369,547	55.70
* FACILITIES MAINTENANCE	900,752	1,120,069	1,235,600	1,235,600	1,111,358	89.94
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** MAINT GENERAL BLDG/GROUND	1,278,616	1,589,274	1,899,000	1,899,000	1,480,905	77.98
DEPT 53 WELFARE/SOCIAL SERVICES						
* ELDERLY - PROP TAX RELIEF	0	358,334	270,000	270,000	0	.00
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** WELFARE/SOCIAL SERVICES	0	358,334	270,000	270,000	0	.00
DEPT 71 PARKS & RECREATION						
* SUPERVISION PARKS & REC	381,129	583,549	603,400	607,400	484,580	79.78
* SPECIAL EVENTS TROLLEY	4,247	4,247	14,400	14,400	1,175	8.16
* MAINTENANCE	667,799	920,009	847,800	843,800	690,249	81.80
* COMMUNITY REC PROGRAMS	62,263	80,908	16,800	16,800	15,404	91.69
* OUTDOOR SWIMMING POOL	57,879	104,260	118,700	120,700	65,927	54.62
* INDOOR POOL	151,487	203,068	259,600	262,300	186,814	71.22
* WAR MEMORIAL & ADDITIONS	264,923	359,448	395,170	390,470	304,169	77.90
* SCHOOL AGE CHILD CARE	139,288	179,999	193,500	193,500	152,656	78.89
* ATHLETIC PROGRAMS	131,082	168,069	211,900	211,900	135,398	63.90
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** PARKS & RECREATION	1,860,097	2,603,557	2,661,270	2,661,270	2,036,371	76.52
DEPT 72 CULTURAL ENRICHMENT						
* APPLE BLOSSOM FESTIVAL	17,835	49,017	29,300	29,300	16,782	57.28
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** CULTURAL ENRICHMENT	17,835	49,017	29,300	29,300	16,782	57.28
DEPT 81 PLANNING & COMMUNITY DEVE						
* PLANNING DEPARTMENT	224,012	274,336	276,700	308,505	228,254	73.99
* REDEVELOPMENT & HOUSING	17,473	20,372	23,000	23,000	22,473	97.71
* ZONING DEPARTMENT	147,578	184,399	216,700	326,700	241,339	73.87
* ECONOMIC DEVELOPMENT	264,228	357,162	717,400	717,400	265,400	36.99
* OLD TOWN WINCHESTER	339,714	426,085	407,100	434,036	309,616	71.33

EXPENDITURES BY DIVISION  
 FOR FISCAL YEAR 2015  
 JULY 1, 2014 - APRIL 30, 2015

ACCOUNT DESCRIPTION	FY 2014 YTD 7/1 - 4/30	FY 2014 Year-end Actual	FY 2015 Original Budget	FY 2015 Amended Budget	FY 2015 YTD 7/1 - 4/30	FY 2015 % of Budget Realized
FUND 111 GENERAL OPERATING FUND						
DEPT 81 PLANNING & COMMUNITY DEVE						
* GIS	65,245	78,212	88,500	88,500	82,841	93.61
-----						
** PLANNING & COMMUNITY DEVE	1,058,250	1,340,566	1,729,400	1,898,141	1,149,924	60.58
DEPT 91 NONDEPARTMENTAL						
* OTHER	122,515	475,784	476,945	476,945	142,360	29.85
* OUTSIDE AGENCIES	272,713	282,713	338,938	363,938	338,938	93.13
* REGIONAL AGENCIES	4,867,117	5,145,992	5,177,995	5,314,467	5,051,882	95.06
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** NONDEPARTMENTAL	5,262,345	5,904,489	5,993,878	6,155,350	5,533,180	89.89
DEPT 93 TRANSFERS						
* INTERFUND	41,993,460	51,372,521	34,238,402	35,740,629	23,829,387	66.67
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** TRANSFERS	41,993,460	51,372,521	34,238,402	35,740,629	23,829,387	66.67
DEPT 95 DEBT SERVICE						
* DEBT	9,319,324	9,903,968	10,349,450	22,738,100	22,256,836	97.88
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** DEBT SERVICE	9,319,324	9,903,968	10,349,450	22,738,100	22,256,836	97.88
-----						
*** GENERAL OPERATING FUND	79,310,219	96,718,430	82,067,000	96,355,693	76,000,890	78.88
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	79,310,219	96,718,430	82,067,000	96,355,693	76,000,890	78.88
					(12,544,772) Bonding	
					63,436,118	77.30%