

SUPPLEMENTAL PAY AGREEMENT

THIS CONSTITUTIONAL OFFICER MEMORANDUM OF AGREEMENT, made this 13th day of March, 2008, by and between the **BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA**, (hereinafter "the Board"), and **ELIZABETH A. LEDGERTON, FAUQUIER COUNTY TREASURER; CHARLIE RAY FOX, Jr., FAUQUIER COUNTY SHERIFF; ROSS W. D'URSO, FAUQUIER COUNTY COMMISSIONER OF REVENUE; JONATHAN S. LYNN, FAUQUIER COUNTY COMMONWEALTH'S ATTORNEY; and GAIL H. BARB, CLERK OF THE CIRCUIT COURT OF FAUQUIER COUNTY** (hereinafter collectively "the Officers.)

RECITALS

Recital 1. WHEREAS, In accordance with Section 2.2 -3008 of the Code of Virginia, as amended, employees and appointees of Constitutional Officers may be accepted in a local governing body's grievance procedure or personnel system if agreed to by both the Constitutional Officer and the local governing body; and

Recital 2. WHEREAS, The Officers receive salary allocations from the Commonwealth of Virginia's Compensation Board for themselves and some of their employees and appointees; and

Recital 3 WHEREAS, The Board currently funds out of local revenue, and without Compensation Board funding, the salaries of some of the employees and appointees of the Officers; and

Recital 4. WHEREAS, The Officers desire that the Board supplement the salary allocations for themselves and those employees and appointees which are Compensation Board funded, as permitted by law; and

Recital 5. WHEREAS, As permitted by law the Board is willing to fund the salaries of the locally funded employees and appointees of the Officers and to supplement the funding allocated by the Compensation Board for the salaries of the officers and those employees and appointees funded by the Compensation Board in consideration of the Officers agreeing to adopt and abide by certain of the Board's Personnel, Procurement, Travel, Finance, and Donation, policies; and

Recital 6. WHEREAS, Virginia Code Section 15.2-1605.1 permits Officers and the Board of Supervisors to agree that the Board will supplement the salaries of the Officers and their deputies and employees and appointees; now, therefore

AGREEMENT

In consideration of the mutual covenants and promises contained herein, the Board and the Officers agree as follows:

1. The term of this agreement will be from March 13, 2008 through December 31, 2011 or as to each individual Officer upon the expiration of his or her term of office if sooner than December 31, 2011.

2. Employees and appointees of a constitutional officer shall be considered "at will" employees and appointees of the officer regardless of whether the employee is county or compensation board funded and except as provided herein such employees and appointees shall not be deemed employees and appointees of the County and at no time shall any employee of the Officers have any rights under the County's employee conduct, disciplinary or grievance policies.

3. All permanent employees and appointees of the Officers are hereby included within the competitive service system of the County. For purposes of this agreement, the term "competitive service system" shall include all non-policy making or implementing employees and appointees of the Officers who shall be hired, appointed, promoted, transferred, classified, and compensated solely in accordance with the provisions of the Fauquier County Personnel Policies and the County Uniform Pay and Classification Plan. Provided, however, employees and appointees shall be excluded from coverage of the County Grievance Procedure (Section No. 41), Rules of Conduct (Section No. 3), Resignations, Separations and Re-employment (Section No. 25) and any other disciplinary component of any County personnel policy otherwise applicable to Constitutional Officers. The intent of this provision is that management, discipline and termination of employees and appointees is to be vested entirely in the Constitutional Officer. Notwithstanding this provision, unless and until the Constitutional Officer in his or her sole discretion adopts a Sexual Harassment Policy, an ADA Reasonable Accommodation Policy and/or an Equal Opportunity Policy, the County's Sexual Harassment Policy (Section No. 46) ADA Reasonable Accommodation Policy (Section No. 43) and Equal Opportunity Policy (Section No. 1) shall be applicable except that any final decision which is made by the Board of Supervisors or the County Administrator under the aforementioned policies (Sections 46, 43, and 1) shall be made by the Constitutional Officer and the procedure shall be accordingly conformed. It shall be provided further that pursuant to Virginia Code Section 15.2-1604 no Officer shall be required to comply with the County's hiring policies when filling a policy-making position, confidential or personal staff positions, or special sensitive law-enforcement positions normally regarded as undercover work. For purposes of this Paragraph the phrase "policy-making position, confidential or personal staff position" shall mean the position of chief deputy of the Officer.

4. Except as provided herein or required by law, the Officers do hereby adopt and agree that they and their employees and appointees shall be under the Board's, Personnel, Finance, Procurement, Travel and Donation Policies.

5. The Board agrees that, except, as required by law, all of the employees and appointees of the Officers shall be classified, graded and compensated (to include fringe benefits) in conformance with the County's Uniform Pay and Classification Plan and to the extent required to meet the level of compensation accorded under that plan, the Board will, subject to the lawful appropriation of funds, supplement the funds appropriated by the Compensation Board. The Board also agrees to supplement the salaries of the Officers in an amount determined by the Board after consultation with the Officers.

6. The Officers acknowledge and agree that, except as provided by law, any increase in funding by the Compensation Board shall, to the extent that the funding does not increase the salary of the Officer or their employees and appointees above the level of compensation set by the County's Uniform Pay and Classification Plan in the case of employees and appointees or in the case of an Officer above the level of compensation set by the Board, be used to supplant County funding of the Officer's or employees and appointees' salary.

7. To the extent the provisions of any County policy or its Uniform Pay and Classification Plan conflicts with any mandatory requirements established by the Commonwealth or the Compensation Board, the mandatory requirement shall control.

WITNESS the following signatures and seals:

**THE BOARD OF SUPERVISORS
OF FAUQUIER COUNTY**

by *Chester W. Stuhling*

Charlie Ray Fox Jr
CHARLIE RAY FOX, Jr.
SHERIFF

Jonathan S. Lynn
JONATHAN S. LYNN
COMMONWEALTH'S ATTORNEY

Ross W. D'Urso
ROSS W. D'URSO
COMMISSIONER OF REVENUE

Gail H Barb
GAIL H. BARB
CLERK OF THE CIRCUIT COURT

Elizabeth A. Ledgerton
ELIZABETH A. LEDGERTON
TREASURER

Paul

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO SIGN A SUPPLEMENTAL PAY AGREEMENT WITH THE CONSTITUTIONAL OFFICERS OF FAUQUIER COUNTY

WHEREAS, in accordance with Section 2.2-3008 of the Code of Virginia, as amended, employees of Constitutional Officers may be accepted in a local governing body's grievance procedure or personnel system if agreed to by both the Constitutional Officer and the local governing body; and

WHEREAS, the Constitutional Officers receive salary allocations from the Commonwealth of Virginia's Compensation Board for themselves and some of their employees; and

WHEREAS, the Board of Supervisors currently funds from local revenue, and without Compensation Board funding, the salaries of some of the employees of the Constitutional Officers; and

WHEREAS, the Constitutional Officers' desire that the Board of Supervisors supplement the salary allocations for the Constitutional Officers and for those employees that are Compensation Board funded, as permitted by law; and

WHEREAS, as permitted by law, the Board of Supervisors is willing to fund the salaries of the locally funded employees of the Constitutional Officers and to supplement the funding allocated by the Compensation Board for the salaries of the Constitutional Officers and those employees funded by the Compensation Board in consideration of the Constitutional Officers' agreeing to adopt and abide by certain of the personnel, procurement, travel, finance, and donation policies of the Board of Supervisors; and

WHEREAS, Virginia Code Section 15.2-1605.1 permits Constitutional Officers and the Board of Supervisors to agree that the Board of Supervisors will supplement the salaries of the Constitutional Officers and their deputies and employees; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of March 2008, That the Chairman of the Board of Supervisors be, and is hereby, authorized to sign a supplemental pay agreement with the Constitutional Officers of Fauquier County.

A Copy Teste



*Paul S. McCulla
Clerk to the Board of Supervisors*