

TOWN OF GUILFORD PERSONNEL POLICY

2023

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Attachments:

Addendum A - Employee Acknowledgment for receipt and understanding of Policy

Addendum B - Drug and Alcohol Policy

Addendum C - Drug and Alcohol Policy Acknowledgement Form

**PERSONNEL POLICY
TOWN OF GUILFORD, VERMONT**

Section 1: TITLE AND AUTHORITY

This Policy shall be known as the Town of Guilford Personnel Policy (hereinafter “Personnel Policy” or “Policy”). It has been adopted by the Town of Guilford (hereinafter “Town”) Selectboard pursuant to 24 V.S.A. §§ 1121 and 1122.

This Personnel Policy is a guide and may not be construed under any circumstances as a contract or binding agreement. This Policy is not intended to be, nor does it constitute, a contract or agreement for employment. With the exception of those town officers who, by law, can only be removed for cause (e.g., town manager, zoning administrator, etc.), employment with the Town of Guilford is *at-will* and not for any definite period or succession of periods of time. The Town or the employee may terminate employment at any time, for any reason or no reason at all, with or without notice. Employee discipline or termination is left entirely to the discretion of the Selectboard with, if relevant, the involved Supervisor. A disciplined or terminated employee will have no right to appeal such determination.

This Personnel Policy does not constitute an express or implied contractual modification of employees’ at-will employment arrangement with the Town as employer. Nothing contained in this Policy is intended to be part of the employment relationship; instead, the contents merely represent general statements of Town Policy. Any prior policies or verbal or written assurances of continued employment which could be construed as altering the at-will status of this employment relationship or any other unwritten practices or policies to the contrary are hereby superseded and nullified.

The Selectboard reserves the right to amend any of the provisions of this Personnel Policy for any reason, at any time, with or without notice. The Selectboard also retains the right to modify or amend the terms of employment at any time and for any reason, including unilaterally eliminating a position and thus terminating employment, reducing the work hours for some or all employees due to economic necessity, shortage of work, organizational efficiency, changes in departmental functions, reorganizing or reclassifying positions resulting in the elimination of a position, or for other reasons without limitation.

This Personnel Policy will be administered by the Selectboard with the assistance of the Town Clerk, Town Administrator, and designated Supervisor.

Section 2: PERSONS COVERED

This Personnel Policy applies to full-time and part-time employees of the Town. Except by separate written agreement, elected officers and their statutory assistants, members of Town boards and commissions, volunteers, and persons who provide the Town with services on a contract basis are not covered by this Policy.

Employee Status

For purposes of this Policy:

1. A regular full-time employee is an employee who works at least 30 hours per week on a regular and continuing basis. "Regular" status: employees who have satisfactorily completed the probationary period, whose employment has been confirmed by the Selectboard, and are hired to work on a consistent, regular basis, full or part time.
2. Appointed" status: persons on the payroll who have been appointed for a specified term who receive wages designated for the office, who may or may not receive benefits, based on their contract terms with the Town.
3. A regular part-time employee, paid hourly, is an employee who works fewer than 30 hours per week on a regular and continuing basis.
4. Temporary employees are those hired for a set period of time, typically for a specific project or task. Temporary employees may work full or part-time hours, but are only eligible for those benefits mandated by state and federal laws.
5. Elected: persons on the payroll who have been elected for a specified term who receive wages designated for the office.
6. In addition, the Town benefits from the contributions of a large number of volunteers who work with little or no compensation and who may have some responsibility and accountability for a budget, may be required to submit reports to the town, and may be eligible for expense reimbursement. These volunteers are not considered employees.
7. The Selectboard retains the right to unilaterally eliminate positions or reduce the work hours of a position or positions due to economic conditions, shortage of work, organizational efficiency, changes in departmental functions, reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons.

Exempt positions

Employees classified as exempt, as defined by applicable laws, are ineligible for overtime pay. Generally, such employees are those occupying executive, administrative, professional, and computer specialty positions, etc., as defined by the Fair Labor Standards Act.

Where a conflict exists between this Policy and an individual employment contract, the latter will control.

Section 3: EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Town to provide equal opportunity to all employees and applicants without regard to race, color, religion, caste, ancestry, sex, sexual orientation, gender identity, age, national origin, place of birth, marital status, disability, veteran's status, HIV status, pregnancy, health coverage status, genetic information, crime victim status, or any other category of person protected under state or federal law.

Section 4: EMPLOYEE CONDUCT

All employees are considered representatives of the Town and as such are expected to conduct themselves in a courteous, helpful, and respectful manner in all their interactions with the public, other employees, and town officials.

All employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability.

Section 5: CONFLICTS OF INTEREST

A conflict of interest means a direct or indirect personal or financial interest of an employee or a person or group closely tied with the employee including a close relative, household member, business associate, or employer or employee. A close relative includes a spouse, civil union partner, romantic cohabitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law.

Every employee of the Town shall carry out their job in a way that avoids conflicts of interest so that the public trust will be preserved. All decisions made by Town employees shall be made based on the best interest of the community at large rather than the interests of any particular individual or employee.

An employee shall not participate in any official action if the employee has a conflict of interest in the matter under consideration. An employee shall not personally, or through any member of their household, business associate, employer or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application or other matter pending before the Town.

An employee shall not use resources not available to the general public, including but not limited to Town staff time, equipment, supplies, or facilities for private gain or personal purposes.

An employee may accept a nominal gift or gratuity in connection with an action associated with their official duties on behalf of the Town with an estimated monetary value not exceeding \$20.00 (twenty U.S. dollars) once per calendar year, with the understanding that employees may not directly or indirectly ask, demand, exact, solicit, accept or receive any gift, gratuity, act or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of the Town, or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of the Town. Nor shall any employee authorized to procure or to recommend procurement of materials, supplies or services, directly or indirectly, ask, demand, exact, solicit, seek, accept, receive or agree to receive for the employee or another person, any benefit or benefits from the person providing or soliciting the provision of such materials, supplies or services with the exception of items of a de minimus nature valued at \$20.00 or less (such as vendor booth "freebies"). An employee may attend a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of Town business or where official

attendance is appropriate. An employee may accept an award publicly presented in recognition of public service.

Section 6: HOURS OF SERVICE

The Town workweek will be Monday 12:00 a.m. through Sunday 11:59 p.m. A regular workday will be designated by an employee's supervisor. This applies to all regular full and part-time employees. Regular work hours for persons employed at the Town Office shall be 7 a.m. to 5 p.m. Monday through Thursday for Town Office staff. Subject to Selectboard approval, employees who work in certain eligible positions may be permitted to work remotely from time to time. The employee is expected to maintain a level of performance that ensures their duties are properly fulfilled and the public is well-served. This privilege may be revoked at the sole discretion of the Selectboard.

Regular work hours for the road crew shall be 7 a.m. to 3:30 p.m., Monday through Friday, with 30 minutes allowed for lunch, unless the Road Foreman and the Selectboard agree otherwise.

Regular work hours may be changed, and employees may be expected to work additional hours that may exceed forty hours in a given week, as circumstances require. All road crew employees are required to be available for work on an on-call basis, especially during the winter months. All Town employees are required to be available for work in the case of an emergency, weather-related or otherwise.

All employees are expected to be in attendance during regular work hours. Employees who will be absent from work are expected to notify their supervisor in advance whenever possible. Employees who are calling in sick are expected to notify their Supervisor as soon as possible, but preferably no later than 8 a.m. Employees who take more than three (3) consecutive days of sick leave days may be required to provide a note from their physician.

Sixteen (16) hours is the maximum number of continuous hours that an employee may work in a single shift. Eight (8) hours off between sixteen (16) hour shifts are mandatory.

Section 7: OUTSIDE EMPLOYMENT

The primary occupation of all full-time employees shall be with the Town. Employees may not engage in any outside business activities during their normal working hours. Employees are prohibited from undertaking outside employment that interferes with their job performance or constitutes a conflict of interest, as defined in Section 5 of this Policy.

Prior to accepting any outside employment, employees will disclose their intent to do so in writing and obtain prior clearance from the Selectboard and or the Road Foreman that such employment does not constitute a conflict of interest.

Section 8: POLITICAL ACTIVITY

No employee may use their official authority for the purpose of interfering with or affecting the nomination or election of any candidate for public office, or demand or solicit from any individual direct or indirect participation in any political party, political organization, or support of any political candidate. Employees are prohibited from using Town facilities, equipment, or resources for political purposes and from pursuing political activities while working.

This Personnel Policy is not to be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending political party or organization meetings or events, or from expressing their views on political matters, so long as: 1) these views are clearly articulated as being those of the individual and not of the Town, 2) these activities do not interfere with the individual's ability to effectively perform their duties, and 3) these activities take place or are expressed during non-working hours. This Personnel Policy is not to be construed as prohibiting, restraining, or in any manner limiting an individual's right to vote with complete freedom in any election.

Section 9: NEPOTISM

The Town – in recognition of the potential for a conflict of interest to occur in the workplace– prohibits the hiring or transferring of relatives when doing so will result in a close relative supervising or evaluating another close relative, or a close relative supervising or evaluating the immediate supervision of another close relative. The Town, otherwise, permits the employment of qualified relatives and romantic partners of employees as long as such employment does not, in the opinion of the Selectboard, create actual or perceived conflicts of interest. The Town will exercise sound business judgment in the placement of related employees. Specifically, the criteria for evaluating the candidacy of a family member job applicant are equivalent to the criteria for evaluating all other candidates. The process for hiring family members will be transparent and employees are welcome to inquire about opportunities. This Policy applies to all categories of employment at the Town.

A close relative includes a spouse, civil union partner, romantic cohabitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law.

Section 10: DRUG AND ALCOHOL USE

The Town intends to maintain a drug-free workplace and workforce. The use of alcohol or illegal drugs and the abuse of prescription drugs are not tolerated in the workplace or at work-related events.

As a Town employee, you are prohibited from working, or presenting yourself for work, while under the influence, or severe aftereffects, of illegal drugs, controlled substances, and/or alcohol. This Policy is designed to promote our goal of providing a safe, healthy, and productive work environment. This Policy covers all employees, including drivers and other employees

who are also subject to drug testing programs performed in accordance with Federal Department of Transportation (DOT) requirements.

It is the Policy of the Town to prohibit the manufacture, distribution, transfer, display, transportation, sale, dispensation, possession, consumption, or use of illegal drugs, controlled substances, and/or alcohol by Town employees at the workplace and/or during work hours. Prohibited behavior includes manufacturing, distributing, transferring, displaying, transporting, selling, dispensing, possessing, consuming, using, or being under the influence of illegal drugs, controlled substances, and/or alcohol during work hours, on work premises, while engaged in work activities away from work premises, and/or during work-related events.

For the purposes of this Policy, the term “illegal drug” includes both: (a) all state and/or federally controlled substances, including look-alike and designer drugs, and drug paraphernalia, and (b) prescription medications that have not been prescribed for current use by an authorized medical practitioner or that are being used contrary to the prescribing medical practitioner’s instructions. Controlled substances include but are not limited to the following substances: marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), barbiturates, benzodiazepine, methadone, methaqualone, and propoxyphene.

Prohibited Conduct

The following actions are prohibited in the workplace, on municipal property, while using municipal equipment, or during any time period in which you are on municipality business:

- Possessing, consuming, or using illegal or controlled substances, as defined by federal, state, and local statutes. (Controlled substances may be taken pursuant to a properly issued prescription, provided the controlled substance is taken as, and in the amount, prescribed and so long as the medication does not adversely affect the employee’s ability to perform the essential functions of their job.)
- Distributing, transferring, displaying, transporting, selling, or possessing with the intent to distribute illegal or controlled substances.
- Possessing or using drug paraphernalia except when used for legal substances and in a legally prescribed manner.
- Being under the influence of illegal or controlled substances as demonstrated by actions and/or other evidence.
- Growing and/or manufacturing any illegal drug or controlled substance.
- Possessing or using alcohol.
- Being under the influence of alcohol.

The limited, responsible consumption of alcohol on or off municipality premises at a Town-sponsored business or social function is permitted, but only if it has been authorized in writing and in advance by the Selectboard or the employee’s supervisor. The Town expects all attendees at such a function to behave in a professional manner and in accordance with Town policies.

The Town reserves the right to search and inspect all areas of the workplace and its premises for the purposes of maintaining a safe and healthy workplace.

The illegal use of prescription drugs is prohibited. If an employee is legally taking prescription drugs that affect the employee's ability to safely perform any of the essential functions of their job, their supervisor or the Selectboard will determine whether the employee should continue to perform their functions until concerns regarding safety can be addressed. Medical certification may be required.

In addition to this Policy, employees who operate commercial motor vehicles (CMVs) for the Town are also subject to the provisions of the Town's CMV Drug and Alcohol Policy.

Section 11: TOBACCO USE

In recognition of the hazards that tobacco poses to the health of employees, and in accordance with 18 V.S.A. §§ 1421 et seq. and §§ 1741 et seq., the Town hereby prohibits employees' use of tobacco in any form, including electronic cigarettes, in all publicly owned buildings, offices and enclosed areas, designated smoke-free areas of Town property, and in all Town vehicles.

Section 12: PERFORMANCE EVALUATIONS

Following the 90-day probationary period, and confirmation of employment, employees will participate in job performance evaluations annually during the month of January or as close as possible to January. The performance review consists, at a minimum, of a self-evaluation and a supervisor evaluation. It may also include peer evaluations. The results of such evaluations will be shared among the employee, the employee's supervisor, and the Selectboard. They will become a part of the employee's personnel file.

The Performance Evaluation template is available from the Town Administrator. Performance evaluations shall include, but not be limited to: challenges faced by the employee or with the environment, areas for growth, areas of success, observations about the job description vs. actual job done and, if appropriate, goals for the coming year against which future performance will be measured.

Section 13: PERSONNEL RECORDS

Personnel records will be maintained for each employee of the Town. In accordance with Vermont's Public Records Law, any employee or the employee's designated representative may inspect or copy their personnel file at a mutually agreeable time during regular office hours. The Town reserves the right to have its representative present at the time its files are examined or copied.

Section 14: USE OF TOWN EQUIPMENT

Except as provided in Section 15, the use of Town equipment or property for personal use is strictly prohibited. Employees should have no expectation of privacy regarding anything stored

in or on Town-owned property or Town-owned equipment, including but not limited to desks, filing cabinets, lockers, and vehicles. Employees should expect that such areas may be searched at any time to retrieve work-related materials or to investigate suspected violations of workplace rules.

Section 15: USE OF TOWN COMPUTER SYSTEM

For purposes of this Policy, "computer system" means all computers and devices and any related hardware, equipment, components, or software, including, but not limited to, host computers, file servers, workstation terminals, laptops, tablets, smartphones, internal or external communication networks, the world wide web (www), the Internet, commercial online services, bulletin board systems, backup systems, and the internal and external e-mail systems accessed via the Town's computer equipment.

All electronic communications regarding Town business should be, to the furthest extent possible, conducted via official Town computer systems. A Town employee should avoid conducting Town business using their personal computer, device, or account unless authorized by the Town. The Town computer system is to be used by employees for the purpose of conducting Town business. Occasional, brief, and appropriate personal use of the Town computer system is permitted, provided it is consistent with this Policy and does not interfere with an employee's job duties and responsibilities.

Employees should have no expectation of privacy or confidentiality regarding anything created, sent, or received on the Town computer system. The Town may monitor at any time its computer system without warning or any specific notice to employees, including any and all computer transactions, communications, and transmissions for any reason including, but not limited to ensuring compliance with this Policy and evaluating the use of its computer system. All files, documents, data, and other electronic messages created, received, or stored on the Town computer system are open to review and regulation by the Town and may be subject to the provisions of Vermont's Public Records Law.

Employees may not introduce software from any outside source on the Town's computer system without prior, written authorization. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town computer system.

Employees who have a confidential password to access the Town's computer system should be aware that this does not mean the computer system is for personal confidential communication, nor does it suggest that the computer system is the property of that person. Additionally, employees who have a confidential password to access the Town's computer system, or to access any Town-sponsored computer networks, or software-as-a-service, shall provide access to the Town Administrator, Selectboard, and/or the employee's supervisor upon request. Upon termination of employment, employee access to Town computer systems will be terminated.

Transmission of electronic messages on the Town computer system shall be treated with the same degree of propriety, professionalism, and confidentiality as written correspondence. The following are examples of prohibited uses of the Town computer system:

- Communications that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing, or threatening;
- Communications of sexually explicit images or messages;
- Transmission of chain letters or solicitations for personal gain, commercial or investment ventures, religious or political causes, outside organizations, or other non-job-related solicitations during or after work hours;
- Access to Internet resources, including websites and news groups, that are inappropriate in a business setting;
- Unauthorized disclosures. Unauthorized disclosures include disclosures of non-public information, unless the disclosure is authorized by law; and the dissemination of confidential, proprietary, or privileged information.
- Any other use that may compromise the integrity of the Town and its business in any way.

Nothing in this Policy will be interpreted or applied in a manner that interferes with employee rights to organize, form, join, or assist labor organizations, to bargain collectively through representatives of their choosing to the extent allowed by law, or to engage in other concerted activities for the purpose of addressing the terms and conditions of employment.

Section 16: PERSONAL USE OF SOCIAL MEDIA

This section applies to employees using social media in their personal, non-official capacity. Personal or non-official use of social media means day-to-day use of social media by employees that is unrelated to their official work duties. Employees' personal or non-official use of social media may occur during work or off-duty hours. Consistent with Section 15, occasional, brief, and appropriate personal use of social media is permitted during work hours provided it is consistent with this Policy, does not interfere with an employee's job duties and responsibilities, and does not have a detrimental effect on employee productivity or the Town's operations.

Employees using social media in their personal capacity are expected to be truthful, courteous, and respectful toward supervisors, co-workers, residents, customers, and other persons or entities associated with or doing business with the Town.

When posting content or commenting on Town business in their personal capacity, employees must use a disclaimer which establishes that their posted content or comments represent their own opinions and do not represent those of the Town. Employees must not attribute personal statements or opinions to the Town when engaging in the use of social media and if, through their identification or posts, any confusion as to whether their statements might be attributable to the Town arises, they must clarify that their posts are their own and not those of the Town.

Personal use of social media should not be tied to the Town's business and employees must not use their town email account or password in conjunction with a personal social media platform.

Personal use of social media that adversely or negatively affects or impacts the workplace is prohibited. The following is a non-exhaustive list of examples, situations, or activity when personal use of social media may adversely or negatively affect an employee's duties or the workplace:

- Name calling and personal attacks or other such demeaning behavior;
- Friendships, dating or romance between co-workers;
- Cyber-bullying, stalking, or harassment;
- Release of private or confidential data;
- Unlawful activities;
- Misuse of town social media;
- Inappropriate use of the Town's name, logo, or the employee's position or title;
- Using town-owned computer systems or equipment for extensive personal social media use; or
- Violating federal, state, or local law.

Section 17: PUBLIC RECORDS

Any written or recorded information that is produced or acquired by a Town employee in the course of Town business is a public record, subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention rules and disposition schedules for municipal records. Although the Town discourages the use of personal computers, devices, or accounts to conduct Town business (see Section 15, above), the use of a personal computer, device, or account does not prevent an otherwise public record from being subject to public inspection and copying. In the uncommon event that an employee uses their personal computer, device, or account to conduct Town business, the record created, sent, or received should be forwarded by the employee to the employee's Town computer system, or otherwise captured and retained as a Town record. All employees are required to respond in the manner prescribed by Vermont's Public Records Act regardless of where a Town public record may be stored. All employees must provide any Town public records stored in their personal computers, devices, or accounts that are responsive to a public records request.

Section 18: ELIGIBILITY FOR BENEFITS

The Town offers the following group insurance programs for the benefit of its eligible regular full-time employees:

- Health
- Dental
- Vision
- Short/Long Term Disability

Any new employee becomes eligible for coverage in the group insurance programs on the first day of the month following successful completion of the ninety (90) day probationary period, or on the first day of the month following successful completion of any extension of the (90) day probationary period. Leaves and professional development benefits are dependent on tenure and described herein. The Town offers the following group insurance programs for the benefit of its eligible regular part-time employees:

- Health
- Dental
- Vision

An employee working less than thirty (30), but 20 hours or more, per week may elect to join the health plan at his/her own expense.

The Town reserves the right to change insurance carriers, or to add, delete, or amend insurance or other benefit programs in its sole discretion. The Town also reserves the right to change the amount or percentage of its contribution to the cost of any group health insurance program. Employees will be provided with advance notice of any change in the contribution rate.

The Town is required to participate in the following benefits programs: Workers' Compensation, Unemployment Compensation, and the Vermont Municipal Retirement (VMERS). As of July 1, 2023 the employee contribution to the VMERS plan will be 6.125% of gross salary and the employer contribution will be 6.75% of gross salary. These programs are available to regular employees and elected officers who meet the program eligibility requirements. Questions should be posed to the Town Administrator or the Town Clerk. Additionally, after one year of service, employees may choose to participate in a 457 contribution plan (for municipalities); employee contributions are not matched by the employer.

Section 19: HOLIDAY LEAVE

Full- and part-time employees will receive the following paid holiday leave:

- New Year's Day (January 1)
- Martin Luther King Day (3rd Monday in January)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Indigenous Peoples' Day (second Monday in October)
- Veterans' Day (November 11)
- Thanksgiving Day (4th Thursday in November)
- Day after Thanksgiving (4th Friday in November)
- Christmas Day (December 25)
- Floating Holidays – 3 days (A "Floating Holiday" is a day off per fiscal year, to be taken at the employee's discretion with the prior approval of the employee's supervisor.)

Employees will receive holiday leave pay for the number of hours in the employee's typical workday on which the holiday falls, at the employee's regular rate of pay. Part-time employees will receive prorated holiday leave pay based on the number of hours the employee is regularly scheduled to work. Holiday leave that is not actually worked by an employee will not be included in calculating overtime for that employee.

Holidays falling on a Saturday will be observed the preceding Friday. Holidays falling on a Sunday will be observed the following Monday.

Holidays that fall during an employee's vacation leave will not be charged as vacation leave.

Section 20: VACATION LEAVE

Regular full and part time employees will accrue vacation at the following rates:

| <u>Years of Service</u> | <u>Annual Accrual Rate</u> |
|--|----------------------------|
| From date of hire and for first fiscal year | 5 days |
| At beginning of 2nd and 3rd fiscal year | 10 days |
| At beginning of 4th through 14th fiscal years | 15 days |
| At beginning of 15th through 20th fiscal years | 20 days |
| At beginning of 21st fiscal year & thereafter | 25 days |

Vacation leave accrual begins on an employee's date of hire and is prorated to 1st July (beginning of fiscal year) and accrues thereafter on 1st July as earned. An employee may not take vacation during their probationary period. An increase in the annual accrual rate of vacation time will occur on 1st July and prorated to the anniversary of the date of hire.

Full-time employees will receive vacation leave pay at the employee's regular rate of pay. Part-time employees will receive prorated vacation leave pay based on the number of hours the employee is regularly scheduled to work in a week.

Requests for vacation should be submitted to the employee's supervisor as soon as possible but not less than two weeks in advance of the requested time off. This notice may be waived at the discretion of the Selectboard and/or the employee's supervisor. Vacations should be taken in a minimum of two-hour increments.

Employees are strongly encouraged to take an annual vacation and to use their vacation time in the year in which it was accrued. If an employee does not use all of his/her accrued vacation leave within a fiscal year, the employee may carry unused vacation leave forward to the next year up to a maximum of ten (10) vacation days. Should the leave time not be taken during the year in which it is carried over, it shall be forfeited. An employee who resigns from employment with the Town with at least two weeks' notice of resignation will be compensated for the allowable unused, accrued vacation leave at a rate equal to his/her regular rate of pay. An employee who resigns or is terminated during their probationary period will not be entitled to compensation for any accrued vacation time.

Section 21: PERSONAL LEAVE

Regular full-time employees are entitled to four (4) paid days of personal leave for the purpose of attending to important personal affairs that cannot be accomplished during non-work hours

The Town requires leave be taken in a minimum of two-hour segments. An employee shall make a reasonable attempt to schedule appointments for which leave may be taken outside of regular work hours. An employee shall provide his/her supervisor with the earliest possible notice of the intent to use personal leave, but in no case later than seven days before leave is to be taken, except in the case of an emergency where the required seven day notice could have a significant adverse impact on the employee or family member of the employee.

If an employee does not use all of the employee's personal leave in a fiscal year, the employee may not carry the unused personal leave forward to the next year. Personal leave hours do not count as hours worked for purposes of calculating overtime or compensatory time. Upon separation from employment, an employee will not be compensated for unused personal leave.

Section 22: SICK LEAVE

Earned Sick Leave

Regular full-time employees will receive five (5) paid sick leave days per year. An employee may use sick leave for an illness or injury that prevents the employee from performing the employee's job duties and additional reasons permitted under Vermont state law under 21 V.S.A. § 481 et seq.

Part-time employees will receive prorated sick leave pay based on the number of hours the employee is regularly scheduled to work in a week but will accrue at least 1 hour of sick leave pay for every 52 hours worked. Maximum accrual is 40 hours.

Carryover of Paid Leave

If an employee does not use all their accrued sick leave in a 12-month period, the employee may carry a maximum of 40 sick leave days (8 weeks; 320 hours) forward to the next year. Upon separation from employment, an employee will not be compensated for unused sick leave.

Waiting Period

An employee may take sick leave during the employee's first year of employment.

Use of Paid Leave

An employee may not use more than 40 hours of accrued leave within a 12-month period.

Eligible employees may use paid leave in increments no smaller than two hours.

An employee may use sick leave for the purposes below:

- The employee is ill or injured.

- The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
- The employee cares for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee's parent, grandparent, spouse, or parent-in-law to an appointment related to their long-term care.
- The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, "domestic violence," "sexual assault," and "stalking" shall have the same meanings as in 15 V.S.A. § 1151.
- The employee cares for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

Employees must provide notice as soon as practicable of the intent to use earned sick time and the expected duration of the employee's absence. Employees must make reasonable efforts to avoid scheduling routine or preventive health care or other appointments during regular work hours.

Compensation for use of paid leave will be at the employee's regular rate of pay.

Section 23: BEREAVEMENT LEAVE

Employees may be provided with up to six (6) paid bereavement leave days (pro-rated for part-time employees) related to the death of a close family member, domestic partner or member of an employee's household. The exact amount of time off depends upon the circumstances and subject to supervisor approval. For purposes of this section of the Personnel Policy, "close family member" is defined as the following: spouse, civil union partner, romantic cohabitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt, uncle, niece, nephew, parent-in-law, or sibling-in-law.

If additional time off is needed, or if time off is needed for the funeral of a friend or a relative who is not included above, the employee's supervisor may grant, on a case-by-case basis, the use of a reasonable amount of accrued sick leave, if available, or unpaid leave, if unavailable. The amount of such time off, if approved, will depend upon the individual circumstances such as the distance to be traveled, closeness of the employee's relationship with the person who died or the employee's family, and the employee's level of responsibility in making funeral or other arrangements.

Paid bereavement leave does not accrue and thus, when not used, is not carried forward into the next year nor compensated upon separation from employment.

Section 24: PARENTAL AND FAMILY LEAVE

The Town reserves the right to designate any qualifying leave of absence granted under this Policy as leave under FMLA or the VPFLA. A request for leave must be made to the employee's supervisor. Where an employee's leave request is covered by the VPFLA and the FMLA, the Town will adhere to the law that provides the most benefits to the employee. If an employee is entitled to leave under both the VPFLA and FMLA, the leave periods will run concurrently.

For the purposes of determining the 12-month period in which an employee may be entitled to VPFLA and/or FMLA leave, the Town will use a rolling 12-month period measured backward from the date an employee uses such leave.

Section 25: SHORT TERM FAMILY LEAVE

In accordance with 21 V.S.A. § 472a, eligible employees may be entitled to take unpaid leave not to exceed four hours in any 30-day period and not to exceed 24 hours in any 12-month period for the following purposes:

- To participate in preschool or school activities directly related to the academic educational advancement of the employee's child, stepchild, foster child, or ward who lives with the employee, such as a parent-teacher conference;
- To attend or accompany the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law to routine medical or dental appointments;
- To accompany the employee's parent, spouse or parent-in-law to other appointments for professional services related to their care and well-being; or
- To respond to a medical emergency of the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law.

The Town may require that leave (including accrued paid leave) be taken in a minimum of two-hour segments. At the option of the employee, accrued paid leave may be used. Before taking leave under this section an employee shall make a reasonable attempt to schedule appointments outside of regular work hours. An employee shall provide the Town with the earliest possible notice of the intent to take short term family leave, but in no case later than seven days before leave is to be taken, except in an emergency where the required seven-day notice could have a significant adverse impact on the family member of the employee.

Section 26: CRIME VICTIM LEAVE

In accordance with 21 V.S.A. § 472c, eligible employees who are crime victims may be entitled to take unpaid leave for the purpose of attending a deposition or court proceeding related to:

- a criminal proceeding when the employee has a legal right or obligation to appear at the proceeding;
- a relief from abuse, neglect, or exploitation hearing when the employee is the plaintiff; or
- hearings concerning an order against stalking or sexual assault, when the employee seeks the order as plaintiff.

A “crime victim” is a person who has:

- obtained a relief from abuse order against a family or household member;
- obtained a court order against stalking or sexual assault;
- obtained a court order against abuse of a vulnerable adult; or
- sustained physical, emotional or financial injury as the direct result of the commission or attempted commission of a crime or act of delinquency and is identified as a crime victim in an affidavit filed by a law enforcement official with a prosecuting attorney. This includes the victim’s child, foster child, parent, spouse, stepchild or ward of the victim who lives with the victim, or a parent of the victim’s spouse, provided that the individual is not identified in the affidavit as the defendant.

At the option of the employee, accrued sick leave, vacation leave, or any other accrued paid leave may be used.

Section 27: LEAVE OF ABSENCE WITHOUT PAY

A request to take unpaid leave from employment for the purpose of attending town meeting must be made at least seven days prior to the date of the town meeting. Such leave will be granted provided that it does not cause an interruption of the essential operation of town government.

Other requests for leaves of absence without pay for any reason other than those covered by federal or state law must be submitted in writing to the employee’s supervisor and must set forth the purpose for which the leave is requested. All leave requests must be for a definite period of time and include a specified date of return. Such leave requests are subject to the sole discretion of the Town.

If a leave of absence without pay is granted, the employee may, at the Town’s sole discretion, continue the employee’s group health plan coverage by paying the required premium in accordance with the payment schedule established by the Town. Other employee benefits (e.g., sick leave, vacation, seniority, etc.) will not accrue during an unpaid leave period.

Section 28: MILITARY LEAVE

The Town will comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4303 et seq., and 21 V.S.A. §§ 491 et seq. Employees who take military leave subject to the provisions of these laws will be granted leave without pay. At the option of the employee, any paid leave accrued prior to the commencement of the leave may be used.

Section 29: JURY LEAVE

The Town will compensate employees for their service as jurors or witnesses, when unrelated to their status as a Town employee, at the employee's regular hourly rate less their compensation as jurors or witnesses. In accordance with 21 V.S.A. § 499, employees will otherwise be considered in the service of the Town for purposes of determining seniority, benefits, credit towards vacations, sick leave, and other rights, privileges, and benefits of employment.

When Town employees are called to serve as a witness in a court proceeding due to their status as an employee of the Town, the Town will compensate the employee for the difference between their regular rate of pay and their compensation as a witness. The Town will pay the difference only when the employees' regular rate of pay exceeds their compensation as a witness.

Section 30: OVERTIME AND COMPENSATORY TIME OFF

The Town compensates nonexempt employees at the rate of one and one-half hours for each hour actually worked in excess of forty hours in any workweek. Holidays, sick time, comp time, and vacation days do not count as hours worked for purposes of calculating either overtime or compensatory time eligibility.

In place of overtime pay, the Town in its discretion may provide nonexempt employees with compensatory time off ("comp time"), subject to the following conditions:

- Comp time is earned at a rate of one- and one-half hours for each hour worked in excess of forty hours actually worked in any workweek.
- An employee may accrue a maximum of 80 hours of comp time. An employee who has accrued 80 hours of comp time will be paid overtime compensation for additional overtime hours of work.
- The Town may, at its sole discretion and at any time, pay the employee for time worked in lieu of providing comp time. Additionally, the Town may, at its sole discretion, "buy down" the employee's accrued comp time balance, partially or entirely, by paying the employee a sum commensurate with the number of hours being eliminated from the employee's accrued comp time balance.
- An employee receiving payment for accrued comp time will be paid at the regular rate of pay earned by the employee at the time the employee receives such payment.
- Upon termination from employment, an employee will be paid for unused comp time at a rate not less than the average regular rate of pay received by the employee during the last three years of employment or the employee's final regular rate of pay, whichever is higher.

An employee who has accrued comp time and requests use of comp time will be permitted to use such time off within a reasonable period after making the request, if such use does not unduly disrupt the Town's operations. Requests for use of comp time must be submitted to the employee's supervisor. Requests for use of comp time will not unreasonably be withheld.

SECTION 31: On-Call/Call-Out Hours

Highway employees are required to be on call at all times in the event of emergencies and severe weather conditions. On occasion, other employees are required to be on-call as well. Call-out hours are defined as hours worked outside regular work hours in the event of an emergency or severe weather, and the employee is called to work by a supervisor or Town official. Non-exempt employees who are called out will be compensated at the overtime rate. All employees must specify on their timesheet which hours are Call Out hours. CALL-OUT hours can be converted to comp time earned. The maximum earnable comp time hours within a year remains at 80 (53.34 hours x 1.5rate).

SECTION 32: Time Tracking

All employees and elected and appointed officials who are paid on an hourly basis must submit timesheets using the standard timesheet for the Town. Timesheets are submitted to each employee's immediate supervisor on a weekly basis, each Monday by 8:00 a.m. for the preceding week. Only those timecards received by this deadline will be processed in the normal payroll cycle. Late timesheets will be processed at the next payroll cycle. Failure to submit timesheets by the deadline or misrepresenting the hours worked or leave taken on one's timesheet will be grounds for discipline up to and including termination.

SECTION 33: Work Habits

All employees are expected to exhibit appropriate work habits. These include, but are not limited to: on-time appearance; reliable behavior and performance; an agreeable and pleasant manner; courtesy to fellow employees, visitors and others in the office, on the phone, via email, and at all times while representing the Town; respect for the work environment; and conscientious attention to the tasks and responsibilities prescribed in the employee's respective job description.

SECTION 34: Dress Code; Work Clothing

Dress Code

Employees are expected to be aware of the impression one's appearance creates. Town employees, by virtue of their positions, serve as the primary public persona of our Town. Daily office wear must be neat and clean, and appropriate for the office and any chance meetings and opportunities during work hours.

Work Clothing

Regular full-time Highway Department employees are provided one pair of steel-toe boots per year and one pair of rubber boots per year, if necessary. In addition, the Town will reimburse these Highway employees up to \$200 per year for work apparel, upon submission of expense reimbursement requests. This allowance may be adjusted as the Selectboard deems appropriate. This allowance is in addition to required safety attire which the Town will provide employees.

SECTION 35: Professional Development

It is the Policy of the Town to encourage professional development on the part of employees when the professional development will enable them to better perform their current jobs and when it will prepare them for advancement and promotion within the Town.

Also, upon request of the Selectboard, employees may be required to attend training to improve job performance.

Professional development may include conferences, seminars and non-accredited courses.

To encourage professional development, the Town will pay for costs reasonably related to the programs serving that purpose. These costs may include registration fees, and related books/publications. Parking, mileage (carpooling whenever possible is encouraged), or other transportation, meals, and lodging, if the program is away from the immediate area, will be paid when the professional development is directly related to the existing job of the employee and is not part of a degree program.

Attendance at professional development programs is subject to pre-approval by the employee's supervisor dependent upon the following:

1. The employee must have satisfactorily completed the 90-day probationary period.
2. The professional development program must be related to the employee's current job or a job that can reasonably be expected to be available with the Town in the near future.
3. The municipal budget must have adequate funds available necessary for covering the costs associated with such professional development.
4. The supervisor must feel that attendance at the program will not adversely affect the functioning of the Division or Department in the employee's absence.

Section 36: EMPLOYMENT HARASSMENT AND DISCRIMINATION

The Town is committed in all areas to providing a work environment that is free from unlawful discrimination. Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, health coverage status, crime victim or veteran status, any other category of person protected under federal or state law, or against a qualified individual with a disability with respect to all employment practices. Vermont law also prohibits discrimination based on sexual orientation, ancestry, HIV status, and place of birth. It is unlawful to retaliate against employees or applicants who have alleged employment discrimination.

Harassment based on a person's protected category is a type of discrimination. Examples of harassment include the following: insulting comments or references based on a person's race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, crime victim or veteran status, disability, sexual orientation, ancestry, HIV status, place of birth; aggressive bullying behaviors; inappropriate physical contact or gestures; physical assaults or contact that substantially interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment; and retaliation against an employee for complaining about the behaviors described above or for participating in an investigation of a complaint of harassment. Petty slights, annoyances, and isolated incidents (unless serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

The Town will not tolerate unlawful harassment based on a person's race, color, religion, sex, gender identity, marital status, national origin, caste, age, pregnancy, genetic information, crime victim or veteran status, disability, sexual orientation, ancestry, HIV status, place of birth, or membership in a classification protected by law. Likewise, the Town will not tolerate retaliation against an employee for filing a complaint of harassment or for cooperating in an investigation of harassment.

Any employee who believes that they have been the target of this type of harassment, or who believes they have been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop.

Any employee who wishes to report harassment should file a complaint with the Chair of the Selectboard and whomever is appointed by the Selectboard to handle Human Resource issues.

A prompt, thorough, and impartial investigation will be conducted, and confidentiality will be protected to the extent possible. If it is determined that unlawful harassment has occurred, the Town will take immediate and appropriate corrective action. No person will be adversely affected in employment with the Town as a result of bringing a complaint of unlawful harassment.

Complaints of harassment or retaliation may also be filed with the following agencies:

Civil Rights Unit
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609-1001
Tel: (802) 828-3657 (voice)
(888) 745-9195 (Toll Free VT)
(802) 828-3665 (TTY)
Fax: (802) 828-2154
Email: ago.civilrights@vermont.gov

Online: <http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/>

Equal Employment Opportunity Commission

JFK Federal Building

475 Government Center

Boston, MA 02203

Tel: 1 (800) 669-4000 (voice)

1 (800) 669-6820 (TTY)

1 (844) 234-5122 (ASL Video)

Fax: 617-565-3196

Email: info@eeoc.gov

Online: www.eeoc.gov

These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is probable cause or reasonable grounds to believe unlawful harassment occurred, they may take a case to court.

Section 37: SEXUAL HARASSMENT

Sexual harassment in the workplace is illegal under federal and Vermont law and is strictly prohibited. The Town is committed to providing a workplace free from this unlawful conduct. All employees have the right to work without being subjected to insulting, degrading or exploitative treatment on the basis of their sex, sexual orientation, or gender identity. It is against the policies of the Town for any individual, male or female, to sexually harass another individual in the workplace. In accordance with 21 V.S.A. §§ 495 and 495h, the Town has adopted the following sexual harassment policy. All employees are required to read this policy before signing the employee acknowledgement form.

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to that conduct is made either explicitly or implicitly a term or condition of employment;
- submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
- the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Examples of sexual harassment include, but are not limited to, the following, when such instances or behavior come within one of the above definitions:

- explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of an individual's body;

- touching or grabbing any part of an individual's body after that party has indicated, or it is known, that such physical contact was unwelcome;
- continuing to ask an individual to socialize on- or off-duty when that person has indicated they are not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliating in any way for having filed or supported a complaint of sexual harassment (e.g., ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- making derogatory or provoking remarks about or relating to an employee's sex, sexual orientation, or gender identity;
- directing harassing acts or behavior against a person on the basis of their sex, sexual orientation, or gender identity;
- any off-duty conduct which falls within the above definition and affects the work environment.

It is also unlawful to retaliate against employees for filing a complaint of sexual harassment or for cooperating in an investigation of sexual harassment.

Any employee who believes that they have been the target of sexual harassment, or who believes they have been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop.

Any employee who wishes to report sexual harassment should file a complaint with the Chair of the Selectboard and the person the Selectboard appointed to handle Human Resource issues.

A prompt, thorough, and impartial investigation will be conducted, and confidentiality will be protected to the extent possible. If it is determined that unlawful harassment has occurred, the Town will take immediate and appropriate corrective action. No person will be adversely affected in employment with the Town as a result of bringing a complaint of unlawful harassment.

Complaints of sexual harassment or retaliation may also be filed with the following agencies:

Civil Rights Unit
Vermont Attorney General's Office
109 State Street

Montpelier, VT 05609-1001
Tel: (802) 828-3657 (voice)
(888) 745-9195 (Toll Free VT)
(802) 828-3665 (TTY)
Fax: (802) 828-2154
Email: ago.civilrights@vermont.gov
Online: <http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/>

Equal Employment Opportunity Commission
JFK Federal Building
475 Government Center
Boston, MA 02203
Tel: 1 (800) 669-4000 (voice)
1 (800) 669-6820 (TTY)
1 (844) 234-5122 (ASL Video)
Fax: 617-565-3196
Email: info@eeoc.gov
Online: www.eeoc.gov

These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is probable cause or reasonable grounds to believe sexual harassment occurred, they may take a case to court.

ADOPTED this 10th day of April 2023.

SIGNATURES of Selectboard:

Zon Eastes, Chair

Verandah Porche, Vice-Chair

Michael Becker

Tara Cheney

Knute ("Rusty") Marine

ADDENDUM A: Personnel Acknowledgement

I, _____, acknowledge that:

- A. I received a copy of the Town's Personnel Policy on _____ and it is my responsibility to familiarize myself with its contents;
- B. I understand that it is my responsibility to ask questions if there is anything in the Policy that I do not understand;
- C. I understand that the language used in this Personnel Policy is not intended to create, nor should it be construed to create, a contract or agreement for employment between myself and the Town;
- D. I understand that this Policy replaces any and all prior versions and that the Town reserves the right to add, amend, or discontinue any of the provisions of this Policy for any reason or none at all, in whole or in part, at any time, with or without notice.

Employee's Signature

Date