

Town of St. Albans

PERSONNEL & CONFLICT OF
INTEREST POLICY



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Personnel & Conflict of Interest Policy Town of St. Albans, Vermont

Section 1: Title and Authority

This policy shall be known as the Town of St. Albans personnel policy. It has been adopted by the Town of St. Albans Selectboard pursuant to 24 V.S.A. §§ 1121 and 1122.

This policy does not constitute a contract of employment. Employment with the Town of St. Albans 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, with or without notice. The Selectboard reserves the right to amend any of the provisions of this policy for any reason and at any time, with or without notice.

This policy will be administered by the Town Manager/Selectboard.

Section 2: Persons Covered

This policy applies to full-time and permanent part-time employees of the Town of St. Albans, as well as part-time elected officers and their statutory assistants, members of Town boards and commissions, volunteers, and seasonal employees. With the exception of Sections 5, 14, 29 & 30, this policy applies to the Town Clerk/Treasurer and Assistant Town Clerk.

For purposes of this policy:

A full-time employee works at least 40 hours per week on a regular and continuing basis, has completed their initial three (3) months of employment, and is entitled to 100% benefits. The Town's designated employee retirement program, the Vermont Employee Municipal Retirement System (VMERS) requires all personnel who work 24 hours or more to participate.

A permanent part-time employee works fewer than 40 hours a week but at least 24 hours per week on a regular and continuing basis, has completed their three (3) months of initial employment is entitled to pro-rated benefits. The employee and town must contribute to the VMERS plan. With the exception of the required VMERS plan, the town will offer voluntary pro-rated benefits; as an example for an employee working 3 days a week the town will pay 60% of the benefits paid to full time employees like dental and health insurance.

A part time employee working fewer than 24 hours a week on a regular and continuing basis or hired on a seasonal basis is not entitled to benefits, which include vacation, sick or holiday pay and insurances.

Where a conflict exists between this policy and an individual employment contract, the contract will control. Individual employment contracts may be offered by the Selectboard to salaried employees, e.g., the Town Manager, and may include deviations from the prescribed benefits in this policy. However, all rules and standards of conduct detailed in this policy are applicable to all Town employees.

Section 3: Equal Employment Opportunity

The policy of the Town of St. Albans is to provide equal opportunity to all employees and applicants without regard to race, color, religion, sex, sexual orientation, age, nationality origin, marital status, disability, veteran's status or any other category under local, state or federal law.

Section 4: Trial Period upon Promotion

An employee, who is promoted, will serve a 90 day trial period. The trial period may be waived, in writing, at any time, by the Town Manager/Selectboard.

During the trial period, if an employee does not prove satisfactory in the new position, the employee may be reinstated to their former job position (if unfilled) and receive pay they would have received if the promotion had not taken place.

Section 5: Conduct of Employees

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

All employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability and in compliance with the provisions of this personnel policy.

Section 6: Hours of Service

Regular work hours for persons employed at the Town Hall or other town offices shall be 8:00 a.m. to 4:00 p.m., Monday thru Friday.

Regular work hours for the road crew shall be 6:00 a.m. to 2:30 p.m., Monday through Friday, with 30 minutes allowed for lunch.

Regular work hours may be changed and employees are expected to work additional hours that may exceed forty (40) hours in a given week, as circumstances require.

All employees shall be in attendance during regular work hours. Employees who will be absent from work are required to notify their supervisor in advance.

Section 7: Conflict of Interest

Section I: Authority.

The Selectboard of the Town of St. Albans hereby adopts the following Rules of Ethics and these rules are an integral part of the Policy.

Section II: Policy.

These Rules are adopted to ensure consistent and fair treatment of those who come before the Board, and orderly and efficient public proceedings. These Rules shall also ensure that no employee or covered person will gain a personal or financial advantage from his or her work for the Town, its Boards, commissions or committees, so that the public trust in municipal government will be preserved.

Section III: Definitions.

- A. "Board means the Selectboard, Development Review Board, Planning Commission, and other committees as may be constituted by the Selectboard from time to time; a member of such board shall be considered a public officer.
- B. "Covered person" means any member of a Town Board, Commission or committee.
- C. "Conflict of interest" means any one of the following:
 1. A direct or indirect personal and/or financial interest of a covered person, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, in the outcome of a matter pending before the Board.
 2. A situation where a covered person has publicly displayed a prejudgment of the merits of a particular matter before the Board. This shall not apply to a covered person's particular political views or general opinion on a given issue.

3. A situation where a covered person has not disclosed ex parte communications with a party in a quasi-judicial proceeding.
- D. "Recuse" means to remove oneself from a particular proceeding because of a real or perceived conflict of interest.
 - E. Ex Parte Communication means direct or indirect communication between a covered person of a public body and any party, party's representative, party's counsel or any person interested in the outcome of a quasi-judicial proceeding that occurs outside the proceeding and concerns the substance of merits of the proceeding.
 - F. Public Body means any board, council, commission, or committee of the municipality.
 - G. Public officer means a person elected or statutorily-appointed to perform executive, administrative, legislative, or quasi-judicial functions for the municipality. This term includes municipal employees or other covered persons.
 - H. Quasi-judicial proceeding means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, and which results in a written decision, the result of which is appealable by a party to a higher authority.

Section IV: Conflicts of Interest.

Disclosure of conflicts and recusal shall be governed by the following procedures:

- A. Disclosure.** A covered person who has reason to believe that he or she has or may have a conflict of interest in a particular matter shall, prior to participating in any official action on the matter, public disclose a public meeting or public hearing that he or she has an actual or perceived conflict of interest in the matter under consideration and disclose the mater of the actual or perceived conflict of interest. Alternatively, a covered person may request that another covered person recuse him or herself from a matter due to a conflict of interest.
- B. Incompatible Positons.**
 1. A Selectboard member shall not have a paid position as a Town employee.
 2. Employees: the primary occupation of all full-time employees shall be to the Town. Employees may not engage in any outside business activities during their normal working hours.

Employees are prohibited from undertaking outside employment or personal business activity which may interfere with their job performance or may be seen as a conflict of interest. Prior to engaging in or accepting any outside employment, employees will disclose their intent to the Town Manager (or, in absence of a Town Manager, their representative) in writing and obtain prior clearance that such employment does not constitute a conflict of interest.

A conflict of interest means a direct or indirect personal or financial interest of an employee, his or her close relative, household member or business associate.

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

C. Recusal. A covered person should recuse him or herself from any matter in which he or she has a real or perceived conflict of interest, pursuant to the following:

1. A person may request that a member recuse him or herself due to a conflict of interest. Such request shall not constitute a requirement that the covered person recuse him or herself.
2. A covered person who has recused him or herself from a proceeding shall not sit with the Board nor participate in any capacity in that part of the meeting that he or she has recused him or herself from.
3. If a previously unknown conflict is discovered, the board, commission or committee may take evidence pertaining to the conflict, and if appropriate, adjourn to a short deliberative session to address the conflict.
4. The board, commission or committee may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the board, commission or committee. The board, commission or committee may then resume the proceeding with sufficient members present.
5. The failure of an appointed public officer to recuse himself or herself in spite of a conflict of interest may be grounds for discipline or removal from office.

D. Prohibited Conduct:

1. A public officer shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.
2. A public officer shall not personally – or through any member of his or her 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 public body in which the public officer holds office.
3. A public officer shall not accept gifts or other offerings for personal gain by virtue of his or her public office that are not available to the public in general.
4. A public officer shall not use resources unavailable to the general public including but, not limited to municipal staff time, equipment, supplies, or facilities for private gain or personal purposes.
5. A public officer recognizes that they will be exposed to confidential personnel and other information as a public officer. It is an essential part of the public officer's job that they maintain the confidentiality of this information both during their time on a board, commission or committee and thereafter unless disclosure is required by law.
6. No covered person may use his or her 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. Covered persons are prohibited from using Town facilities, equipment or resources for political purposes and from pursuing political activities while working.

This 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 these views are clearly articulated as being those of the individual and not of the Town, and these activities do not interfere with the individual's ability to effectively perform his or her duties and take place or are expressed during non-working hours. Nor is this to be construed from prohibiting, restraining or in any manner limiting an individual's right to vote with complete freedom in any election.

7. The Town, in recognition of the potential for a conflict of interest to occur in the workplace where a close relative is responsible for supervising or evaluating the work performance of another close relative, prohibits the hiring or transferring of relatives, when doing so will result in close relative supervising or evaluating another close relative, or a close relative supervising or evaluating the immediate supervision of another close relative.

Section V: Amendments

The Rules may be amended at any regular or special meeting by a majority vote, provided that each Board member has been presented a written copy of the proposed amendment at least 24 hours before the meeting at which the vote is taken.

Section 8: Alcohol and Drug Use

Reporting to work or working under the influence of alcohol or drugs is strictly prohibited, unless the drug is prescribed and used in the manner prescribed by a duly licensed physician or dentist.

The Town of St. Albans has a Drug and Alcohol Testing Policy for Commercial Motor Vehicle operators. Please review this document for more information.

Section 9: Tobacco Use

The policy of the Town of St. Albans with regard to smoking in the work place shall be consistent with VSA Title 18, Chapter 37, and Sections 1741 - 1742. The purpose of this policy is to comply with the Smoking in Public Places Law and to provide for a safe and healthy environment for employees, visitors and customers. Section 1742 of the law reads in part, "The possession of lighted tobacco products in any form is prohibited in publicly owned buildings and offices." Thus, no smoking is allowed in any Town owned building, or other enclosed space including municipal vehicles.

Outside smoking is allowed as long as the 25' buffer from all doors and windows of the building is maintained. Receptacles for disposal of cigarette butts will be provided and must be used. For more information, go to healthvermont.org and see the Vermont Department of Health Smoking Laws document. A copy of this Smoking Policy shall be posted in a conspicuous place at each work location. Copies shall be provided to an employee upon request.

Section 10: Performance Evaluations

Employees may be subject to job performance evaluations once a year or at completion of the initial three (3) months of employment. The results of such evaluations will be submitted to the employee, the employee's supervisor, the Town Manager and will become a part of the employee's personnel file. The employee shall have the right to rebut or challenge the evaluation in writing to the employee's next highest level of supervision.

Section 11: 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 representative designated in writing, may inspect or copy his or her 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. Major infractions defined as those disciplinary actions resulting in a loss of pay or suspension will remain in an employee's file indefinitely.

Section 12: Use of Town Equipment

The use of Town equipment or property for personal use is strictly prohibited. Additionally, employees will take care to operate all Town vehicles and equipment in a safe and responsible manner. This includes the use of seat belts in vehicles and the use of required protective gear or other equipment. Employees will not text or talk on a cell phone while driving, unless it is a hands free device.

Section 13: Use of Town Computer System

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 regarding anything created, sent or received on the Town computer system. The Town may monitor any and all computer transactions, communications and transmissions to ensure compliance with this policy and to evaluate 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 explicit prior authorization from the Town Manager (or, in absence of a Town Manager, the Selectboard). Employees shall 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 operating 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.

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 uses of the Town computer system which are prohibited:

- 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 web sites and news groups, that may be inappropriate in a business setting;
- Any other use that may compromise the integrity of the Town and its business in any way.

Email messages that are intended to be temporary, non-substantive communications may be routinely discarded. However employees must recognize that emails sent, received, or stored on the Town computer system are subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention schedule for municipal records.

For purposes of this section, computer system means all computer-related components and equipment including, but not limited to, host computers, file servers, workstation terminals, laptops, software, 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.

Section 14: Eligibility for Benefits

The Town offers the following benefits for its eligible permanent full-time employees and prorated benefits for employees working 24 or more hours but, less than 40 hours weekly, which take effect the first of the month, except VMERS, which begins on the first day of employment:

- Health Insurance Contribution
- Dental Insurance (employee only)
- Short term disability, AD&D and Life Insurance (employee only)
- Voluntary Vision Plan
- VMERS (Municipal retirement)

NOTE 1: The Town will provide funds to employees to purchase health insurance. The Town reserves the right to change the amount or percentage of its contribution to the cost of health insurance. Employees will be provided with advance notice of any change in the contribution rate.

NOTE 2: The Town will offer an annual payment in lieu of health insurance benefits to all employees in the amount of \$5,000 per year. The employee must opt out of the Town offered health insurance plan by certifying he or she is covered by an alternative policy upon hiring or during open enrollment. This payment will be made in a lump sum in January of each year and be prorated based on the employee's date of hire.

Domestic Partnership

Domestic partners are covered, should the employee chose to enroll them, under the Town's health insurance policy. Both the employee and the domestic partner must attest to the following:

- Each party is the domestic partner of the other;
- each party is at least eighteen (18) years of age or older and competent to enter into a contract in the state in which he or she resides;
- both parties currently share a common legal residence and have shared said residence for at least six (6) months prior to application for domestic partner coverage;
- neither party is married, a party to a Civil Union in the state in which they legally reside;
- both parties are in a relationship of mutual support, caring, and commitment and intend to remain in such a relationship in the indefinite future;
- the parties are jointly responsible for basic living expenses (basic living expenses are defined as the cost of basic food, shelter, and any other expenses of the common household; the partners need not contribute equally or jointly to the payment of these expenses as long as they agree that both are responsible for them); and
- neither party filed a Termination of Domestic Partnership within the preceding nine months.

Both the employee and the domestic partner must sign a sworn statement.

Section 15: Holiday Leave

Permanent full-time employees will receive the following paid holiday leave:

- New Year's Day (January 1)
- Martin Luther King Jr.'s Birthday (3rd Monday in January)
- Presidents Day (3rd Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Veterans' Day (November 11)
- Thanksgiving Day (4th Thursday in November)
- Day after Thanksgiving (4th Friday in November)
- Christmas Day (December 25)
- ½ day off on Christmas Eve and ½ day off on New Year's Eve

- 1 Personal Day (selected by employee) – accrued at hire and must be used by end of calendar year.

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

Permanent full-time employees will receive holiday pay at the employee's regular rate of pay. Permanent part-time employees are eligible for holiday pay if a holiday falls on their regularly scheduled work day at their regular rate of pay.

If deemed necessary, the Town may require employees to work on holidays. Hourly employees will be compensated at the rate of one and one-half times their regular rate of pay for the overtime.

Holidays will be counted as hours worked when figuring overtime for hourly employees.

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

Section 16: Vacation Leave

Permanent full-time employees will accrue vacation at the following monthly rates and receive vacation leave pay at the employee's regular rate of pay:

Upon hire	5 hours
After 1 year employment	7 hours
After 4 years employment	10 hours
After 10 years employment	14 hours

Vacation will be counted as hours worked when figuring overtime for hourly employees. Vacation leave will accrue at the appropriate rates when an employee is absent on vacation leave, sick leave, or when receiving workers compensation.

Employees are required to take a minimum of one (1) week accrued vacation per calendar year. If an employee does not use all of the employee's vacation leave in a year, the employee may carry unused vacation leave forward to the next year up to a maximum of twenty (20) days, which is equal to one hundred sixty (160) hours. An employee may only accumulate a maximum of thirty (30) working days of vacation time, which is equal to two hundred forty (240) hours. If an employee has unused vacation leave exceeding this maximum amount, the employee will be compensated for this excess unused leave at a rate equal to the employee's regular rate of pay on the last day of the calendar year.

Upon separation of employment, an employee shall be paid for all accumulated, but unused, vacation time, not to exceed the 240 hours.

Section 17: Sick Leave

Permanent full-time employees will receive one (1) day of sick leave for every month of completed service. Sick leave will accrue at the appropriate rates when an employee is absent on vacation leave, sick leave, or when receiving workers compensation. An employee may use sick leave for an illness or injury that prevents the employee from performing the employee's job duties or to take care of a person's sick child when no other care options are available. Any employee who is absent from work due to illness for more than three (3) consecutive work days may be required to furnish a doctor's certification in order to receive sick leave pay.

Permanent part-time employees will receive one (1) hour of sick leave for every 52 hours worked up to 24 hours/year.

21 V.S.A. Chapter 5, subchapter 4b requires employers to provide employees with earned sick time that may be used for the following reasons:

- The employee is ill or injured;
- The employee is obtaining health care;
- The employee is caring for a sick or injured family member, including helping a family member obtain health care or accompanying a parent, grandparent, spouse, or parent-in-law to an appointment related to his or her long-term care;
- The employee is arranging for social or legal services or obtaining medical care or counseling for him- or herself, or for a family member who is a victim of domestic violence, sexual assault, or stalking;
- The employee is caring for a family member because the school or business where the family member is normally located during the employee's workday is closed for public health or safety reasons.

Permanent full-time employees will receive sick leave pay at the employee's regular rate of pay.

If an employee does not use all of the employee's sick leave in a calendar year, the employee may carry a maximum of 24 days or 192 hours forward to the next year. If an employee accumulates more than 24 days sick leave as computed in December of each year, the employee shall be paid 50% of accumulated days over their 24 days. The accumulated amount of sick leave will then be adjusted to the maximum amount. Employees will not accrue sick time during a leave of absence.

Sick leave will not be counted as time worked when figuring overtime for hourly employees, with the exception of the Public Works Department employees, from November 1st through April 10th. During this time, Public Works employees may use up to a maximum of 6 days sick leave as time worked.

Upon termination of employment, in good standing, an employee shall be paid for one-half of accumulated, but unused, sick time, up to a total of 12 working days, at the rate of pay the employee is receiving at the time of termination. This will be the only circumstance where an employee will receive cash for sick leave.

Section 18: Bereavement Leave

In the event of death in the immediate family (spouse, civil union partner, parent, stepparent, mother-in-law, father-in-law, grandparent, child, stepchild, grandchild or sibling) of a permanent full-time employee, three (3) days bereavement will be granted with pay to the employee. This leave will not be charged against the employee's accumulated sick leave or vacation time. Pay for bereavement leave will be at the employee's regular rate of pay.

Section 19: Parental and Family Leave

Eligible employees may receive leave as described in the Family and Medical Leave Act (FMLA) and the Vermont Parental and Family Leave Act (PFLA). These federal and state laws will determine employee eligibility, the qualifying reasons for such leave and the length of leave.

Section 20: Leave of Absence without Pay

All 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.

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 the unpaid leave period.

Section 21: 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. The Town shall pay the employee the difference between the employee's salary and their military pay, if their military pay is less than their Town rate of pay.

Section 22: Jury Leave

The Town will compensate employees for their service as jurors or witnesses by paying them the difference between their regular rate of pay and their compensation for jury or witness duty. A copy of the jury pay check must be submitted to the Town. The Town will pay the difference only when the employees' regular rate of pay exceeds their compensation as a juror or witness. In accordance with 24 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 23: Overtime, Compensatory Time Off and On Call Time

Pursuant to the federal Fair Labor Standards Act ("FLSA"), the Town compensates all non-exempt employees at time and one-half rates for all hours worked in excess of forty (40) hours in a work week. Employees may elect to receive their overtime compensation in cash or in compensatory time off at the time they complete their timesheets. If an employee does not express a preference, he or she will be paid in cash by way of their next paycheck for overtime worked.

Hourly employees who do not work for the Department of Public Works ("DPW") may accumulate up to twenty-four (24) hours of compensatory time off which they are allowed to carry over from year to year. Once an employee reaches the twenty-four (24) hour threshold, any additional overtime shall be paid in their next paycheck for overtime worked.

Department of Public Works ("DPW") employees may accumulate up to fifty-six (56) hours of compensatory time off which they are allowed to carry over from year to year. Once a DPW employee reaches the fifty-six (56) hour threshold, any additional overtime shall be paid in their next paycheck.

DPW employees are paid a minimum of three (3) hours at straight time if called into work outside of their regular working hours during winter call-in season.

DPW employees are paid a Seasonal Call-in stipend during winter months (November – February).

Section 24: Mileage reimbursement

If an employee is required to use his/her personal vehicle in performance of his/her official Town duties, the employee will be paid mileage at the IRS rate set each July 1st. Mileage will need to be recorded on the employee's payroll sheet for reimbursement.

Section 25: Non-Discrimination Policy

Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, age or national origin, 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 also unlawful to retaliate against employees or applicants who have alleged employment discrimination.

Employees are encouraged to bring any complaints alleging unlawful discrimination to the attention of the Town Manager (or, in absence of a Town Manager, the Selectboard) who will arrange a meeting to discuss the matter. The meeting will take place as soon as reasonably possible, but in no case later than seven (7) calendar days from receipt of notification. If the Town Manager (or, in absence of a Town Manager, the Selectboard) is unable to resolve the matter during this meeting, the aggrieved party may submit to the Town Manager (or, in absence of a Town Manager, the Selectboard) a written, signed complaint within seven (7) additional calendar days. The Town Manager (or, in absence of a Town Manager, the Selectboard) will then have an additional fifteen (15) days in which to conduct an investigation and to issue a report with recommendations to the Selectboard. The Selectboard will, within ten (10) calendar days, notify the aggrieved party of its decision.

Section 26: Sexual and Other Unlawful Harassment

Sexual harassment in the workplace is illegal under federal and Vermont law and is strictly prohibited. Harassment based on an individual's race, religion, ancestry, sexual orientation, color, national origin, sex, gender identity, place of birth, age or physical or mental disability. This policy applies to harassment based on any of the protected classifications identified above. The Town is committed to providing a workplace free from this unlawful conduct and will provide periodic training to its employees.

All employees have the right to work without being subjected to insulting, degrading or exploitative treatment on the basis of their gender or any other protected characteristic.

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. § 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:

- either 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 he/she is 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;
- retaliation of any kind 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.);
- derogatory or provoking remarks about or relating to an employee's sex;
- harassing acts or behavior directed against a person on the basis of his or her sex;
- 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 or other unlawful harassment or for cooperating in an investigation of sexual harassment.

Any individual who believes that she or he has been the target of sexual or other prohibited harassment, or who believes she or he has 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 or other unlawful harassment should contact the Town Manager immediately. Once the Town receives a complaint of sexual or other unlawful harassment, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. If sexual or other prohibited harassment is found to have occurred, the Town will take appropriate disciplinary action.

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

Vermont Attorney General's Office
Civil Rights Unit
109 State Street
Montpelier, VT 05609-1001
Tel: (802) 828-3171 (voice/TODD)

Equal Employment Opportunity Commission
1 Congress Street
Boston, MA 02114 Tel: (617) 565-3200 (voice), (617) 565-3204 (TODD).

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

Section 27: Employee Discipline

The Town of St. Albans has adopted a discipline process to identify and address employee and employment related issues such as performance and misconduct. The Town's discipline process applies to any and all employee conduct that the Town in its sole discretion, determines must be addressed by discipline.

The discipline process does not apply to elected officers and their statutory assistants. Under the Town's discipline process, an employee, in the Town's sole discretion, may be subject to disciplinary action.

The Town, in its sole discretion, also 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, and changes in departmental functions, reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons.

The Town will adhere to the following progressive disciplinary process, but reserves the right to bypass any or all steps of progressive discipline when it determines, in its sole discretion, that deviation from the process is warranted: (1) verbal warning; (2) written warning; (3) suspension; and (4) termination.

- For the first violation or any violation immediately following six (6) months of no disciplinary actions against the employee of any rule, inaction or prohibited action as defined above, not in the opinion of the Town Manager serious enough for dismissal, the Town Manager may issue an oral reprimand, through the Department Head, to the offending employee. Written records of oral reprimand shall be entered in the employee's personnel folder. Such record shall only be removed from the employee's personnel folder upon written request of the employee and after Town Manager review of said employees' performance. The Town Manager's authorization for removal, based on above review, is required.
- A violation of any rule, inaction or prohibited action within six (6) months of an oral reprimand or where more severe initial action is warranted, can result in the Department Head, after consultation with the Town Manager, issuing a written reprimand to the offending employee. The reprimand will be issued to the employee in conference with witness present and shall detail the incident necessitating the action and the rule or rules violated. A written record of oral reprimand signed by the Department Head and conference witness shall be entered in the employee's personnel file. Such record shall only be removed from the employee's personnel file upon written request of the employee and after review of said employees' performance. The Town Manager's authorization for removal, based on above review, is required.

Employees are prohibited from engaging in conduct listed below and may receive discipline, up to and including termination, for doing so. This list has been established to provide examples of behavior that could warrant a range of disciplinary sanctions. Appropriate levels of discipline shall be determined by the Town in its sole discretion. This list is not exhaustive.

- Insubordination.
- Being inattentive to duty, including sleeping on the job.
- Dishonesty, including falsifying a time card or other record or giving false information to anyone whose duty is to make such record.
- Being repeatedly or continuously absent or late, being absent without notice or satisfactory reason or leaving one's work assignment without appropriate authorization.
- Conducting oneself in any manner that is offensive, abusive or contrary to reasonable community standards and expectations of public employees.
- Engaging in any form of harassment including sexual harassment.
- Misusing, misappropriating, or willfully neglecting Town property, funds, materials, equipment or supplies.
- Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty.
- Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence.
- Stealing or possessing without authority any equipment, tools, materials or other property of the Town or attempting to remove them from the premises without approval or permission from the appropriate authority.
- Marking or defacing walls, fixtures, equipment, tools, materials or other Town property, or willfully damaging or destroying property in any way.
- Willful violation of Town rules or policies.

Section 28: Suspension and Termination Appeal Procedure

The Town retains the right to unilaterally eliminate a position and thus terminate employment or reduce the work hours for some or all employees 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. In such case, this termination process does not apply.

An employee being considered for termination will be provided with a written notice from the Town Manager. The notice will contain a brief statement of the reasons termination is being considered and the date, time and place of a pre-termination meeting with the employee's supervisor and the Town Manager.

At the pre-termination meeting, the employee will be afforded an opportunity to present the employee's response to the reasons for termination. If the employee declines to attend the pre-termination meeting, the employee may submit to the Town Manager a written response to the pre-termination notice not later than the scheduled date of the meeting.

Within seven (7) days of the date of the meeting, the Town Manager will provide the employee with a written notice informing the employee whether he/she has been terminated. If the employee has been terminated, the notice will provide the general reasons therefore and will also inform the employee of the opportunity to request a post-termination hearing before the Selectboard by giving written notice of such request to the Town Manager within seven (7) business days. The employee will be informed that the employee's failure to make a timely request for a post-termination hearing will result in such hearing being waived.

If a request for a post-termination hearing is made, the Selectboard will provide the employee with a notice informing the employee of the date, time, and place of the post-termination hearing before the Selectboard. The notice will inform the employee of his or her right to be represented by counsel, to present and cross-examine witnesses and to offer supporting documents and evidence. The notice will also inform the employee of his or her right to have the hearing conducted in executive session in accordance with 1 V.S.A. § 313.

At the post-termination hearing, the employee will be afforded the opportunity to address the basis for termination by hearing and examining the evidence presented against the employee, cross-examining witnesses and presenting evidence on his/her behalf. The Selectboard will make such determinations as may be necessary in the event of evidentiary objections or disputes. When the hearing is adjourned, the Selectboard, under the authority granted by 1 V.S.A. § 313(e), will consider the evidence presented in the hearing in deliberative session.

The Selectboard will render a written decision within fourteen (14) days after close of the hearing, unless otherwise agreed upon by the parties.

Section 29: Grievances Policy

- It is the intent of the Town of St. Albans to address grievances informally and supervisors as well as employees are encouraged to make every effort to resolve problems as they arise. However, it is recognized that there may be grievances which will be resolved only after a formal appeal and review. When this is the case the procedure listed hereunder will be followed.
- A grievance is any matter considered by the employee as ground for complaint, except in the case of personnel action arising out of discipline, dismissal, demotion or suspension. Adjustment for such complaints is separately provided for in Section 30.

Procedure

- An employee who believes that inequitable treatment has been received because of some conditions of employment may personally or through representatives appeal for relief from the condition. The employee is expected to initially discuss any grievance with the immediate supervisor or Department Head. Department of Public Works employees will, before presenting the matter to the Town Manager, discuss the grievance with the Director of Public Works. If the matter cannot be settled at that level, the employee may elect to present the matter to the Town Manager for consideration, then appeal to the Selectboard.
- The decision of the Selectboard shall be final.

Section 30: Complaints

Upon receipt of a complaint, forward the complaint to the Department Head or Town Manager for investigation. Every effort shall be made to gather details of the complaint from the public or employee before taking any actions. Department Heads to take corrective action when needed.

Section 31: Severability

If any provision of this personnel policy or the application hereof to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the personnel rules which can be given effect without the invalid provision or application. For this purpose, this personnel policy is severable.

Adopted this 21st day of May, 2018 by the Selectboard at this regular meeting.

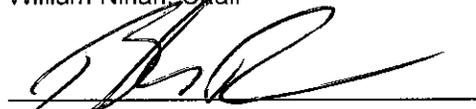
On behalf of the Town of St. Albans Selectboard:



William Nihan, Chair



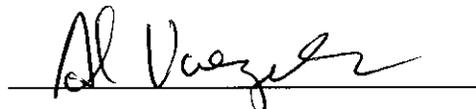
Bruce Cheeseman, Vice Chair



Brendan Deso



Stan Dukas



Al Voegele

Addendum A: Personnel Acknowledgement

I, _____, acknowledge that:

- A. I received a copy of the Town of St. Albans' personnel policy on _____;
- B. I have been given an opportunity to ask questions about said policy and I have been provided with satisfactory information in response to my questions;
- 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 of employment between myself and the Town;
- D. I acknowledge 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;
- F. I acknowledge that I understand the Town's personnel policy and I agree that I will comply with all of its provisions.

Employee's Signature

Date

