

Town of Greensboro

Personnel Policy

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Greensboro, Vermont
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Personnel Policy

Town of Greensboro, Vermont

Section 1: TITLE AND AUTHORITY

This policy shall be known as the Town of Greensboro Personnel Policy ("Personnel Policy"). It has been adopted by the Town of Greensboro's Selectboard ("Selectboard") pursuant to 24 V.S.A. §§ 1121 and 1122.

This Personnel Policy does not constitute a contract of employment. Employment with the Town of Greensboro ("Town") 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 Personnel Policy for any reason and at any time, with or without notice.

This Personnel Policy will be administered by the Selectboard or its authorized representative. The Selectboard reserves the right to interpret this policy and apply it accordingly. This Personnel Policy supercedes all prior personnel policies adopted by the Selectboard.

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, seasonal employees, and persons who provide the Town with services on a contract basis are not covered by this Personnel Policy.

For purposes of this Personnel Policy, a full-time employee is an employee who works at least 40 hours per week on a regular and continuing basis. A part-time employee is an employee who works fewer than 40 hours per week on a regular and continuing basis.

Where a conflict exists between this Personnel Policy and any collective bargaining agreement or individual employment contract, the latter will control.

Section 3: EQUAL EMPLOYMENT OPPORTUNITY

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

Section 4: PROBATIONARY PERIOD

All new employees will be required to complete a 6-month probationary period. The purpose of this probationary period is to determine whether the employee is suited for the job. During the probationary period, an employee may be terminated at any time at the sole discretion of the Selectboard. Notwithstanding any other provision of this Personnel Policy, an employee terminated during the probationary period will have no right to appeal such termination.

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, and respectful manner in all their interactions with the public, other employees, and elected and appointed officials.

All employees are expected to faithfully execute the duties and responsibilities of their position to the best of their ability and in compliance with the provisions of this Personnel Policy.

Safety and Health

The Town recognizes its employees as a most important asset. As such, the Town's safety and health mission is to provide a safe and healthy workplace for all employees as a priority when on the job. The Town's safety and health programs recognize that the safe and healthy behavior of each employee is key to meeting this mission.

It is the responsibility of each employee to follow all safety procedures and to follow all ergonomic recommendations based upon an evaluation of his or her workspace and duties. If an employee is unsure about how to do a particular task safely, he or she should seek further instruction from his or her supervisor. It is the responsibility of each supervisor to monitor and assist employees in the safe performance of his or her duties, including following ergonomic and safety recommendations. Safe and healthy behaviors and attitudes at work are an essential part of each employee's job performance.

An employee who sustains a work-related injury or illness must report it immediately to his or her supervisor. The supervisor must promptly report the injury or illness to the Town Clerk who, in turn, must file a Vermont "First Report of Injury" form in accordance with the requirements of the law.

Section 6: CONFLICTS OF INTEREST

Every employee of the Town shall carry out his or her job in a way that ensures that neither the individual employee nor any other employee of the Town will gain a personal or financial advantage from his or her work for the Town and 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. A "conflict of interest" shall mean a direct or indirect personal or financial interest of the employee, 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 cause, proceeding, application, or any other matter pending before the employee or before the Town.

An employee 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 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 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: corruptly, 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.

Section 7: HOURS OF SERVICE

Road Crew

For the 7 months from October 1 to April 30, regular work hours shall be from 7:00 am to 3:30 pm, Monday through Friday, with 30 minutes of unpaid time allowed for lunch, unless the Selectboard determines otherwise. For the 5 months from May 1 to September 30, regular work hours shall be from 6:00 am to 4:30 pm, Monday through Thursday, with 30 minutes of unpaid time allowed for lunch, unless the Selectboard determines otherwise. The Road Crew shall account for their time by using a time clock.

Regular work hours for the Road Crew may be changed, and employees may be expected to work additional hours that may exceed 40 hours in a given week, as circumstances require. The Road Crew is required to be available for work on an on-call basis, especially during the winter months, storms, and other emergencies, and is expected to report to work fit for duty on these occasions.

Any time worked over 40 hours in a week during the period from May 1 to September 30 must be authorized by the Selectboard.

When calculating any overtime pay, employees must have actually worked more than 40 hours; for this provision Comp Time and all forms of leave are not considered time worked.

If a Road Crew member is called in to work on his or her day off, that employee will be paid, at his or her regular rate of pay, for a minimum of 2 hours of work. In these instances, if the employee works more than 2 hours, the employee will be paid for the actual number of hours worked. Appropriate documentation for each instance must be submitted to the Treasurer along with an employee's time card.

The Road Crew is 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 no later than 30 minutes before the start of their regular work hours.

Each Road Crew member shall keep a daily log of the number of hours worked (using a time clock) and a description of the projects that were worked on each day. The Road Foreman will review and sign off on the time cards and task descriptions for each Road Crew member and then submit the documentation to the Treasurer weekly. The time cards will be the record of time worked and serve as the basis for weekly pay.

Other Town Employees

Regular work hours (which days of the week and times of the day) and lunch break information (length and paid/unpaid) for Other Town Employees will be determined by the Selectboard or its authorized representative.

Regular work hours for Other Town Employees may be changed and employees may be expected to work additional hours that may exceed 40 hours in a given week, as circumstances require. All Other Town Employees are required to be available for work in the case of an emergency, weather-related or otherwise.

All Other Town 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 early as possible, but no later than 30 minutes before the start of their regular work hours.

All Other Town Employees shall keep a daily log of the number of hours worked (using a time sheet) with a description of the projects that were worked on each day. An employee's supervisor will review and sign off on the time sheets and then submit the documentation to the Treasurer weekly. The time sheets will be the record of time worked and serve as the basis for weekly pay.

Section 8: 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 6 of this Personnel Policy.

Prior to accepting any outside employment, employees will disclose their intent to do so in writing and obtain prior clearance from the Selectboard 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, business associate, employer, or employee. A close relative includes a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law, and sibling-in-law.

Section 9: POLITICAL ACTIVITY

No employee 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. 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 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 Personnel Policy to be construed as prohibiting, restraining, or in any manner limiting an individual's right to vote with complete freedom in any election.

Section 10: NEPOTISM

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 a close relative supervising or evaluating another close relative, or a close relative supervising or evaluating the immediate supervisor of another close relative.

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

Section 11: ALCOHOL AND DRUG 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 also are subject to drug testing programs performed in accordance with Federal Department of Transportation (DOT) requirements.

It is the Town's policy 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 working 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, or during work-related events.

For the purposes of this Personnel 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.

Violations of this policy may subject employees to disciplinary action, up to and including termination of employment and referral for prosecution. The Town also may provide information and a recommendation to participate in an appropriate drug assistance or rehabilitation program.

Prohibited Conduct:

The following actions are prohibited in the workplace, on Town property, while using Town equipment, or during any time period in which you are on Town 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 his or her 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 Town 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. 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 also prohibited. If an employee is legally taking prescription drugs that affect the employee’s ability to safely perform any of the essential functions of his or her job, his or her supervisor or the Selectboard will determine whether or not the employee should continue to perform his or her functions until concerns regarding safety can be addressed. Medical certification may be required.

Employees may be disciplined, up to and including termination, for violations of this policy.

In addition to this policy, an employee who operates a commercial motor vehicle ("CMV") for the Town is also subject to the provisions of the Town's CMV Drug and Alcohol Policy.

Section 12: 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 and smokeless tobacco products, in all publicly-owned buildings, offices and enclosed areas, on all Town-owned land, and in all Town-owned vehicles.

Section 13: PERFORMANCE EVALUATIONS

Employees may be subject to job performance evaluations at such times and in such manner as the Selectboard or its authorized representative deems reasonable. The results of such evaluations will be submitted to the employee, the employee's supervisor, and the Selectboard and will become a part of the employee's personnel file.

Section 14: 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 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.

Accurate and up-to-date personnel records are essential to ensure that the Town will be able to reach employees in an emergency, forward employees' mail, and properly maintain insurance and other benefits. It is each employee's responsibility to provide the Town with notice of any changes of address, telephone, marital status, dependent(s), or beneficiary status as soon as those changes occur.

Section 15: USE OF TOWN EQUIPMENT

Except as provided in Section 16 of this Personnel Policy, 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 violations of workplace rules.

All employees shall conduct themselves and the equipment they are using in a safe manner at all times in accordance with VOSHA regulations. Any unsafe equipment, unsafe practice, or known medical condition that creates a safety hazard shall be brought to the attention of the Road Foreman and/or Selectboard. Any such condition will be discontinued or corrected in such a manner as to be considered safe.

All power equipment, trucks, other vehicles, lifts, chainsaws, etc. shall be maintained according to the manufacturer's specifications and VOSHA and DOT standards.

All employees shall obey all traffic laws.

Section 16: 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 email systems accessed via the Town’s computer equipment.

Electronic communications regarding Town business should be conducted via official Town computer systems when reasonably possible. A Town employee should avoid conducting Town business using his or her personal computer, device, or account when reasonably possible.

The Town’s 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 limiting 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 explicit prior authorization from their supervisor. 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.

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 websites and newsgroups, that are inappropriate in a business setting;
- 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 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. The use of a personal computer, personal device, or personal account does not prevent an otherwise public record from being subject to public inspection and copying. All employees are required to respond in the manner prescribed by Vermont's Public Records Law regardless of where a Town public record may be stored. All employees must provide any Town public records that are responsive to a public records request, whether the records are stored or created on personal or Town computers, devices, or accounts.

Section 18: ELIGIBILITY FOR BENEFITS

The Town offers group insurance and other benefit programs to its eligible full-time employees and eligible full-time elected officials. The benefit programs include:

- Health Insurance
- Dental Insurance
- Vision Insurance
- Retirement benefits through the Vermont Municipal Employees' Retirement System (VMERS)
- Life Insurance
- Short Term Disability Insurance

Details about the rates and terms of coverage will be provided to individual employees at the time of hire and to elected officials after being elected.

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.

Section 19: HOLIDAY LEAVE

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)
- Washington's Birthday (3rd Monday in February)
- Town Meeting Day (1st Tuesday in March)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Indigenous Peoples Day (2nd Monday in October)
- Veterans Day (November 11)
- Thanksgiving Day (4th Thursday in November)
- The Friday after Thanksgiving Day
- Christmas Day (December 25)

Employees will receive holiday leave pay for the number of hours in the employee's typical work day on which the holiday falls, at the employee's regular rate of pay, if the employee works on the regularly-scheduled workday before and after the holiday (for the purposes of this provision only, approved time off will count as time worked). 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 on the preceding Friday. Holidays falling on a Sunday will be observed on the following Monday.

If a holiday is observed during an employee's scheduled vacation leave, that day will not be charged against his or her accrued vacation leave.

A nonexempt employee, as defined in the Fair Labor Standards Act, who is required to work on a holiday will be compensated at the rate of 1 ½ (one and one-half) times the employee's regular rate of pay for the hours actually worked. Employees cannot volunteer to work a holiday with the expectation of overtime; employees must be required to work the holiday by a supervisor.

Section 20: VACATION LEAVE

Full-time employees will accrue paid vacation leave at the following annual rates:

<u>Completed Years of Full-Time Service</u>	<u>Annual Accrual Rate</u>
0	0 hours
1	40 hours
2 through 9	80 hours
10 through 19	120 hours
20 and following	160 hours

On July 1 of each year, all full-time employees shall receive 3 personal days. All full-time employees shall receive 48 hours of sick leave on July 1 of each year. Vacation time will be as stated above. For the first year of employment, or if an employee leaves voluntarily or involuntarily, employees shall receive leave on a prorated basis. Vacation times and schedules shall be established by road crew supervisor at the beginning of each fiscal year.

Full-time employees will receive vacation leave pay at the employee's regular rate of pay. Vacation leave may be taken in increments as small as 1 hour.

Vacation time credits shall not be advanced for use prior to their being credited to an employee's account, unless approved by the Selectboard.

Employees are strongly encouraged to take an annual vacation. Requests for vacation should be submitted to the employee's supervisor as soon as possible but not less than 2 weeks in advance of the requested time off. This notice may be waived at the discretion of the Selectboard. Road Crew members' vacation dates must be scheduled in advance and approved by the Road Foreman. The Road Foreman's vacation dates must be approved by the Selectboard's Road Liaison.

If an employee, or paid elected official, does not use all of his or her accrued vacation leave in a year (the year ends on the day before an additional year of full-time service is credited to that employee), the employee may carry unused, accrued vacation leave forward to the next year up to a maximum of 40 hours. Any unused, accrued vacation leave that exceeds the amount carried forward will be forfeited and an employee will not be compensated for those forfeited hours. If working circumstances make vacation hours impractical to be used then the Select Board may award compensation at their discretion.

An employee on vacation who becomes ill or injured may, upon proper notification, change his or her status to sick leave.

An employee who voluntarily resigns from employment with the Town will be compensated for unused, accrued vacation leave provided that the employee gives at least 2 weeks written notice of his or her resignation; however, the Town will not provide a cash payout to employees who are discharged for cause.

Section 21: PERSONAL LEAVE

An employee may not take personal leave during the employee's 6-month probationary period, unless approved by the Selectboard or its authorized representative.

Whenever possible, an employee should coordinate his or her use of personal leave with his or her supervisor ahead of time.

Eligible employees may use paid personal leave in increments as small as 1 hour.

Personal leave time credits shall not be advanced for use prior to their being credited to an employee's account, unless approved by the Selectboard.

If an employee has unused, accrued personal leave at the end of a year (the year ends on the day before an additional year of full-time service is credited to that employee), the employee forfeits the unused leave and will not be compensated for those forfeited hours. An employee will not be compensated for any unused personal leave upon separation of employment with the Town.

Section 22: SICK LEAVE

Definition: For the purposes of this section of the Personnel Policy, the following definition shall apply: “eligible employee” means an employee or an elected official of the Town who: (a) is age 18 or older; (b) works an average of 18 or more hours per week over the year; and (c) is expected to work more than 20 weeks in a 12-month period. This definition includes newly-hired employees and those who are still in their probationary period of employment. This definition does not include an individual who: (i) works on a per diem or intermittent basis; (ii) works only when he or she indicates that he or she is available to work; (iii) is under no obligation to work for the Town; and (iv) has no expectation of continuing employment with the Town.

Eligible full-time employees: Will be granted 48 paid sick leave hours per year, accrued on the first of the month following the date of hire, and, for later years, on the anniversary of the first of the month following the date of hire. If an employee does not use all of his or her sick leave in a year (the year ends on the day before an additional year of full-time service is credited to that employee), the employee may carry the unused leave forward to the next year and accumulate up to a maximum of 200 hours of sick leave. Once an employee reaches 200 hours of sick leave, no additional sick leave will be credited to the employee’s account until the employee’s sick leave balance drops below 200 hours, and then will only be increased on an anniversary of the first of the month following the date of hire.

Eligible part-time employees: Will be granted 24 paid sick leave hours per year, accrued on the first of the month following the date of hire, and, for later years, on the anniversary of the first of the month following the date of hire. If an employee does not use all of his or her sick leave in a year (the year ends on the day before an additional year of full-time service is credited to that employee), the employee may carry the unused leave forward to the next year and accumulate up to a maximum of 100 hours of sick leave. Once an employee reaches 100 hours of sick leave, no additional sick leave will be credited to the employee’s account until the employee’s sick leave balance drops below 100 hours, and then will only be increased on an anniversary of the first of the month following the date of hire.

Sick leave benefits may not be used by an employee prior to being credited to his or her account, unless approved by the Selectboard.

An employee may not take sick leave during the employee’s 6-month probationary period, unless approved by the Selectboard.

Employees may use paid sick leave in increments as small as 1 hour.

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 his or her 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.
- Any other appointments authorized in advance by the employee's supervisor. In the case of members of the Road Crew, that person is the Road Foreman. In the case of the Road Foreman, that person is the Selectboard's Road Liaison.
- Possible additional time off for bereavement. See Section 23: Bereavement Leave.

Employees must make reasonable efforts to avoid scheduling routine or preventive health care or other appointments during regular work hours.

Employees will receive sick leave pay at the employee's regular rate of pay.

Use of this paid leave does not diminish the rights that an employee may have under the Vermont Parental Family Leave Act, 21 V.S.A. § 470.

Benefits for sick leave are meant for income protection during the period when the leave is taken and therefore shall not be converted to cash or extra time off with pay.

Sick leave shall be payable only with respect to a work day on which the employee would otherwise have worked and shall not be paid to an employee for a scheduled day off, holiday, vacation day, personal day, leave of absence, or any day for which an employee has received full pay from the Town.

The Town will not compensate eligible employees for unused, accrued sick leave at the time of separation from employment.

Notification of Absence for Sick Leave

Employees must provide notice as soon as practicable of the intent to use earned sick leave and the expected duration of the employee's absence.

Any employee who intends to use sick leave for any reason should contact his or her supervisor by telephone as early as possible before or on the first day of absence to explain the reason for his or her absence and to give an estimate of its probable duration. This will allow the Town department to adjust

its work schedule and review the need for any temporary employee or schedule changes. In most circumstances, it is expected that the employee will contact his or her supervisor personally rather than through a third party, although it is recognized there may be occasions when the employee, because of the situation, is unable to personally make direct contact. If a supervisor cannot be reached, a message giving the required information may be left on the supervisor's voicemail, or on the voicemail of the Town Clerk's office.

The Road Foreman must maintain a record of all periods of sick leave of 1 day or more for the Road Crew and for himself, including the dates, durations, and reason(s) for the absence.

If an employee determines that he or she intends to use sick leave when already at work, he or she must normally contact his or her supervisor or the Town Clerk, either in person or by telephone, before leaving work. If direct contact is not possible, a voicemail or message may be left.

Duration and Documentation of Sick Leave

(a) Employee is ill or injured:

In the event an employee's period of absence lasts no more than 7 consecutive days, including non-working days (*e.g.*, Saturdays, Sundays, and scheduled days off), an employee's verbal statement as to his or her absence is sufficient.

In the event the period of absence continues beyond 7 consecutive days, an employee is required to submit written verification from his or her physician or attending medical specialist.

In the event the absence continues beyond the initial period specified on the original physician's written verification, the employee must provide additional written verification from the employee's physician to cover all further periods of absence until the employee returns to work. The subsequent written verification should be submitted, where possible, prior to the passage of the expected return to work date set forth in the prior verification.

(b) Any other use of sick leave:

In the event an employee's period of absence lasts no more than 7 consecutive days, including non-working days (*e.g.*, Saturdays, Sundays, and scheduled days off), an employee's verbal statement as to his or her absence is sufficient.

In the event the period of absence continues beyond 7 consecutive days, an employee is required to submit written verification deemed acceptable by the Selectboard or its authorized representative.

In the event the absence continues beyond the initial period specified on the original written verification, the employee must provide additional written verification deemed acceptable by the Selectboard or its authorized representative to cover all further periods of absence until the employee returns to work. The subsequent written verification should be submitted, where possible, prior to the passage of the expected return to work date set forth in the prior verification.

- (c) At any time, the Selectboard may, at its discretion, require sufficient documentation stating the necessity for the use of sick leave, regardless of the specific policies and procedures described above. The purpose of this clause is to prevent the abuse of the use of sick leave.

Section 23: BEREAVEMENT LEAVE

Full-time employees may be provided with up to 24 paid bereavement leave hours related to the death of a close family member, domestic partner, or member of an employee's household. The exact amount of time off is dependent upon the circumstances and subject to Selectboard approval.

If additional time off is needed, or if time off is needed for the funeral of a person not covered above, an employee may use a reasonable amount of accrued sick leave, if available, and if approved by the Selectboard. The Selectboard may also grant, on a case-by-case basis, unpaid leave.

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

Eligible employees may receive leave as described in the Family and Medical Leave Act ("FMLA") and the Vermont Parental and Family Leave Act ("VPFLA"). These federal and state laws will determine employee eligibility, the qualifying reasons for such leave, and the length of 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 Selectboard. 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, employees employed by the Town for at least 1 year for an average of at least 30 hours per week may be entitled to take unpaid leave not to exceed 4 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 be taken in a minimum of 2-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 7 days before leave is to be taken, except in the case of an emergency where the required 7 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, employees who have been continuously employed for a period of 6 months for an average of at least 20 hours per week and who are crime victims may be entitled to take unpaid leave for the following 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 law enforcement official with a prosecuting attorney. This also 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, accrued vacation leave, or any other accrued paid leave may be used.

Section 27: 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 Selectboard and must set forth the purpose for which the leave is requested, be for a definite period of time, and include a specified date of return. A leave of absence will not be granted to enable an employee to try for or accept employment elsewhere or for self-employment. An employee who engages in such employment activities during a leave of absence may be terminated by the Town immediately.

If a leave of absence without pay is granted, the employee may, at the Selectboard's sole discretion, continue the employee's group health plan coverage provided the employee makes the arrangements for the change in advance and pays the premium required in accordance with the payment schedule established by the Town. Other employee benefits (*e.g.*, sick leave, vacation leave, personal leave, holiday leave, seniority, etc.) will not accrue during the 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 full-time employees for their service as jurors or witnesses when unrelated to their status as a Town employee. The Town will compensate the employee at his or her regular rate of pay for each hour of the normal work day absent for such duty as a juror or witness, less any compensation the employee receives for such duty as a juror or witness. For purposes of this clause "compensation" shall not include reimbursements for expenses incurred by the employee. 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 vacation leave, sick leave, and personal leave; and other rights, privileges, and benefits of employment.

When a full-time employee of the Town is called to serve as a witness in a court proceeding due to his or her status as an employee of the Town, the Town will compensate the employee at his or her regular rate of pay for each hour of the normal work day absent for such duty as a witness, less any compensation the employee receives for such duty as a witness. For purposes of this clause "compensation" shall not include reimbursements for expenses incurred by the employee.

Section 30: OVERTIME AND COMPENSATORY TIME OFF

In accordance with the federal Fair Labor Standards Act ("FLSA"), the Town compensates nonexempt employees at the rate of 1 ½ (one and one-half) hours for each hour actually worked in excess of 40 hours in any work week. Employees employed in executive, administrative, or professional capacities as defined by the FLSA are exempt from this requirement. Holiday leave, vacation leave, personal leave, sick leave, bereavement leave, and other forms of leave 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 1 ½ (one and one-half) hours for each hour worked in excess of 40 hours actually worked in any work week.
- An employee may accrue a maximum of 40 hours of Comp Time (40 hours of Comp Time represents 26.67 hours of actual overtime worked). An employee who has accrued 40 hours of Comp Time will be paid overtime compensation for additional overtime hours of work.
- An employee may, at the Town's discretion, be paid in cash in lieu of Comp Time.
- 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.
- Comp Time will be used or paid out by the end of each fiscal year (June 30).
- Upon termination from employment with the Town, 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 3 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 and/or the Selectboard, who will have discretion to grant or deny the request. Requests for use of Comp Time will not unreasonably be withheld.

Section 31: EMPLOYMENT HARASSMENT AND DISCRIMINATION

The Town is committed in all areas to providing a work environment that is free from unlawful harassment and 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, crime victim status, 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 also unlawful to retaliate against employees or applicants who have alleged employment 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 status, 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; 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, 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.

All employees, including supervisors and other management personnel, are expected and required to abide by this policy. Employees who are found to have engaged in harassment may face disciplinary action up to, and including, termination. Any individual who believes that she or he has been the target of this type of 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 harassment should file a complaint with the Chair of the Selectboard or with the Vice Chair of the Selectboard.

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). Tel (888) 745-9195 (Toll Free VT). (802) 828-3665 (TTY). 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). Tel 1 (800) 669-6820 (TTY). 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 32: 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 gender. 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 or 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 unlawful to retaliate against employees for filing a complaint of sexual harassment or for cooperating in an investigation of sexual harassment.

Any individual who believes that she or he has been the target of sexual 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.

Employees who are found to have engaged in sexual harassment may face disciplinary action up to, and including, termination.

Any employee who wishes to report sexual harassment should file a complaint with the Chair of the Selectboard or with the Vice Chair of the Selectboard.

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). Tel (888) 745-9195 (Toll Free VT). (802) 828-3665 (TTY). 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). Tel 1 (800) 669-6820 (TTY). 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.

Section 33: EMPLOYEE DISCIPLINE

The Town has adopted a progressive discipline process to identify and address employee and employment-related problems. The Town's progressive discipline process applies to any and all employee conduct that the Town, in its sole discretion, determines must be addressed by discipline.

Under the Town's progressive discipline process, an employee may be subject to disciplinary action, up to and including termination, for violation of the provisions of this Personnel Policy and/or failure to maintain an acceptable level of performance. The Town may take prior disciplinary action into consideration when disciplining or terminating an employee. Violations of different rules may be treated as repeated violations of the same rule for purposes of progressive discipline.

Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance, or violation of the Town's policies, practices, or procedures. However, discipline may be

issued for conduct that falls outside of those identified areas. The Town also reserves the right to impose discipline for off-duty conduct that adversely impacts the legitimate interests of the Town. The Town reserves the right in its sole discretion to bypass progressive discipline and to take whatever action it deems necessary to address the issue at hand. This means that more or less severe discipline, up to and including termination, may be imposed in a given situation at the Town's sole discretion.

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

Probationary employees are not subject to the Town's progressive disciplinary process. Notwithstanding any other provision of this Personnel Policy, an employee terminated during his or her probationary period will have no right to appeal such termination.

The Town will normally 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 (with or without pay); and (4) termination.

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 may be based on the severity of employee conduct. This list is not exhaustive.

- Engaging in any illegal activity.
- Refusing to do assigned work or failing to carry out the reasonable assignments of a supervisor or the Selectboard.
- Being inattentive to duty, including sleeping on the job.
- 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.
- Failure to search for or disclose public records upon request.
- Willful violation of Town rules or policies.
- Inability to get along with fellow employees.
- Loss of a license or certificate issued by state or federal authorities needed to conduct daily work.
- Violence or the threat of violence against any employee of the Town or other person.

Section 34: EMPLOYEE TERMINATION PROCESS

The Town has adopted an employment termination process. Most often, employee conduct that warrants termination results from unacceptable behavior, poor performance, or violation of the Town's policies, practices, or procedures. However, termination may result from conduct that falls outside of those identified areas. The Town need not utilize this termination process but may take whatever action it deems necessary to address the issue at hand.

The Town also 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, and/or reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons. In such cases, this termination process does not apply.

Probationary employees are not subject to the Town's termination process. Notwithstanding any other provision of this Personnel Policy, an employee terminated during the probationary period will have no right to appeal such termination.

An employee being considered for termination will be provided with written notice. 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.

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 a written response to the pre-termination notice not later than the scheduled date of the meeting.

Within 7 calendar days of the date of the meeting, the supervisor will provide the employee with a written notice informing the employee whether he or 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 supervisor within 7 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.

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 the employee's 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. § 312(e), will consider the evidence presented in the hearing in deliberative session.

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

Section 35: 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.

This Personnel Policy also includes Addendum A and Addendum B.

ADOPTED this 13th day of October, 2021

SIGNATURES of SELECTBOARD:


Peter Romans, Chair


David Kelley


Matt McAllister

Tracy Collier

Gary Circosta

**Personnel Policy
Town of Greensboro, Vermont**

Addendum A: Personnel Acknowledgement

I, _____, acknowledge that:

- A. I received a copy of the Town's Personnel Policy on _____ ;
- B. I have been given an opportunity to ask questions and the Personnel 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 understand that this Personnel 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 Personnel Policy for any reason or none at all, in whole or in part, at any time, with or without notice; and
- E. I understand the Town's Personnel Policy and that it is my responsibility to comply with all of its provisions.

Employee's Signature

Date

Personnel Policy Town of Greensboro, Vermont

Addendum B: Agreement by Independently-Elected Officer to be Bound by Personnel Policy

The Greensboro Town Clerk is employed and contracted at regular three year intervals by the voters. However, the Greensboro Selectboard sets the terms of employment including wages, salaries, and pay increases for all Town employees, including the Town Clerk.

In exchange for the provision of benefits by the Town as follows:

- Health Insurance
- Dental Insurance
- Eye Insurance (100% employee financed)
- Municipal Retirement
- Short Term disability
- Life Insurance
- Salaried wages
- Leave time as determined in the Personnel Policy.

_____ agrees to be bound by the provisions of the Town of Greensboro Personnel Policy, *except* the provisions on Probationary Period, Performance Evaluations, Employee Discipline, and Employee Termination.

_____ agrees as follows:

- She has received a copy of the Town's Personnel Policy and understands that it is her responsibility to familiarize herself with its contents;
- She has been given an opportunity to ask questions about said policy and has been provided with satisfactory information in response to those questions;
- She acknowledges that she understands the Town's Personnel Policy and agrees that she will comply with all of its provisions.

Entered into this _____ day of _____, 20_____.

BY: Independently-Elected Official:

Town Clerk

Selectboard:

Peter Romans, Chair

David Kelley

Matt McAllister

Tracy Collier

Gary Circosta

Addendum

- Draft only, not yet approved by the Selectboard -

Greensboro Selectboard

October 9, 2024 – Minutes

[This was a hybrid meeting held at the Greensboro Free Library, with some participants joining remotely]

SELECTBOARD MEMBERS PRESENT: MacNeil, David Kelley, Eric Hanson, Bobbie Nisbet, Ellen Celnik (joined remotely)

SELECTBOARD MEMBERS ABSENT: None

OTHERS PRESENT in person: John Mackin, Erika Karp, BJ Gray, Alan Wilson, Davis Barnett, Tim Nisbet, Gary Circosta, Renee Circosta, Tom Camarra, Isa Oehry, Beth Meachem, Judy Carpenter, Stephanie Cravedi, Meaghan Meachem, DeDe Stabler, Rick Walsh, Officer Locke, Naomi Ranz-Schleifer, Kent Hansen, Elissa Mackin, Raymonda Parchment, Linda Ramsdell, Rick Morrill, Gwen Mann, Tod Mann, Josh Karp, Brett Stanciu, Kim Greaves, Nancy Riege, Peggy Lipscomb, Gretchen Baker

OTHERS PRESENT remote: Chad Sims, Janet Long, Jerilyn Virden, Mary Parker, Michael Porrazzo, Lise Armstrong, Nancy Hill, Audra Pitts, Kristen Leahy, Michelle Mackin, Diane Irish, Tony Acheson, Aileen Gebbie, Rod Kerr, Elaine Cole Kerr, Rick Lovett, Jane Hoffman, Melanie Clarke, Lindsay Beer, Iola Benedict, Elizabeth Sartorius, Jennifer Lucas, Ila Hunt, Vince Cabbage, Meghan Wayland, Mary Young, Wayne Young

CALLED TO ORDER: 6:30 PM

ADDITIONS TO THE AGENDA

MINUTES

Minutes from 9/18 regular meeting unanimously approved as written.

Minutes from 9/25 and 10/2 budget meetings unanimously approved as written.

CIVIL DISCOURSE & PUBLIC CONCERNS

Eric read a statement about civil discourse at selectboard meetings. He said no one is happy about how meetings have gone, and both the board and public can do better. Board members need to listen, and all need to use a civil tone when speaking. While there is a place at selectboard meetings for public comment, these meetings are not meant to be forums for unlimited discussion and comment. Everyone needs to be more considerate of others, there's no reason we can't have effective meetings.

Bobbie said the selectboard wants to do better, and proposed the board adopt specific parliamentary procedures. She asked those present, until the procedures are adopted tonight, and some public comment is heard on it, once it becomes adopted, please don't engage with the board or audience, future meetings will be run using these guidelines when adopted. VLCT copies, of guidance for the public. Encouraged those to look at it.

Bobbie read the procedures. Eric said he's not sure about such formal procedures right now unless things get worse. I don't know how many rules and regulations we need?

Bobbie said there needs to be an understanding of the expectations at these meetings.

MacNeil agreed, that it's reasonable to have clear guidelines.

Discussion of allowing two warnings if an audience member is disruptive, prior to asking them to leave.

Bobbie said any town official can call a point of order. The chair will rule. This goes for the public as well, they have a right to speak without being interrupted, we could call a point of order for them as well. If the meeting gets out of hand, any selectboard member can request that the meeting be either adjourned or recessed.

No personal or accusatory comments, if this rule is broken we may ask them to leave the meeting immediately. Eric wondered if this was legal. It was agreed that a warning would be issued first.

Bobbie read from VLCT model rules.

The board agreed on a two-minute time limit per speaker, this can be extended by the chair.

Eric said people should sign in to speak. The board may not answer all public comments, but you will still have time to voice your opinion. We'll hold public comment before we vote on some items.

Eric: Burlington has public comment at the beginning of their meetings, people can say whatever they want, but the board doesn't respond. Then the meeting continues and no more public comment, unless the board specifically solicits. What about taking this approach?

Ellen: public comments should be germane to what is on the agenda and what the SB is discussing at the time, not just general comments. She added public comment does not mean making accusations against members of the board or public.

Bobbie: you're both right. People should be free to make comments about the business of the town, maybe we shouldn't limit them to items on the agenda.

Ellen: wouldn't more random comments be under other business?

Bobbie: public comment would be time for weighing in on anything that relates to town business.

Ellen: one problem we get into is being distracted from the agenda at hand. Because we have a lot of things to do. David made the following motion:

The board adopts the following parliamentary procedures for selectboard meetings: 1) a two minute limit on public comment, 2) two warnings for interruptions, 3) one warning for personal attacks or accusatory comments.

MacNeil seconded the motion which carried unanimously.

Members of the public began signing in for public comment.

Peggy said it used to be that for something that wasn't on the agenda, you asked to put it on the agenda ahead of time. What's wrong with this system? Also we could we ask public to stand when speaking, if they are able.

Kim said last minute additions to the agenda have become more common.

Davis said the signing in process for comments may slow down the progress of the meeting.

Renee: A letter to submit to the Selectboard from the GHS, re Town Hall history. Board agreed to post letter on Website.

Gary asked the board if there were any unwarned planning meetings in the past month. He also noted there were approx. 11 meetings of various types, he can't find recordings of them all on the website, and many sets of minutes have been late being posted.

David made the following motion:

The board adopts the VLCT Model Rules for Public Participation at Municipal Meetings.

MacNeil seconded the motion which carried unanimously. This document will be posted on website.

Meghan Meachem said she is confused what the board just adopted, the public needs to be clear what the rules are. She felt general public comment is separate from contributing to a discussion on a specific agenda item.

David Barnett questioned the rationale for moving back to one regular meeting a month, when there is so much town business to attend to.

ORLEANS COUNTY SHERIFF'S DEPT.

1. The Board reviewed the September OCSD report.
2. **Patrols in Greensboro Bend.** Bobbie said it appears there is minimal patrolling in the bend, and she would like to discuss this with Sheriff Harlow.

GREENSBORO FIRE DEPT. – Chief Dave Brochu, Jr.

The board reviewed Chief Brochu's GFD report.

ROADS & DRIVEWAYS

1. **Road Foreman's report – Tom Camarra.** Tom reported that all roads have been resurfaced, with lots of help from local contractors. The road crew is currently putting up winter sand, also with help from contractors. Mark Colburn is finishing up the last round of the flood repair work for this season.
2. **Leasing equipment.** Tom introduced Gretchen Baker from United Construction and Forestry, to discuss leasing equipment. While this could take pressure off the town budget in the short term, current interest rates are 7.45% for \$150k or less in equipment value, or 6.45% for equipment values above \$150k. Gretchen said these leases are structured with annual payments and unlimited equipment hours. The town would be responsible for basic maintenance such as oil changes and wear items such as tires. Re: skid steer, with snowplower and material spreader. Wrote him up two machines in stock and broke down by lease payments per year. Gretchen said in terms of breakdowns, United typically quotes a warranty that covers the length of the lease, but this would be an extra cost. Gretchen said if the town wants to purchase the equipment after a seven year lease, the payout would be \$1. Tom the Trackless sidewalk clearing machine is 13 years old and has proven to be expensive to maintain. It's also a single use piece of equipment, while a skid steer could be used year round for a wide variety of tasks.
3. **Nursing Home – reimburse for damaged pipe.** David made the following motion:
The town will reimburse the Nursing Home \$312 for the repairs of a pipe damaged during ditching work on Cemetery Ridge Rd.
MacNeil seconded the motion which carried unanimously.
4. **Town truck trade in.** There are no interested parties for the old town truck. David made the following motion:
The town will trade in the old Mack truck for \$45k.
Bobbie seconded the motion which carried unanimously.
5. **Paving contract.** Josh said one of the paving contractors is in the area, and perhaps the board should shorten the bid window. After discussion, the Board decided to not change the bid window.

TOWN CLERK – Kim Greaves

1. **Upcoming election.** Kim said the Secretary of State put out a very useful voter guide, with bios and information about most candidates. The drop box will still be available, it remains at the lower entrance to the town offices. Kim said is checked daily and can be used for both tax payments and ballot drop offs. It is checked daily. Kim added taxes are also due on Thursday Nov. 7.
2. **Dying maple on Village Green** Old maple needs to be taken down. Chuck said he could take down just the dead limbs for now, for safety reasons. The board agreed to ask Chuck to give a quote.

3. **Unifirst Contract.** Kim said Unifirst isn't raising their rates for next year. David made the following motion:

The board approves the new Unifirst contract.

MacNeil seconded the motion which carried unanimously.

TREASURER – Brett Stanciu

1. The Board reviewed the treasurer's monthly report, the FY25 budget report, and the September check warrant reports. Brett is working to finish up last year's audit, and has been very busy with DRB work.
2. **FY2026 budgeting.** Brett thanked Jennifer Lucas for help with the town budget. Brett said she's hoping to have a rough draft of the budget completed by the end of October, followed by a period of review and cutting, and a more refined draft completed by Thanksgiving. This year, likely in December, public comment will be solicited on the draft budget.
3. Kim said an additional selectboard member is needed to sign warrants. The Board agreed that Bobbie can do this.

RURAL EDGE UPDATE

Ellen said a draft of the Purchase and Sales Agreement (P&S) is being reviewed by the town attorney.

Elissa asked if the town could publicize a list of the issues being negotiated in the P&S so the public can have knowledge of this.

Renee asked who drafted the P&S, and whether any members of the community were involved this drafting, as was discussed at a prior selectboard meeting.

David said MacNeil has stepped back from working on the RuralEdge (RE) project. David will take his place, and join Ellen with negotiating the P&S.

Discussion about appraisals of the town hall, done by both RuralEdge and by a commercial appraisal firm hired by the town. These appraisals are posted on the town website.

Ellen said her understanding is that when there are two different appraisal numbers, there is an independent review process that happens.

The commercial appraiser doesn't take into account all the mitigation costs.

Mary Parker: to Ellen: RE can offer less due to the mitigation. The independent appraiser said this is what the market value is with the problems. So the person who buys it has to fix the problems. Any buyer would know this, warts and all.

Eric: the price is also negotiated in the P&S agreement process.

Nancy: RE is still interested in the building?

David said they very much are.

Vince Cabbage asked about any guarantees that RuralEdge can actually complete the project, financially or otherwise. He asked if the town is still prepared to sell the building if there is no guarantee that the project can be brought to completion.

Eric said this question will be part of the P&S negotiation process.

COMMUNITY WASTEWATER

MacNeil said Hoyle Tanner, on behalf of RuralEdge, did wastewater testing in front of Town hall. They released a letter on Oct. 4 saying it's unlikely the town hall green would be a suitable site for handling wastewater.

At the same time, as part of Hoyle Tanner's interest in pursuing a community wastewater system, their engineer also identified a site on the Perron farm where such a system might be located. They did initial testing of that area and are interested in continuing to test that area.

Eric asked MacNeil to comment on his relationship with this matter, and whether he would recuse himself from decisions related to this site. MacNeil said he would obviously recuse himself if there is any movement forward with this property.

Eric: Hoyle Tanner asked Stone Environmental to look at the triangle. They did not do any drilling or extensive testing, but concluded that it was highly unlikely the site could handle the 6000 gal/day required by RuralEdge. Stone looked at land around the town hall and concluded that a site on the Perron Farm might have promise. Eric said this site was not identified prior by anyone, including selectboard members or Hoyle Tanner.

Ellen said Hoyle Tanner's role is for the town wastewater system, and any areas they identify are connected to providing a wastewater system for the village, not the town hall housing project specifically. RuralEdge will have to determine what they are going to do for a wastewater system moving forward. She said the way the community wastewater grants are written, the funding is for a community wastewater project, not for a specific housing project. In order for grant funding to continue to be available, Hoyle Tanner has to identify a specific site for a wastewater project.

Naomi said if this new site has nothing to do with the RuralEdge/Town Hall project, how is this project moving forward?

Davis asked for clarification about a recent article in The Chronicle, where it was said the project may be moved to that site. He wanted to clarify whether this was talking about the village wastewater, wastewater for the town hall project, or structures being moved to that site.

Dave said he may not have not been clear in that article, as this is all new information about an additional option.

John Mackin asked whether Hoyle Tanner is looking for a town-wide septic system, that would include the nursing home, or just a 6000 gpd site for the RuralEdge project.

Kent asked if the funds for a community wastewater system expire at the end of 2024, and also if multiple smaller projects can be built instead of one large one. Eric replied that he didn't know.

Josh commented that it was odd, that after Hoyle Tanner looked at sites all over town over the past number of years, that a promising new site appeared out of the blue.

Vince asked whether the wastewater committee is an official town committee, and said he'd like more information this committee.

Eric there is some posted information on the town website and we'll check whether there is more information to post.

ONGOING BUSINESS

1. **Bend speed limit.** Discussion of how to move forward, since the speed study completed by the OCSD showed that speeding wasn't a big problem on Main St. But, traffic patterns have shifted since Hardwick's bridge on E. Main St. was damaged during the July 2023 flooding. Josh will pass along to Bobbie notes he took from a call with a traffic engineer from VTrans regarding speeding on Main St.

Discussion of the dangerous intersection where Bend Rd. hits Rt. 16. Josh will ask the District 9 state guys to check this out, including a missing 40 mph sign coming from the North.

2. **Glover property – encroachment issue.** David checked out the property, and it appears the encroachment has been happening for a long as 40 or 50 years. He said these few acres are not valuable to the town. David asked, how can we allow them to continue to use the land but the town continue to own it?

Discussion of agreeing to a long-term easement. John Mackin said the town wouldn't have control over the land with an easement, and it would likely be easier in the long run to sell the land.

MacNeil suggested that a property line adjustment could be made for their garage, which is partially located on town property, and an easement could be drawn up for access to their spring, which currently is on the town parcel.

David: let's find out what the land is worth, I'll tell them we need to get some sense from a real estate broker. And get a sense from the road crew about future.

3. **Signs on town property.** Bobbie said she's spent many hours with VLCT and the Secretary of State on this issue, and is leaning towards "no signs can be posted on town property". I would propose we continue with this for now, after talking with our town attorney, and revisit this issue in the spring when activity picks up. Unfortunately this would affect everyone, excepting that municipal signs could still be put out. David made the following motion:

The board adopts Bobbie's recommendation of no signs on public property. This will be revisited next spring after consultation with our town attorney.

MacN seconded the motion. Further discussion.

Gary asked for clarification on what is town property, and who will enforce this policy?

Renee suggested leaving things as the status quo, with any signs allowed.

Naomi suggested the board talk to business owners about the need for signs. She said she finds them useful.

Meaghen: I would encourage you to create a public conversation about signs. Talk to local businesses. The positives and negatives.

Josh said he wasn't involved with the Save Town Hall Coalition, yet the signs didn't bother him. He asked why people feel signs like these need to be regulated.

David said he will discuss this with Kevin Kite over the winter.

The motion was not voted on.

4. **Wilson St. Stormwater project.** Chad asked for an update. Eric said the engineering is expected to be completed in December.

GREENSBORO PLANNING COMMISSION – ZONING BYLAW PROPOSALS

1. **Misc. Changes.** Kent said after the last meeting, the planning commission (PC) discussed the selectboard's concerns and sent a letter to the board proposing ways to move forward with approving the Misc. Changes. Kent said MacNeil's particular comment came up after the selectboard's public hearing, meaning if this was changed now, new public hearings would need to be scheduled on the Misc. Changes.

Eric made the following motion:

The board approves the Misc. Changes, with the stipulation that at the next Select Board Public Hearing dealing with Zoning Bylaws, Section 1.3D of the Bylaws be revised as discussed.

David seconded the motion which carried unanimously.

2. **Shoreland Protection District (SPD) amendments.** Kent said the PC put together proposed revisions to the SPD. The selectboard came up with a bunch of questions, which were reviewed by the PC. Some things were changed, others were left as they were.

David asked about lake access paths. Kent said the PC eliminated the language about footpaths in the ROW, and that no permit is required for an additional footpath. Kent said he'd like a response from the selectboard: are there further issues, or can the SPD proposals move along in the process?

Eric said this is a consequential revision to the SPD, and with the new flood maps coming out next year, he'd like to see this proposal go back to the PC, add in the flood maps when they're ready, and have another round of public hearings.

Kent said perhaps the PC held on to the SPD proposal for too long, but also the selectboard had them for a time and didn't act. He said to further table this proposal is a waste of energy.

MacNeil agreed that the selectboard wasn't able to give the proposal a proper review, but that this was due in large part to more flooding this past July, and the RuralEdge/Town Hall issue. He said he's not ready to send it along, the selectboard needs more time. The selectboard asked questions of the PC, the PC provided many answers, and now the board needs to discuss these answers. He agreed with Eric, that the SPD update should be tabled until the new flood maps are available.

David said we owe it to PC to discuss the SPD proposals. Bobbie thanked the PC for all their work on these bylaw revisions. She asked how much time the board needs to review the bylaw.

David said the SPD proposals take the zoning bylaw to a new level of restrictiveness that may not be justified. He said he's gotten some input from lake residents, but more input is needed.

OTHER BUSINESS

- 1. Headwaters Community Land Trust.** Linda Ramsdell introduced a newly formed community land trust called the Headwaters Community Trust (HCT). Linda said the group is excited to try to find ways to add more housing in our area. Excited about the community land trust model, which they have been exploring for about a year. They are beginning the community engagement process. Naomi, who is involved with this new organization, said this model is geared towards affordable housing development on community owned land, and is not to be confused with preservation or conservation of land. The group is focusing on the housing needs in Albany, Craftsbury, Glover and Greensboro, as they recognize that this is an issue that affect all our towns.

Land on which the housing is build could be municipal owned land, but doesn't have to be, it's a flexible model. But, if a municipality had land that they wanted housing to be built on, they could work with the HCT to make this happen.

The community land trust ends up holding the land in trust. There are 250 CLTs around the US, 600 around the world, this is a model that has been replicated repeatedly.

The group is still getting organized and currently having their bylaws reviewed by an attorney. They are getting assistance from a number of organizations, including the Preservation Trust of VT and NVDA

Naomi said the bylaws call for having community leaders on the group's board, and these could include different types of municipal leaders.

Naomi said the HCT is not set up yet but would like to begin conversations about parcels that have potential. She said the group's new website is headwatersNEK.org.

Mary asked if this is correct: the HCT will be a 501(c)(3) organization, and you're hoping people will donate money and/or land, and you'll be able to use the land for housing. Naomi said this is pretty much correct.

- 2. Caspian Arts** is asking for permission to use the grange again next summer. Isa said 30 artists from area towns have showed their work this season. She thanked the selectboard for allowing the group to use the grange as an exhibit space. It's a great addition to the attractions in Greensboro. About 300 visitors came to look. All run by volunteers. I would request that we can use it again next year, from July through September. David made the following motion:

The board approves Caspian Arts using the Grange from July through September 2025.

MacNeil seconded the motion which carried unanimously.

Eric congratulated Caspian Arts on a great exhibit, and on the way they've utilized the space.

Isa said the water system in the grange is not being used, due to unknowns about the septic system.

3. **Greensboro Conservation Commission - appoint new member.** The conservation commission recommended Liza Keisler be appointed. Bobbie made the following motion:

The board appoints Lize Keisler to the Greensboro Conservation Commission.

MacNeil seconded the motion which carried unanimously.

4. **Lakeview Union School - update.** Bobbie said the Lakeview School has been in jeopardy of closing for a number of years. The school board has been meeting with the community about the school's future and have committed to keeping it open at this time. The board understands how the community feels about the building. The school is now housing preschool up through third grade. Grades four, five and six are now attending Hardwick or Woodbury elementary schools.

Erika noted that the preschool program is open to anyone in the area, regardless of what town they're from – so it is becoming a different thing than the typical town school.

The board will keep an eye on everything over the next two years and may decide to turn the building into a dedicated preschool.

Some school board members still want the town to be able to use the multipurpose room, and would like to see the town continue to be involved in the building's future.

EXECUTIVE SESSION

Dave made the following motion:

The board will enter executive session at 9:30 PM to discuss personnel, with Josh, Kim and Brett present.

MacNeil seconded the motion which carried unanimously.

The board left executive session at 9:48 PM. MacNeil made the following motion:

The board approves hiring Lily McMurtrie as assistant town clerk.

Bobbie seconded the motion which carried unanimously.

David made the following motion:

The board approves proportional time off for all part-time employees, including paid holidays for days they are scheduled to work.

MacNeil seconded the motion which carried unanimously.

Bobbie made the following motion:

The board will enter executive session for a legal matter at 9:50 PM.

David seconded the motion which carried unanimously.

The board left executive session at 9:55 PM and took no action.

ADJOURNMENT

The meeting was unanimously adjourned at 9:58 PM.

Respectfully Submitted, Josh Karp, Selectboard Clerk