

Personnel Policy

Town of Duxbury, Vermont

Section 1: Title and Authority

This policy shall be known as the Town of Duxbury personnel policy. It has been adopted by the Town of Duxbury Selectboard pursuant to 24 V.S.A. §§ 1121 and 1122 and supersedes and replaces all prior policies, manuals, practices and benefits of the Town of Duxbury regarding employment and personnel matters.

Unless otherwise provided by statute or written contract, **employment with the Town of Duxbury is at-will and not for any definite period or succession of periods of time.** The Town of Duxbury may terminate employment at any time, with or without cause. This policy is not, and should not be construed as, an express or implied contract and it does not modify any existing at-will status of any Town of Duxbury employee

This personnel policy will be administered on a case by case basis by the Selectboard; specific questions concerning eligibility for a particular benefit or the applicability of a particular policy or rule to an individual should be addressed to the Selectboard or its authorized representative.

The Town reserves the right to amend any of the provision of this personnel policy for any reason and at any time, with or without notice. A copy of this policy, including any changes, can be obtained from the Office of the Town Clerk.

Section 2: Persons Covered

This personnel policy applies to all persons employed by the Town of Duxbury, except as otherwise stated herein. The Town Clerk may adopt the Conduct of Employees rules (see Section 3) and Town benefits that apply to his/her office by notifying the Chair of the Selectboard, in writing, of his/her intention to do so and, if applicable, identifying whether any specific work rules and/or benefits are not being adopted.

For purposes of this policy, a full-time employee is an employee who works 40 hours per week on a year round basis. A part-time employee is an employee who works fewer than 40 hours per week on a year round basis.

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

Section 3: 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 Town officials, the public, and other employees. Without limiting the foregoing, all employees shall comply with the following conduct guidelines.

1. Employees shall be punctual in reporting to work and shall remain at work until the scheduled end of their workday unless otherwise authorized by a supervisor. Unexpected absences shall be reported as soon as possible.
2. Employees shall not violate any Town of Duxbury (hereafter referred to as the “Town”) work rule, policy, procedure, directive, or verbal work order, and shall adhere to all applicable work place safety rules.
3. Employees shall not use Town property or equipment for his/her private use or for any other use other than that required for the proper discharge of their official duties.
4. Employees shall not, while on duty or engaged in activity associated with the Town, endanger the safety of any member of the public. Employees shall be responsible to promptly report, to their immediate supervisor, any such conduct by another employee that endangers the safety of others.
5. Employees shall report to an immediate supervisor or supervisor any work incident which results in personal injury or property damage. Any such incident warranting emergency services shall be immediately reported to the police or fire and rescue as appropriate. Employees shall not discuss any such incident with anyone other than Town officials, except as may be necessary for rendering of emergency services.
6. Employees shall be honest and complete in their descriptions, whether given orally or in writing, to their supervisor, of events occurring in the work place and in all other circumstances related to their employment.
7. Employees shall cooperate fully with any inquiry or investigation, whether formal or informal, conducted by the Town. This shall include answering fully and truthfully any questions related to their employment.
8. Employees shall not, while on duty or engaged in an activity associated with the Town, engage in verbal or physical behavior towards co-workers, or members of the public, which is malicious, demeaning, harassing or insulting.
9. Employees shall not report to work or engage in work under the influence of alcohol or drugs, and employees shall not consume alcohol or drugs during their scheduled work time. The only exception to this rule is use of a drug prescribed by a duly licensed health care provider, provided

such use is in the manner prescribed and the employee is cleared to work while using such prescription drug.

10. Employees shall not conduct themselves in a manner that reflects discredit upon the Town of Duxbury, whether on or off duty.

11. Any employee shall report in writing to his/her supervisor of his/her arrest or citation for criminal activity as soon as possible, but no later than the first day he/she reports to work following the arrest or citation. The disposition of the charge must be reported immediately. The employee shall also immediately report, when known by the employee, that he/she is being investigated for criminal conduct by a law enforcement agency.

12. Employees shall not use, or attempt to use, their positions to obtain special privileges or exemptions for themselves or others.

13. Employees shall not solicit or accept any form of compensation from anyone except the Town for activities which are related to their position, unless it is provided for by law or approved by the Selectboard. Prohibited compensation shall include any gift, reward, loan, gratuity or other valuable consideration, including free meals, provided to employees, their immediate family, or business associate(s).

14. Employees shall not disclose, directly or indirectly, information which they receive or have access to by virtue of their official duties, either for the private gain or benefit of themselves or others, except as authorized by their superiors or by law.

15. Employees shall not solicit any form of private contract as a result of information gained through their employment.

16. Employees shall not smoke within 25 feet of any Town-owned buildings, work areas or vehicles.

17. Employees shall not violate the Town's Equal Employment, Anti-Discrimination Policies, or Sexual Harassment policies.

18. Employees shall 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.

Section 4: Use of Town Computer System

The Town computer system is to be used by employees for the purpose of conducting Town business. All communication and information transmitted by, received from or stored in these systems are the property of Town of Duxbury and, as such, are intended to be used for job-

related purposes only. Data and information on the system will not be deemed personal or private.

Personal use, other than brief and occasional use, of electronic communications systems, software, computers and other electronic devices owned, leased or maintained by the Town is strictly prohibited. Employees with Internet access are expressly prohibited from accessing, viewing, downloading, or printing pornographic or other sexually explicit materials.

Employees should have no expectation of privacy regarding anything created, sent or received on the Town computer system. The Town may monitor any and all computer transactions, communications and transmissions, with or without notice, to ensure compliance with this policy and to evaluate the use of its computer system. Employees who have a confidential password to access the Town's operating system should be aware that this does not mean the computer system is for personal confidential communication, nor does it suggest that the computer system is the property of that person.

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

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

All files, documents, data and other electronic messages created, received or stored in the course of official Town business may be subject to the provisions of Vermont's Public Records Act and may be covered by the record retention requirements of the State of Vermont's General Records Schedules or Disposition Orders. Accordingly, employees shall not discard or delete any files, documents, data and other electronic messages created, received or stored in the course of official Town business except as in accordance with law. Questions regarding the requirements of the Vermont Public Records Law, General Records Schedules, or Disposition Orders as they apply to particular files, documents or data should be directed to the employee's supervisor or the Selectboard.

For purposes of this section, computer system means all computer-related components and equipment including, but not limited to, host computers, file servers, workstation terminals, laptops, software, internal or external communication networks, the world wide web (www), the

Internet, commercial online services, bulletin board systems, backup systems and the internal and external e-mail systems accessed via the Town's computer equipment.

If you do not understand any part of the policy, it is your responsibility to obtain clarification from your supervisor or the Selectboard. If a violation of this policy is found to have occurred, the offending employee may be disciplined including but not limited to dismissal from employment.

Section 5: Hours of Service

The regular work week shall be seven consecutive days, commencing on Saturday and ending the next following Friday. An employee's work schedule shall be determined by the Selectboard, except as otherwise stated herein.

From November 1 through April 30, the work schedule for the road crew will be from 7:00 a.m. to 3:30 p.m., Monday through Friday, with half-hour allowed for lunch. From May 1 through October 31, the work schedule for the road crew will be from 6:00 a.m. to 4:30 p.m., Monday through Thursday, with half-hour allowed for lunch. The road crew work schedule can be modified by the Selectboard based upon the needs of the Town.

Regular work hours may be changed and employees will be expected to work additional hours in any given day and may exceed forty hours in a given week, as circumstances require.

All employees are expected to be in attendance during regular work hours. Employees who will be absent from work are expected to notify their supervisor in advance whenever possible. Employees who are calling in sick are expected to notify their Supervisor as soon as possible, but no later than one hour before regular working hours.

Section 6: Personnel Records

Personnel records will be maintained for each employee of the Town. The official depository of these personnel records will be maintained for each employee by the Town Treasurer. 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. Also, in accordance with Vermont's Public Record Law, the Town will treat records maintained to hire, evaluate, promote or discipline any employee as not subject to public review.

Section 7: Eligibility for Benefits

The town offers health, dental and short-term/long-term disability insurance programs for the benefit of its eligible full time employees. An employee becomes eligible for benefits after the first 30-days of employment. All applicable deductions and co-payments will apply to all employees and elected officials who participate in the benefit(s) program.

The Town reserves the right to change insurance carriers, or to add, delete or amend insurance 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 8: Holiday Leave

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

- New Year's Day (January 1)
- Presidents Day (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)
- Thanksgiving Day (4th Thursday in November) and the following Friday
- Christmas Day (December 25)

Employees will receive holiday leave pay at the employee's regular rate of pay. A non-exempt employee who is required to work on a holiday will be compensated at the rate of one and one-half times the employee's regular rate of pay in addition to the regular holiday pay provided by the town. If a non-exempt employee is not required to work on a holiday, hours paid for the holiday will be counted as hours worked when determining overtime compensation.

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

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

Section 9: Vacation Leave

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

Years of <u>Service</u>	Annual Accrual <u>Rate</u>
6 months through 1 st year	5 days/40 hours

2 nd through 4 th year	10 days/80 hours
5 th year through 9 th year	15 days/120 hours
10 th and subsequent years	20 days/160 hours

Full-time employees will receive vacation leave pay at the employee’s regular rate of pay.

Employees are strongly encouraged to take an annual vacation. If an employee does not use all of the employee’s vacation leave in a year, the employee may carry unused vacation leave forward to the next year up to a maximum of 180 hours.

An employee who resigns from employment with the Town will be compensated for unused vacation leave up to the allowable 180 hours maximum, provided that the employee gives at least two weeks written notice of the resignation.

Section 10: Sick Leave

Full-time employees will accrue sick at the following annual rates:

Years of <u>Service</u>	Monthly Accrual <u>Rate</u>
6 months through 2 nd year	.5 day per month
3 rd and subsequent years	1 day per month

An employee may use sick leave for an illness or injury that prevents the employee from performing the employee’s job duties. An employee may also use sick leave to attend the following appointments, if they cannot be held outside normal working hours:

- A medical appointment.
- 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.
- Accompanying 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.
- Accompanying the employee's parent, spouse or parent-in-law to other appointments for professional services related to their care and well-being.
- A medical emergency involving the employee's child, stepchild, foster child or ward who lives with the employee or the employee's parent, spouse or parent-in-law.
- A funeral not eligible under Section 11 (“Bereavement Leave”).
- A meeting with the employee’s personal attorney.
- An appointment for the closing, purchase, sale, or refinancing of a primary residence.
- Any other appointments authorized in advance by the employee’s supervisor.

The Selectboard or the employee's supervisor may require the employee to provide written certification from the employee's health care provider, or the provider for the employee's family member if applicable, regarding a condition requiring absence from work. Unauthorized use of sick leave or failure to provide such written certification, if requested, may result in disciplinary action, including dismissal.

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

If an employee does not use all of the employee's sick leave in a year, the employee may carry accumulated and unused sick leave days forward to the next year.

Upon separation from employment, an employee will not be compensated for unused sick leave.

Section 11: Bereavement Leave

Employees will receive 3 paid bereavement leave days per year for death in the family of the employee mother/father-in-law, brother/sister-in-law, daughter/son-in-law, aunt and uncle. Employees will receive 5 paid bereavement leave days per year for death in the family of spouse, mother, father, child/stepchild, brother, sister, grandparents. Employees may use bereavement leave for the death of a close relative or any other relative if the relative was living in the same household as the employee immediately preceding his or her death.

Pay for bereavement leave will be at the employee's regular rate of pay.

Upon separation from employment, an employee will not be compensated for unused bereavement leave.

Section 12: Parental, Family, Medical and Short-Term Leave

At the time of adoption of this personnel policy manual, the Town of Duxbury believes that its employees do not qualify as eligible for family leave, parental leave, or short-term leave under the Vermont Parental and Family Leave law, 21 V.S.A. subchapter 004A, or the federal Family and Medical Leave law, 29 U.S.C. 2601 et seq., based on the number of employees of the Town and hours worked by those employees. Should either law be applicable, the Town will provide for the leave afforded by all such applicable laws. Any eligible employees must comply with notice and other requirements of such laws.

Section 13: Leave of Absence Without Pay

All requests for leaves of absence without pay for any reason other than those covered by federal or state law must be submitted in writing to the employee's supervisor and approved by the Selectboard Chair, not to exceed three (3) days. More than three (3) days leave of absence without pay requires full Selectboard approval. The leave of absence request without pay must

set forth the purpose for which the leave is requested. All leave requests must be for a definite period of time and include a specified date of return.

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

Section 14: 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 15: Jury Leave

The Town will compensate employees for their service as jurors or witnesses. In accordance with 21 V.S.A. § 499, employees will otherwise be considered in the service of the Town for purposes of determining seniority, benefits, credit towards vacations, sick leave, and other rights, privileges, and benefits of employment. The employee will receive his/her regular rate of pay from the town and any compensation received from the court will be given to the Town.

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

Section 16: Overtime

In accordance with the Fair Labor Standards Act, the Town compensates all nonexempt employees at the rate of one and one-half hours for each hour actually worked in excess of forty hours in any workweek. Exempt employees are not eligible for overtime; they are expected to work as many hours as required to perform the duties of their position. All overtime requires prior authorization of a supervisor. The Town reserves the right to adjust an employee's schedule to avoid overtime.

Section 17: Equal Employment & Anti-Discrimination Policy

It is the policy of the Town of Duxbury to provide equal employment opportunity to all persons based on individual merit, competence and need. The Town of Duxbury does not discriminate

against employees or applicants for employment on any legally recognized basis including, but not limited to: race, color, religion, sex, sexual orientation, age, national origin, marital status, disability, veteran status, ancestry, pregnancy, gender identity, HIV status, place of birth, or any other recognized basis under local, state or federal law (“Protected Bases”). This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, training, compensation, layoff, and termination.

Harassment of one employee by another employee or supervisor is prohibited. Harassment means unwelcome conduct that is based on any of these Protected Bases. An employee who commits harassment will be subject to discipline up to and including immediate dismissal. Examples of harassment may include, but are not limited to: offensive jokes, gestures, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, and offensive objects, pictures, or written materials.

Retaliation against an employee who complains about having been subjected to harassment, or who cooperates in an investigation of such alleged harassment, is a violation of this policy.

Any employee who believes he/she has been subjected to harassment, or to retaliation for having brought or cooperated with a complaint or investigation of harassment, should report it promptly to a supervisor. If reporting to a supervisor is not possible, then a report should be made to the Chairperson of the Selectboard or another member of the Selectboard if necessary. Department supervisors and the Selectboard may be contacted through the Town Clerk’s Office located at 5421 Route 100, Duxbury, VT 05676 or by telephone at (802) 244-6660.

You may also contact:

- Vermont Human Rights Commission, 14-16 Baldwin Street, Montpelier, VT 05633-6301, telephone (800) 416-2010 (voice), (877) 294-9200 (TTY).
- U.S. Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, telephone (800) 669-4000 (voice), (800) 669-6820 (TTY).

If the Town of Duxbury receives a complaint of harassment or discrimination, or has reason to believe that harassment or discrimination has occurred, it will investigate the matter. Investigations will be conducted in a confidential and discrete manner to the extent possible, and complaints will be disclosed only to those persons necessary to thoroughly investigate and address the matter. If a violation of this policy is found to have occurred, corrective action will

be taken and the offending employee shall be subject to discipline including but not limited to dismissal from employment.

Section 18: Sexual Harassment Policy

It is the policy of the Town of Duxbury to promote a workplace that is free of sexual harassment. Sexual harassment in the workplace is unlawful under state and federal law and will not be tolerated by any employee, whether male or female. A copy of this policy will be provided to all employees and elected or appointed officials. Additional copies are available in the Town Office.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, written, physical, and nonphysical conduct of a sexual nature when:

- Submission to such conduct is explicitly or implicitly made a term or condition of employment;
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual, including, but not limited to placement, promotion, training, or compensation; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creates an intimidating, offensive, or hostile working environment.

Sexual harassment may be indirect or even unintentional, and may include off-duty conduct that affects an employee's working environment. Examples of sexual harassment may include, but are not limited to, coercion of sexual relations, touching or grabbing an employee's body parts, and sexually offensive comments, name-calling, jokes, gestures, innuendos and other unwelcome sexually oriented statements. Employees of the Town of Duxbury are prohibited from bringing into the workplace or otherwise displaying any written materials or images that may be considered sexually suggestive or offensive in nature. Sexual harassment can also include offensive remarks about a person's sex, such as a man making offensive comments about women in general.

Retaliation against an employee who complains in good faith about having been subjected to sexual harassment, or who cooperates in an investigation of sexual harassment, is a violation of

this policy. Retaliation is a recognized form of harassment and will be handled in the same manner as other forms of harassment under this policy.

If you believe you have been subjected to sexual harassment, or retaliation for having brought or supported a complaint of sexual harassment, you are encouraged but not required to directly inform the offending person or persons that such conduct is offensive and must stop. If you do not wish to communicate directly with the alleged harasser or harassers, or if such direct communications have been ineffective, then you should immediately report the matter to your supervisor or, if that contact is not possible, then to the Chairperson of the Selectboard (who has been designated to receive such complaints or reports), or another member of the Selectboard if necessary. Department supervisors and the Chairperson of the Selectboard may be contacted through the Town Clerk's Office located at 5421 Route 100, Duxbury, VT 05676 or by telephone at (802) 244-6660. If possible, it is helpful to an investigation if the employee keeps a diary of events and names of people who witnessed or were told of the harassment. Upon advance request, reasonable accommodations will be made for persons with disabilities who need assistance with filing or pursuing a complaint under this policy.

Complaints regarding sexual harassment or retaliation may also be filed with the following state and federal agencies:

- Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05609-1001, telephone: (802) 828-3657 (voice), (802) 828-3665 (TTY).
- U.S. Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, telephone (800) 669-4000 (voice), (800) 669-6820 (TTY).

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.

If the Town of Duxbury receives a complaint of sexual harassment, or has reason to believe that sexual harassment has occurred, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. Investigations will be conducted in a confidential and discrete manner to the extent possible, and complaints will be disclosed only to those persons necessary to thoroughly investigate and address the matter. The Town is required by law to take action if it learns of potential sexual harassment, even if the person subjected to the harassment does not wish to file a complaint. Supervisors and supervisors are responsible for promptly responding to any complaint or suspected incidents of sexual harassment. Supervisors should report any complaints or suspected incidents of sexual harassment to the Chairperson of the Selectboard.

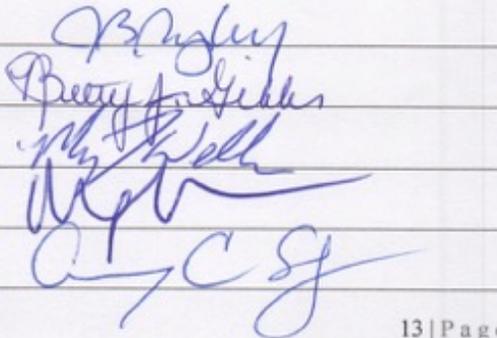
If a violation of this policy is found to have occurred, corrective action will be taken and the offending employee shall be subject to discipline including but not limited to dismissal from employment. If the complainant is dissatisfied with the actions taken by the Town, he or she may file a complaint with the state or federal agencies identified above.

Section 19: Severability

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

ADOPTED this 12th day of October 2015.

SIGNATURES of SELECTBOARD:



RECEIPT AND ACKNOWLEDGEMENT OF PERSONNEL POLICY MANUAL

Please read the following statements and sign below to indicate your receipt and acknowledgement of this personnel policy manual:

- I have received a copy and understand that it is my obligation to read the Town of Duxbury personnel policy manual. I understand that the policies, procedures and benefits described in it are subject to change at the sole discretion of the Town at any time.
- I understand that, unless otherwise provided by statute or contract, my employment with the Town is terminable at-will, meaning at any time and for any reason or no reason, regardless of the length of my employment or the granting of benefits of any kind.
- I am aware that the descriptions of benefits in this policy are not contractual in nature and do not guarantee any continuance of benefits.
- I acknowledge that during the course of my employment with the Town, confidential information may be made available to me. I understand that any such confidential information must not be used outside of the Town premises or disseminated to persons who are not Town employees, except as authorized and necessary for Town business or as required by law.
- I understand that my signature below indicates that I have read and understand the statements above and that it is my responsibility to familiarize myself with the provisions of the personnel policy and to adhere to the policies contained herein, including but not limited to those policies concerning equal employment opportunities, discrimination and sexual or other harassment.
- I understand that this Receipt and Acknowledgment will be placed in my personnel record.

Employee's Name (please print)

Employee's Signature

Dated: _____