

PERSONNEL POLICY

TOWN OF THETFORD, VERMONT

Revision Adopted December 13, 2010

Town of Thetford Personnel Policy

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Town of Thetford Personnel Policy

Section 1: Title and Authority

This policy shall be known as the Town of Thetford Personnel Policy. The Town of Thetford Selectboard adopted it pursuant to 24 V.S.A. §§ 1121 and 1122. This Policy is intended to give you information about the main features of our employment policies, benefits and certain other general information.

This personnel policy does not constitute a contract of employment. Employment with the Town of Thetford is *at will* (except those employees whose employment relationship with the Town of Thetford is covered by a specific statute or separate written contract that provides otherwise) and not for any definite period or succession of periods of time. The Town or the employee may terminate employment at any time, for any non-discriminatory reason, with or without notice. Accordingly, these policies do not alter the at-will status of the employee. No oral or written statement or conduct of any agent of the Town of Thetford shall alter the employee's at will status unless a duly authorized agent of the Town of Thetford provides written consent.

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.

The Town of Thetford Selectboard, or its authorized representative, will administer this personnel policy.

Section 2: Persons Covered

Employees of the Town of Thetford

This personnel policy applies to full-time and part-time employees of the Town of Thetford. This includes all members of the Highway Department, all members of the Police Department including the Chief-of-Police, the Zoning Administrator, the Recreation Coordinator, the Zoning Department Clerk, the Lister's Clerk, the Selectboard Recording Clerk, the Planning Commission Recording Clerk, Recycling Center Coordinator and Recycling Assistants, the Town Hall custodian, and Lifeguards, Water Safety Instructors, and Gatekeepers at the Treasure Island facility.

For purposes of this policy, a full-time employee is an employee who works at least forty (40) hours per week on a regular and continuing basis.

A part-time employee is an employee who works fewer than forty (40) hours per week on a regular and continuing basis. Part-time employees are not paid for lunch breaks.

For the purposes of benefit determination, the Town Clerk and Town Treasurer shall be considered full-time employees.

A salaried employee is engaged to work at an annual salary. He/she will be paid 1/26 of that salary every 2 weeks. A salaried employee must meet the scheduled requirements for his/her position. Once this commitment is met, there is some flexibility in the hours on duty, providing the assigned workload is completed. Salaried employees engaged in executive, administrative, or professional positions are exempt from overtime.

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A temporary or seasonal employee may be part-time or full-time. At the time a temporary or seasonal employee is hired, the reason for hiring will be stated to the employee and the term of employment will be defined. Termination before the end of the agreed term of employment will be at the discretion of the supervisor in consultation with the Selectboard. Performance reviews do not apply to temporary or seasonal employees.

An independent contractor is hired to perform one or more defined tasks, and is paid at a negotiated rate of remuneration. All independent contractors must get a contract signed by the Thetford Selectboard before starting work. Health, injury, vehicle and third party insurance are the responsibility of the employee.

Elected Officials of the Town of Thetford

Elected officials of the Town of Thetford include: the Town Clerk and the statutory assistant Town Clerk; the Town Treasurer/Collector of Delinquent Taxes and the statutory assistant Town Treasurer; and the three (3) Listers.

For the purposes of benefit determination, the Town Clerk and Town Treasurer shall be considered full-time employees.

Section 3: Equal Employment Opportunity

The policy of the Town of Thetford is to provide equal opportunity to all employees and applicants for employment without regard to race, color, religion, sex, sexual orientation, age, nationality origin, marital status, disability, veteran's status or any other category under local, state or federal law, and to base all employment decisions so as to further this principle of Equal Employment Opportunity. To this end, the Town of Thetford will ensure that applicants are employed and employees are treated during employment without regard to these characteristics.

It is the obligation of each office, supervisor, and employee to conduct himself/herself in conformity with these principles at all times. All employment activities including, but not limited to, hiring, promotion, demotion, transfer, recruitment, advertising, discipline, layoff, termination, compensation, and training, shall be conducted without regard to race, color, religion, sex, sexual orientation, age, nationality origin, marital status, disability, veteran's status.

Any person who believes that discrimination may have occurred should report the matter promptly to the Selectboard Chair.

Section 4: Probationary Period

All new employees will be required to complete a six-month probationary period (12 months for police). 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 Town. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

A written review will be completed two weeks prior to the end of the probationary period.

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The six-month probationary period does not apply to elected officials of the Town of Thetford.

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 and other employees.

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

Section 6: Hours of Service

(see attendance policy addendum for additional information)

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 (1) hour before their normal start time.

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

Section 7: Gratuities and Gifts

Employees may not directly or indirectly ask, demand, exact, solicit, accept or receive a 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.

Section 8: Outside Employment

The primary occupation of all full-time employees shall be to the Town of Thetford. 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.

Prior to accepting any outside employment, employees will disclose their intent to the Selectboard 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

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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 official, 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 from prohibiting, restraining or in any manner limiting an individual's right to vote with complete freedom in any election.

Section 10: Nepotism

The Town of Thetford – 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 supervision 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: Substance Abuse

The purpose of a substance abuse policy is to improve job performance; help employees; provide safety and protection to employees and the public; and to ensure compliance with the requirement that municipalities receiving federal funds have a drug free workplace policy. In addition, federal Department of Transportation regulations require all holders of CDL licenses to have pre-employment drug tests and periodic random drug and alcohol tests.

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

The use, sale, or possession of an illegal drug or controlled substance while on duty is cause for termination. The sale, possession, transfer, or purchase of illegal drugs on Town of Thetford property or while performing Town of Thetford business is strictly prohibited and is also cause for termination. Such action will be reported to law enforcement officials. No alcoholic beverage will be brought to or consumed on Town of Thetford properties.

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No prescription drug will be brought on Town of Thetford premises for use by a person other than the one for whom it is prescribed. Such drugs will be used only in the manner, combination, and quantity prescribed.

Any employee whose off-duty abuse of alcohol or illegal or prescription drugs results in excessive absenteeism or tardiness or is the cause of accidents or poor work will be subject to discipline, including termination, according to the Town's Last Chance Agreement.

Employees with substance abuse problems may voluntarily seek rehabilitation through the Employee Assistance Program of the Vermont League of Cities and Towns (1-800-287-2173). However, persistent problems may result in disciplinary action, including terms of the Last Chance Agreement, which is part of this policy.

Discipline procedures for substance abuse may include probation contingent on successful rehabilitation. Application of discipline procedures is at the discretion of the Town of Thetford.

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 of Thetford hereby prohibits employees' use of tobacco in any form in all publicly owned buildings, offices and enclosed areas, and in all Town vehicles. Smoking is only permitted outside buildings on Town property as designated.

The success of this policy will depend upon the consideration and cooperation of smokers and non-smokers alike. All personnel share in the responsibility for adhering to and enforcing the policy. Violations of this policy need to be brought to the attention of the immediate employee supervisor and/or the Selectboard.

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.

It is the policy of the Town of Thetford that an annual performance evaluation will be performed for employees of the Town of Thetford annually between November 1 and December 15. New employees will be reviewed in writing two weeks prior to the end of their six-month probationary period.

The performance appraisal will consist of a review between the employee and his or her immediate supervisor. The employee's review will be based on the position's job description and the Town's work standards, as well as the ability of the employee to work well with others in the workplace.

Supervisors will be as objective as possible when judging the performance of an employee. In addition, the supervisor should encourage each employee to seek and receive guidance in improving his or her performance.

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Employees will be given an opportunity to review the written appraisal and make written comments concerning all aspects of the appraisal, after management's review. The employee should be given the opportunity to express his or her agreement or disagreement with any of the points made in the evaluation.

A copy of the performance appraisal should be signed by the employee and the supervisor, and must be placed in the employee's personnel file.

Section 14: Personnel Records

Personnel records will be maintained for each employee of the Town of Thetford. 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 of Thetford reserves the right to have its representative present at the time its files are examined or copied.

The policy of the Town of Thetford will retain only relevant job-related information. The Town of Thetford will maintain the privacy of employee personnel records but may provide access to third parties when required by law or allowed for a legitimate business purpose. In accordance with the requirements of the Americans with Disabilities Act, all medical records of an employee shall be kept in a separate, confidential file, and access will be strictly limited to the purpose for which the records were obtained.

Section 15: Use of Town Equipment

The use of Town of Thetford equipment or property for personal use is strictly prohibited.

Section 16: Use of Town Computer System

The Town of Thetford computer system is to be used by employees for the purpose of conducting Town business. Occasional, brief, and appropriate personal use of the Town computer system is permitted provided it is consistent with this policy and does not interfere with an employee's job duties and responsibilities.

Employees should have no expectation of privacy regarding anything created, sent or received on the Town computer system. The Town may monitor any and all computer transactions, communications and transmissions to ensure compliance with this policy and to evaluate the use of its computer system. All files, documents, data and other electronic messages created, received or stored on the Town computer system are open to review and regulation by the Town and may be subject to the provisions of Vermont's Public Records Law.

Employees may not introduce software from any outside source on the Town's computer system without explicit prior authorization from 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 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.

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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; and
- Any other use that may compromise the integrity of the Town and its business in any way.

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

For purposes of this section, computer system means all computer-related components and equipment including, but not limited to, host computers, file servers, workstation terminals, laptops, software, internal or external communication networks, the world wide web (www), the Internet, commercial online services, bulletin board systems, back up systems and the internal and external email systems accessed via the Town's computer equipment.

Section 17: Eligibility for Benefits

Benefits for all eligible employees commence upon their date of employment. For the purposes of benefit determination, the Town Clerk and Town Treasurer shall be considered full-time employees.

The Town of Thetford offers the following benefits for its eligible employees:

Insurance

- Life and Short and Long-Term Disability Insurance will be provided for all full-time employees based on the policy in effect as determined by the Selectboard.
- Health insurance will be provided to full-time employees and their spouses. The Selectboard will determine the coverage. Additional family members may be covered under this plan at the employee's expense. See Addendum E for full information.
- Dental Insurance will be provided to full-time employees and their families.

Retirement

- Employees regularly scheduled to work 24 or more hours per week are required to enroll in the Vermont Municipal Employees Retirement System. The Town of Thetford will provide up to a 4% contribution.

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The town reserves the right to change insurance carriers, or to add, delete or amend insurance benefit programs at 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, or insurance deductible. Employees will be provided with advance notice of any change in the contribution rate.

Paid Lunch / Break

A paid lunch break of thirty (30) minutes is allowed. One paid 10-minute break is allowed in the morning and one paid 10-minute break in the afternoon.

Section 18: Holiday Leave

Full-time and eligible part-time employees (20 hours per week), or part time employees with 10 years service will receive the paid holiday leave which is set every November:

- New Year's Day (January 1) – May be floating holiday if falls on weekend
- Memorial Day (last Monday in May)
- Independence Day (July 4) – May be floating holiday if falls on weekend
- Labor Day (1st Monday in September)
- Veterans' Day (November 11) – May be floating holiday if falls on weekend
- Thanksgiving Day (4th Thursday in November)
- Day after Thanksgiving
- Christmas Day (December 25) – May be floating holiday if falls on weekend

Employees will receive holiday leave pay at the employee's regular rate of pay. If a holiday falls on a regularly scheduled workday, eligible part-time employees will receive holiday leave pay based on the number of hours the employee is regularly scheduled to work. The only exception is that all eligible employees will receive pay for the day after Thanksgiving (as a replacement for Town Meeting Day). Full time employees will be compensated for a maximum of eight (8) hours.

Floating Holidays

Holidays falling on a Saturday or Sunday will be observed as a floating holiday and can be taken as a vacation day according to the town's vacation policy. All employees over 20 hours per week or ten years of service will receive these holidays.

An 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.

The Town considers holidays a non-monetary benefit to allow additional time off from work. Holidays cannot be worked for additional pay.

If an employee is pre-approved by their supervisor or the Selectboard to work on a holiday, he/she will be paid at the overtime rate. Holidays do not count toward forty (40) hours worked in a week except on December 25th and January 1 for the Highway and Police Department only.

Section 19: Vacation / Sick Days

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Eligible employees are entitled to Vacation Time as well as Sick Days based on the length of their employment as follows:

Vacation:

Years of Service	Hours/Hours Worked	Approximately Annual Accrual (based on 40 hours / week)	Max. Accumulation (based on 40 hours / week)
1 st and 2 nd year	.041	80 Hours	120 Hours
3 rd through 9 th year	.063	120 Hours	160 Hours
10 th year and subsequent years	.086	160 Hours	200 Hours

Sick Time

Each eligible employee is eligible for sick days to be used in no less than four (4) hour increments (1 may be used for non illness related absence – see attendance policy). Employees earn sick leave at the following rate: .0248 per hour worked (approximately 48 hours per year). Sick time can carry over year to year and accumulate over time to a maximum of 160 hours.

Vacation / Sick time benefits accrue from the month employment began. Vacation / Sick time does not accrue during leave. Scheduled vacation time must be pre-approved by the employee's immediate supervisor at least one week in advance and responded to by supervisor within 24 hours of request. Vacation / Sick time is accrued on actual time worked (Including Overtime Hours). Vacation is to be taken in no less than one (1) hour increments.

Employees are strongly encouraged to take an annual vacation. If an employee does not use all of the employee's vacation in a year, the employee may carry a maximum of forty (40) hours forward to the next year. The vacation year schedule runs from July 1 – June 30, but vacation time begins accruing January 1st.

An employee who is no longer employed by the Town will be compensated for unused Vacation Time only.

Section 20: Bereavement Leave

Employees will receive up to three (3) paid bereavement leave days per event. Employees may use bereavement leave for the death of a close relative (spouse, child, stepchild, mother, father, brother, sister, grandparent, mother-in-law, or father-in-law), 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. Part-time employees will receive prorated bereavement leave pay based on the number of hours the employee is regularly scheduled to work in a week.

If an employee does not use all of the employee's bereavement leave in a year, the employee may not carry the unused leave forward to the next year. Upon separation from employment, an employee will not be compensated for unused bereavement leave.

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Section 21: Parental and Family Leave

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

The Town reserves the right to designate any qualifying leave of absence granted under this policy as leave under FMLA or the PFLA. Where an employee's leave request is covered by the PFLA 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 PFLA and FMLA, the leave periods will run concurrently.

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

Section 22: Short Term Family Leave

In accordance with the Vermont Short Term Family Leave Law, eligible employees may be entitled to take unpaid leave not to exceed four hours in any thirty-day period and not to exceed twenty-four hours in any twelve 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;
- To attend or accompany the employee's child or other family member 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 family member.

The Town of Thetford may require that leave be taken in a minimum of four-hour segments. At the option of the employee vacation leave may be used. An employee shall make a reasonable attempt to schedule appointments for which leave may be taken outside of regular work hours. An employee shall provide the Town with the earliest possible notice of the intent to take short term family leave, but in no case later than seven days before leave is to be taken, except in the case of an emergency.

Section 23: 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 immediate supervisor and must set forth the purpose for which the leave is requested. All leave requests must be for a definite period of time and include a specified date of return.

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

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Section 24: 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 25: Jury Leave

The Town of Thetford will compensate employees for their service as jurors or witnesses. In accordance with 24 V.S.A. § 499, employees will otherwise be considered in the service of the Town for purposes of determining seniority, benefits, credit towards vacations, sick leave, and other rights, privileges, and benefits of employment.

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

Section 26: Overtime and Compensatory Time Off

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.

In lieu of overtime pay, exempt individuals may accrue compensatory time off ("comp time") subject to the following conditions:

- Comp time is earned at a rate of one hour for each hour worked in excess of fifty hours in any workweek.
- An employee may accrue a maximum of forty hours of comp time on an annual basis.
- Upon termination from employment, an employee will be paid for unused comp time at a rate not less than the average regular rate of pay received by the employee during the last three years of employment or the employee's final regular rate of pay, whichever is higher.

Elected Town of Thetford Officers and the Chief-of-Police will schedule use of any accrued comp time at their own discretion.

Section 27: Employment Discrimination

Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, or national origin, sex or age, or against a qualified individual with a disability with respect to all employment practices. Vermont law also prohibits discrimination based on sexual orientation, ancestry, HIV status, and place of birth. It is also unlawful to retaliate against employees or applicants who have alleged employment discrimination.

Employees are encouraged to bring any complaints alleging unlawful discrimination to the attention of the employee's Supervisor who will arrange a meeting to discuss

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the matter. The meeting will take place as soon as reasonably possible, but in no case later than seven calendar days from receipt of notification. If the Supervisor is unable to resolve the matter during this meeting, the aggrieved party may submit to the Supervisor a written, signed complaint within seven additional calendar days. The Supervisor will then have an additional fifteen calendar days in which to conduct an investigation and to issue a report with recommendations to the Selectboard. The Selectboard will, within ten calendar days, notify the aggrieved part of its decision.

Section 28: Sexual Harassment

Sexual harassment in the workplace is illegal under federal and Vermont law and is strictly prohibited. The Town of Thetford 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 of Thetford for any individual, male or female, to sexually harass another individual in the workplace. In accordance with 21 V.S.A. § 495(h), the Town has adopted the following sexual harassment policy. All employees are required to read this policy before signing the employee acknowledgement form.

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

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

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

- Either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- Touching or grabbing a sexual part of an individual's body;
- Touching or grabbing any part of an individual's body after that party has indicated, or it is known, that such physical contact was unwelcome;
- Continuing to ask an individual to socialize on or off-duty when that person has indicated he/she is not interested;
- Displaying or transmitting sexually suggestive pictures, objects, cartoons or posters if it is known or should be known that the behavior is unwelcome;
- Continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- Referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- Regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;

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- 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 that falls within the above definition and affects the work environment.

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

Any 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.

Any employee who wishes to report sexual harassment should contact the Chair of the Town of Thetford Selectboard. The determination of whether or not a particular action constitutes sexual harassment shall be made from the facts on a case-by-case basis. In determining whether alleged conduct constitutes sexual harassment, the Selectboard Chair and Department Supervisor shall look at the record as a whole and at the totality of the circumstances, such as the nature of the behavior and the context in which the alleged incidents occurred. If sexual harassment is found to exist, prompt corrective action shall be taken ranging from a verbal warning up to and including dismissal of the offending party.

The sexual harassment policy of the Town of Thetford shall be available to each employee, shall be posted in a prominent place in the workplace, and shall include the names and addresses of the state and federal agencies that handle complaints of sexual harassment in the workplace.

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

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

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

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

Section 29: Employee Discipline

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The Town of Thetford exists to provide services to its citizens and therefore has a responsibility to perform these services in the most effective and efficient manner possible. The same is required of town employees. All employees will be fairly and consistently subject to the disciplinary and discharge procedures, given the facts of the individual case.

The Town of Thetford 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.

The progressive discipline process does not apply to elected officers and their statutory assistants. However, an elected officer may choose to follow the requirements of this policy for discipline and termination of his or her statutory assistants. A statutory assistant means an individual appointed to his or her position by an elected officer of the Town having express statutory authority to appoint an assistant. Statutory assistants include the assistant clerk and the assistant treasurer.

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, 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 discipline process. Notwithstanding any other provision of this policy, an employee terminated during the 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; 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.

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Appropriate levels of discipline may be based on the severity of employee conduct. Examples of conduct that may result in termination include, but are not limited to, the following:

- Any violation of Town of Thetford policies, rules, or regulations.
- Criminal conduct.
- Insubordination.
- Dishonesty.
- Inefficiency.
- Breach of trust.
- Neglect of a duty.
- Accepting gratuities.
- Breach of ethics concerning the confidentiality of the Town of Thetford, employee or resident information.
- Refusing to do assigned work or failing to carry out the reasonable assignments of a Supervisor.
- Gambling on Town of Thetford property or during work hours.
- 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.
- Conduct deemed disruptive to the Town of Thetford's normal operations.
- Abuse of or undue disrespect for residents or employees.
- Damage to town property due to negligence or malfeasance.
- Professional incompetence.
- Failure to fulfill any essential function as outlined in that employee's job description.
- Any conduct or behavior that (1) poses a risk to the health, safety or welfare of residents or (2) poses a serious risk of or actually disrupts the proper functioning of the Town of Thetford.
- Discourteous conduct to residents, fellow employees, the public or any person with whom the employee is in contact when performing job duties.
- Unauthorized solicitation.
- Being repeatedly or continuously absent or late, being absent without notice or satisfactory reason or leaving one's work assignment without appropriate authorization.
- Possession of a deadly weapon during work hours or while on Town of Thetford premises.
- 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 that 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.

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- Marking or defacing walls, fixtures, equipment, tools, materials or other Town property, or willfully damaging or destroying property in any way.
- Willful violation of Town rules or policies.

The above referenced list is not intended to be all-inclusive and does not in any way constitute a promise on the part of the Town of Thetford for specific treatment in a specific situation. All disciplinary action is solely within the discretion of the Town of Thetford.

Section 30: Employee Termination Process

The Town of Thetford 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. In that case, the Town may 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, reorganization, or reclassification of positions resulting in the elimination of a position or for other related reasons. In such case, this termination process does not apply.

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

The Town of Thetford Selectboard is the sole entity that will determine if an employee should be terminated. If an employee's conduct is such that their supervisor considers it sufficient to justify termination, the supervisor will meet with the Selectboard, in Executive session, to review the employee's conduct.

The Selectboard, depending on the nature of the conduct, may decide to put the employee being considered for termination on paid or unpaid leave during the review process.

If the Selectboard determines that the employee's conduct warrants possible termination, the Selectboard will provide the employee being considered for termination with a written notice containing a brief statement of the reasons termination is being considered, and the date, time, and place of a pre-termination meeting with the employee's supervisor and the Selectboard Chair.

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.

After the pre-termination meeting the employee's supervisor will meet with the Selectboard, in Executive session, to review the pre-termination meeting. The Selectboard will decide whether the employee should be terminated. Within seven (7)

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days of the date of the pre-termination meeting, the Selectboard will provide the employee with a written notice informing the employee whether he/she has been terminated. If the employee has been terminated, the notice will provide the specific reasons 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 Selectboard within seven (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. The notice will also inform the employee of his or her right to have the hearing conducted in executive session in accordance with 1 V.S.A. § 313.

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

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

Section 31: Grievances/Appeals

Employees who feel that they have received inequitable, arbitrary or capricious treatment may appeal using the steps listed below. The employee may appeal in person or through a representative. General wage increases and cost of living increases that are voted by the town at Town Meeting shall not be considered as a cause for individual grievance.

The Town of Thetford has an "Open Door" policy to hear and resolve grievances. Employees should feel free to discuss any work-related problems with their supervisor. If employees would rather not approach their immediate supervisor, or if the immediate supervisor does not address the problem adequately, the concern may be discussed with the Selectboard. Employees can be confident that they will not be penalized for using this "Open Door" policy. If an employee feels penalized he/she may use the grievance procedure to address the issue.

Grievance/Appeals Procedure:

- Step 1. The employee shall first informally discuss the complaint(s) with his/her supervisor unless the complaint is against the supervisor in which case the employee may proceed under the filing procedures contained in Step 3 below.
- Step 2. If the discussion fails to resolve the problem, the employee shall prepare a written statement of the grievance and present it to his/her supervisor. The

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supervisor will provide the employee with a written answer within 10 days of receiving the grievance.

- Step 3. If the employee remains unsatisfied, the employee may bring the grievance to the Selectboard. The employee will put his/her complaint in writing to the Board and deliver it within 7 days of receiving the response from his/her supervisor in Step 2 above. The employee should state whether he wishes to appear before the Selectboard in person. The Selectboard will respond as soon as possible and not later than 10 days after receiving the notice if a hearing is not requested. Should a hearing be requested, it will be held not more than 10 days after receiving the complaint. The Selectboard will render a written response within 10 days of this hearing.

The Selectboard decision will be final, subject only to administrative and judicial appellate rights of the Employee. Employees who file said grievances shall not be retaliated against.

Section 32: Hiring of Town of Thetford Employees

All vacancies will be advertised in the town's designated newspaper and posted in the Town Hall and other venues as appropriate.

A Job Description of the vacant position will be provided to all applicants.

An applicant for a Town of Thetford job position will fill out the Town of Thetford Job Application Form.

1. Initially, the supervisor in the Department where a vacancy exists, for which an applicant is applying, will review all Job Application Forms.
2. The supervisor will review Job Applications and interview qualified candidates.

During the interview the following information will be provided to a candidate:

- The Selectboard shall determine salaries and benefits for all employees and elected officials annually. Benefits for all eligible employees commence upon their date of employment.
- Employees are paid every two weeks. Hours worked must be recorded on time sheets, approved by employee's supervisor and submitted to the Town Treasurer by 10a.m. Monday morning. Checks are issued by the Town Treasurer's Office.
- The workweek starts on a Sunday through the following Saturday. Each supervisor is responsible for approving and submitting time sheets to the Treasurer's Office.
- Each employee may be required to be available on-call by beeper or telephone.
- All employees of the Highway Department are required to have a current CDL license at the time of employment, and to maintain licensing at personal expense throughout the course of employment. A photocopy of

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the CDL license will be kept in the employee's Personnel Folder. Highway Department personnel are required to be on call as needed.

3. After review of all the Job Application Forms and interviewing all qualified candidates, the supervisor will provide the Selectboard with a recommendation for hiring a qualified applicant(s).
4. The Selectboard shall review the application of the recommended candidate. An interview with a qualified candidate may be required. In the event that two or more candidates are equally qualified, the Selectboard will review all applications and interview all candidates.
5. The Selectboard will make the final determination for hiring an applicant.

The Selectboard is the sole Town of Thetford entity that hires Town of Thetford Employees. No employee, officer, agent, or other representative of the Town of Thetford has any authority to enter into any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts this policy. The Selectboard of the Town of Thetford must expressly authorize any exceptions to this policy of at-will employment in writing.

The Selectboard will, after deciding to hire an applicant, provide the applicant with a written job offer stating the start date for the job and the starting hourly wage.

The applicant will respond to the Selectboard indicating whether they accept the position or not.

Only after receiving an affirmative reply accepting the job offer from a candidate will the Selectboard initiate the required payroll forms.

No candidate who has accepted a position offered by the Selectboard will begin work before the stated start date and before all payroll forms are completed.

Section 33: 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 effect other provisions or applications of the personnel rules that can be given effect without the invalid provision or application. For this purpose, this personnel policy is severable.

Section 34: Disclaimers

1. The employment relationship between the Employer and the Employee is "at-will."
2. Any agreement between the Town of Thetford and an Employee that proposes to create an employment contract must be in writing and must be signed by the Selectboard.
3. The Town of Thetford reserves the right to unilaterally modify, delete, or add to the personnel policies contained herein, at any time. Such modifications may be made only with the concurrence of the Selectboard. Any changes to policy will go into effect when signed and posted.

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- 4. All sections contained herein, like all other personnel policies published by the Town of Thetford, are intended as a general policy statement containing broad internal policy guidelines and not as a contract or any other commitment.
- 5. The policies or guidelines set forth herein, like all other personnel policies published by the Town of Thetford, do not purport to represent all terms and conditions of employment applicable to the Town of Thetford employees.
- 6. Nothing contained herein should be interpreted as a limitation on the right to discharge or terminate, or a limitation on the procedures by which the Town of Thetford can discharge or terminate an employee.

Adoption History

Adopted by the Thetford Selectboard October 15, 2001
Revised and Adopted June 7, 2004
Revised (page 5, "Holidays") November 29, 2004
Revised and Adopted January 5, 2009
Revised and Adopted January 11, 2011

TOWN OF THETFORD SELECTBOARD:

_____	Date _____
John Bacon	_____
_____	Date _____
Michael Pomeroy	_____
_____	Date _____
Cathee Daum Clement	_____
_____	Date _____
David Tillinghast	_____
_____	Date _____
Donn Downey	_____

**Addendum A Town of Thetford Personnel Policy
Town of Thetford Last Chance Agreement**

I, _____, an employee of the Town of Thetford, am in treatment for drug and/or alcohol abuse. I hereby agree that if I do not participate in such a treatment program, counseling, etc., or if am found to be under the influence of alcohol or of drugs, which have not been prescribed for a legitimate medical reason, while at work for the Town of Thetford, the Selectboard may terminate my employment. The decision to terminate must be by a majority vote of the members of the Selectboard, and any allegation of my being under the influence of drugs or alcohol must be confirmed by an accepted, reliable test performed by a person or persons qualified to administer such a test.

I hereby waive my right to appeal such termination of my employment by the Town of Thetford.

Printed or typed name of employee

Signature of employee Date _____

Notary Public Date _____

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Addendum B: Acknowledgement of Receipt of Personnel Policy

I, _____, acknowledge that:
Printed Name of Employee

- A. I received a copy of the Town's Personnel Policy on _____;
Date
- B. I have been given an opportunity to ask questions about said policy and I have been provided with satisfactory information in response to my questions;
- C. I understand that the language used in this personnel policy is not intended to create, nor should it be construed to create, a contract of employment between the Town; and myself
- D. I acknowledge that the Town reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;
- F. I acknowledge that I understand the Town's personnel policy and I agree that I will comply with all of its provisions.

Employee's Signature

Date

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Appendix C – ATTENDANCE POLICY

When evaluating employee attendance, the Selectboard encourages all departments with part time employees to use a “two week mind-set” when tallying actual hours worked.

Sick leave may be taken only when an employee is unable to be present for work due to illness. The Selectboard may request that the employee furnish a doctor's certificate or other reasonable proof when absent for three (3) or more days or when circumstance warrant, such as situations where questions arise concerning the legitimacy of the absence.

An employee may use the one (1) allowed sick day not related to illness (taken in half day increments) to attend the following appointments that cannot be held outside normal working hours:

- A medical appointment
- An appointment eligible for short-term family leave under the provisions of the Vermont Parental and Family Leave Act (21 V.S.A. § 472a).
- A funeral not eligible under Section 20.
- 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.

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

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

If it is found that an employee violates the Attendance Policy, that employee's attendance record may be labeled “unsatisfactory” for purposes of their annual employment review.

An employee's record may become unsatisfactory upon the fourth occasion or sixth day of absence during any six-month period (second occasion or third day of absence during the first three months of employment).

This policy is calculated on a rolling six-month basis, not a calendar basis. Should you have any questions about it, please consult your supervisor or the Selectboard.

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Appendix D – Health Insurance

Health Insurance

The Town of Thetford will offer a health insurance benefit for full-time employees of the Town of Thetford. Given the rapidly changing nature of the insurance industry, employees interested in the specifics of the plan presently in place and their benefits under said plan are advised to contact the Town Treasurer for information as to the plan in effect and the level of benefit at the time of inquiry. As of January 1, 2011, the Town will allow up to \$1200 per month per employee to be applied toward a health insurance premium and health insurance deductible related to a plan offered by the town. If these costs do not total \$1200 per month, the employee is not entitled to receive the difference as additional payment. The Town may, from time to time, make available additional plans and options that employees might opt into in addition to their primary healthcare plan and employ any remaining benefit amount. When the employee's monthly premium is less than \$1200, the excess can be accumulated toward a maximum of \$5000 health insurance deductible per year. When an employee's employment terminates, the Town will cover their health insurance costs to the end of the month containing their last day of employment.