

**TOWN OF BRANDON  
PERSONNEL POLICY**

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# **PERSONNEL POLICY TOWN OF BRANDON, VERMONT**

## **Section 1: TITLE AND AUTHORITY**

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

This personnel policy does not constitute a contract of employment. Employment with the Town of Brandon is *at-will* and not for any definite period or succession of periods of time. The Town or the employee may terminate employment at any time, with or without notice. The Selectboard reserves the right to amend any of the provisions of this personnel policy for any reason and at any time, with or without notice.

This personnel policy will be administered by the Selectboard or the Town Manager, as its authorized representative.

## **Section 2: PERSONS COVERED**

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

For purposes of this policy, a full-time employee is an employee who works at least 40 hours per week on a regular and continuing basis. A part-time employee is an employee who works fewer than 35 hours per week on a regular and continuing basis.

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

## **Section 3: EQUAL EMPLOYMENT OPPORTUNITY**

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

#### **Section 4: PROBATIONARY PERIOD**

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

#### **Section 5: CONDUCT OF EMPLOYEES**

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

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

#### **Section 6: CONFLICTS OF INTEREST**

Every employee of the Town shall carry out his or her job in a way that ensures that neither the individual employee nor any other employee of the Town will gain a personal or financial advantage from his or her work for the Town and so that the public trust will be preserved. All decisions made by Town employees shall be made based on the best interest of the community at large rather than the interests of any particular individual or employee.

An employee shall not participate in any official action if the employee has a conflict of interest in the matter under consideration. A "conflict of interest" shall mean a direct or indirect personal or financial interest of the employee, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the employee or before the Town.

An employee shall not personally, or through any member of his or her household, business associate, employer or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application or other matter pending before the Town.

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

An employee may accept a nominal gift or gratuity in connection with an action associated with their official duties on behalf of the Town with an estimated monetary value not exceeding \$20 once per calendar year, with the understanding that employees may not directly or indirectly ask, demand, exact, solicit, accept or receive any gift, gratuity, act or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official

duties on behalf of the Town, or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of the Town. Nor shall any employee authorized to procure or to recommend procurement of materials, supplies or services corruptly, directly or indirectly, ask, demand, exact, solicit, seek, accept, receive or agree to receive for the employee or another person, any benefit or benefits from the person providing or soliciting the provision of such materials, supplies or services with the exception of items of a de minimus nature valued \$20 or less (such as vendor booth “freebies”).

## **Section 7: HOURS OF SERVICE**

Regular weekly work hours for persons employed with the Town shall be five (5) consecutive eight (8) hour days.

The Town Office shall be open to the public from 8:00 a.m. to 4:00 p.m., Monday through Friday.

Department Heads shall have the discretion to modify work hours within their departments to accommodate seasonal work changes or shift coverage.

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

Employees required to be on call shall be paid one hundred dollars (\$100) per week on call. This provision shall apply to employees of all departments when such employees are placed on call and accept an obligation to be available and respond to such calls. Highway employees shall rotate such on call duty among those qualified from November 1 through April 1 each year. On call status will be established by schedule by the department head, or designee, and will generally be for one week at a time.

Employees called in to work outside of regularly scheduled hours shall receive a stipend equal to 2 hours of straight time pay. Such call in pay shall not be required when an employee is either called to begin a shift early or to stay late. The stipend for Call In pay shall be in addition to pay at an employee’s appropriate rate for all time actually worked responding to such call. To be eligible for the stipend the employee must report to work.

An employee called in shall be allowed to sign off from duty once the situation for which the employee was initially called in has been concluded, including normal follow up and normal paperwork, to the Department Head's or Department Head's designee's satisfaction.

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 8 a.m.

## **Section 8: OUTSIDE EMPLOYMENT**

The primary occupation of all full-time employees shall be with the Town. Employees may not engage in any outside business activities during their normal working hours. Employees are prohibited from undertaking outside employment that interferes with their job performance or constitutes a conflict of interest, as defined in Section 6 of this Policy.

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

A conflict of interest means a direct or indirect personal or financial interest of an employee, his or her close relative, household member, business associate, employer or employee. A close relative includes a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law.

## **Section 9: POLITICAL ACTIVITY**

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

This personnel policy is not to be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending political party or organization meetings or events, or from expressing their views on political matters, so long as these views are clearly articulated as being those of the individual and not of the Town, and these activities do not interfere with the individual's ability to effectively perform his or her duties and take place or are expressed during non-working hours. Nor is this personnel policy to be construed as prohibiting, restraining or in any manner limiting an individual's right to vote with complete freedom in any election.

## **Section 10: NEPOTISM**

The Town – in recognition of the potential for a conflict of interest to occur in the workplace where a close relative is responsible for supervising or evaluating the work performance of another close relative – prohibits the hiring or transferring of relatives, when doing so will result in a close relative supervising or evaluating another close relative, or a close relative supervising or evaluating the immediate 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: ALCOHOL AND DRUG USE**

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

As a Town employee, you are prohibited from working, or presenting yourself for work, while under the influence, or severe after effects, of illegal drugs, controlled substances, and/or alcohol. This policy is designed to promote our goal of providing a safe, healthy and productive work environment. This policy covers all employees, including drivers and other employees who also are subject to drug testing programs performed in accordance with Federal Department of Transportation (DOT) requirements.

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

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

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

### Prohibited Conduct:

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

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

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

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

The illegal use of prescription drugs is also prohibited. If an employee is legally taking prescription drugs that affect the employee's ability to safely perform any of the essential functions of his or her job, his or her supervisor or the Town Manager will determine whether or not the employee should continue to perform his or her functions until concerns regarding safety can be addressed. Medical certification may be required.

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

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

## **Section 12: TOBACCO USE**

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

## **Section 13: PERFORMANCE EVALUATIONS**



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

#### **Section 14: PERSONNEL RECORDS**

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

#### **Section 15: USE OF TOWN EQUIPMENT**

Except as provided in Section 16, the use of Town equipment or property for personal use is strictly prohibited. Employees should have no expectation of privacy regarding anything stored in or on Town-owned property or Town-owned equipment, including but not limited to desks, filing cabinets, lockers, and vehicles. Employees should expect that such areas may be searched at any time to retrieve work-related materials or to investigate violations of workplace rules.

#### **Section 16: USE OF TOWN COMPUTER SYSTEM**

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

All electronic communications regarding Town business should be, to the furthest extent possible, conducted via official Town computer systems. A Town employee should avoid conducting Town business using his or her personal computer, device, or account.

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

Employees should have no expectation of privacy or confidentiality regarding anything created, sent or received on the Town computer system. The Town may monitor at any time its

computer system without warning or any specific notice to employees including any and all computer transactions, communications and transmissions for any reason including, but not limiting to ensuring compliance with this policy and evaluating the use of its computer system. All files, documents, data and other electronic messages created, received or stored on the Town computer system are open to review and regulation by the Town and may be subject to the provisions of Vermont's Public Records Law.

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

Employees who have a confidential password to access the Town's computer system should be aware that this does not mean the computer system is for personal confidential communication, nor does it suggest that the computer system is the property of that person.

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

- Communications that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing, or threatening;
- Communications of sexually explicit images or messages;
- Transmission of chain letters or solicitations for personal gain, commercial or investment ventures, religious or political causes, outside organizations, or other non job-related solicitations during or after work hours;
- Access to Internet resources, including 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.

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

## **Section 17: PUBLIC RECORDS**

Any written or recorded information that is produced or acquired by a Town employee in the course of Town business is a public record, subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention rules and disposition schedules for municipal records. Although the Town discourages the use of personal computers, devices, or accounts to conduct Town business (see Section 16, above), the use of a personal computer, device, or account does not prevent an otherwise public record from being subject to public inspection and copying. In the uncommon event that an employee uses their personal computer, device, or account to conduct Town business, the record created, sent, or received should be forwarded by

the employee to the employee's Town computer system, or otherwise captured and retained as a Town record. All employees are required to respond in the manner prescribed by Vermont's Public Records Law regardless of where a Town public record may be stored. All employees must provide any Town public records stored in their personal computers, devices, or accounts that are responsive to a public records request.

## **Section 18: ELIGIBILITY FOR BENEFITS**

The Town offers group insurance and other benefit programs to its eligible full time employees. Details about those benefits not listed below, as they exist on the date of hire are included as "Addendum C" to this Policy.

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

Pension – effective July 1, 2021

Employees shall be covered by the “Vermont Municipal Employees Retirement System” as follows:

- Administrative shall be in Group C
- Public Works/Highway shall be in Group C
- Police shall be in Group C
- Department Heads shall be in Group C

Existing members that are eligible for this higher group election will have the option to remain in their present group participation. Any new hires will be required to be enrolled on the new higher group. This election will be administered by the VMERS Dept.

Effective January 1, 2001, the Town shall pay the employee's contribution to such retirement system equal to 3% of the employee's wages.

Life Insurance –

The TOWN shall pay 100% of the cost of group term life insurance for employees, and employees shall pay for dependent coverage, if desired.

Employees:

- Life - Annual salary rounded to next \$1,000.
- Accidental Death and Dismemberment - Annual salary rounded to next \$1,000.
- Dependent Life: (Employee Paid)
  - Spouse - \$3,000.
  - Children - Under 6 months - \$500

6 months to 19 years - \$2,000  
Unmarried full time students to age 23 - \$2,000

#### Income Protection –

The TOWN shall provide group short term disability ("STD") insurance or its equivalent for full time employees on terms substantially similar to the following:

1. Payments to commence on the 8th day of disability. STD in the amount of 66 2/3% of the first \$900.00 of pre-disability earnings reduced by Deductible Income for a period not to exceed 180 days.
2. Terms to be for five (5) years or until the disabled party turns 65, whichever shall first occur.
3. The amount of payment shall be 66 2/3% of the disabled party's gross wages with maximum payments of \$3,750.00 per month.

An employee who is eligible for coverage under the STD Plan may utilize accrued sick or other accrued paid leave to make up the difference between the disability payment and the employee's regular base wages.

The TOWN shall continue to provide group long term disability ("LTD") insurance for full time employees. The LTD Plan shall have a 180 day elimination period.

\*Section 18 updated and approved by the Selectboard on 9/14/20.

#### **Section 19: HOLIDAY LEAVE**

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

- New Year's Day (January 1)
- Martin Luther King Jr.'s Birthday (3<sup>rd</sup> Monday in January)
- Presidents Day (3<sup>rd</sup> Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1<sup>st</sup> Monday in September)
- Columbus Day (second Monday in October)
- Veterans' Day (November 11)
- Thanksgiving Day (4<sup>th</sup> Thursday in November)
- Day After Thanksgiving (4<sup>th</sup> Friday in November)
- Day Before Christmas (December 24) floating holiday
- Christmas Day (December 25)

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

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

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

## **Section 20: VACATION LEAVE**

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

<u>Years of Service</u>	<u>Annual Accrual Rate</u>
0-1 year	4 hours per month
1-5 years	8 hours per month
5-10 years	10 hours per month
10-15 years	12 hours per month
15-20 years	14 hours per month
20 plus years	16 hours per month

Vacation leave accrual begins on the first month upon completion of probationary period. An employee may not take vacation during the employee's probationary period. An increase in the annual rate of accrual of vacation time will occur on the anniversary of the date of hire.

Full-time employees will receive vacation leave pay at the employee's regular rate of pay. Leave must be taken in a minimum of 2 hour increments.

Employees are strongly encouraged to take an annual vacation. Requests for vacation should be submitted to the employee's supervisor as soon as possible but not less 3 days in advance of the requested time off.

Employees may not accrue more than 120 hours of vacation. If vacation requests are denied, vacation in excess of 120 hours may be carried over for a six (6) month period. Any unused, accrued vacation leave that exceeds the amount carried forward will need to be approved by the Department Head and Town Manager.

An employee who resigns from employment with the Town will be compensated for unused, accrued vacation leave, with the exception that any employee who terminates during their probationary period will not be entitled to compensation for any accrued vacation time.

## **Section 21: SICK LEAVE**

### Definition

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

### Earned Sick Leave

Eligible employees will earn eight (8) hours of paid sick leave for every month worked by that employee. Such leave shall accrue to the employee based on hours actually worked by that employee.

### Accrual Limit

The amount of hours of leave that an eligible employee may accrue is limited to 240 hours.

### Waiting Period

Newly-hired employees who are eligible to earn leave will begin to accrue that leave on the first day of employment but may not use such leave until six (6) months from the date of hire.

An employee may not take sick leave during the employee’s probationary period.

### Sick Leave Contribution

Employees who choose to do so may contribute sick leave to other town employees who have exhausted their own sick leave due to a non-work related illness or injury that meets the criteria for leave under the FMLA or the Vermont Parental and Family leave laws. Such contributions shall be made in full day increments. A donation by a higher hourly rate to a lower hourly rate, or vice versa, will not be figured into the equation. If an employee being paid \$18.00 per hour donates a day to an employee being paid \$15.00 per hour, there will be no residual value (\$3.00) available to the contributing member.)

### Use of Paid Leave

An employee can accrue leave at 8 hours per month to maximum of 240 hours.

Eligible employees may use paid leave in increments no smaller than one hour.

An employee may use sick leave for the purposes below:

- The employee is ill or injured.
- The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.

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

The Town shall have the discretion to request medical certification, paid by the Town, to verify the legitimacy of sick leave utilization any time there is a reasonable basis to do so.

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

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

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

#### Compensation at Time of Separation from Employment

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

### **Section 22: BEREAVEMENT LEAVE**

Employees shall be granted paid time off for death or serious illness for members of the employee's immediate family, as follows:

Five (5) working days for a spouse or spouse equivalent, domestic partner and children.

Three (3) working days for mother, mother-in-law, father, father-in-law, step parents, brother, sister, grandparents, spouse's grandparents, or other relatives living in the immediate household.

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

### **Section 23: PARENTAL AND FAMILY LEAVE**

A. Employees shall be entitled to up to six (6) months unpaid leave for pregnancy, adoption, or care of a seriously ill family member for whom they are a primary care giver.

B. During such leave, it shall be the employee's option to carry insurances at employee's expense, unless the leave is also subject to the Vermont Parental and Family Medical Leave Act or the federal Family Medical Leave Act. An employee does not accrue additional leave (sick, vacation, personal) and is not eligible for holiday pay during the unpaid leave provided herein.

C. During such leave, employees shall have the option of using paid days such as:

1. Accrued sick leave (to the extent allowed under applicable Vermont or federal family medical leave statutes)
2. Accrued vacation leave
3. Accrued Compensatory time
4. Accrued Holidays and accrued floating holidays (police only)
5. Accrued Personal days

D. Family leave taken pursuant to Section 504 shall run concurrent with leave available to an employee pursuant to the Vermont Parental and Family Medical Leave Act and/or the federal Family Medical Leave Act.

### **Section 24: SHORT TERM FAMILY LEAVE**

In accordance with 21 V.S.A. § 472a, eligible employees may be entitled to take unpaid leave not to exceed four hours in any 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 who lives with the employee, such as a parent-teacher conference;
- To attend or accompany the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law to routine medical or dental appointments;
- To accompany the employee's parent, spouse or parent-in-law to other appointments for professional services related to their care and well-being; or
- To respond to a medical emergency of the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law.



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

### **Section 25: CRIME VICTIM LEAVE**

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

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

A “crime victim” is a person who has:

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

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

### **Section 26: LEAVE OF ABSENCE WITHOUT PAY**

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

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

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.

### **Section 27: 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 28: JURY LEAVE**

The Town will compensate employees the difference between the compensation received from jury duty and their regular Town compensation, upon presentation of any affidavit of jury pay granted for their service as jurors or witnesses when unrelated to their status as a Town employee.

In accordance with 21 V.S.A. § 499, employees will otherwise be considered in the service of the Town for purposes of determining seniority, benefits, credit towards 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 29: OVERTIME AND COMPENSATORY TIME OFF**

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

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

- Comp time is earned at a rate of one and one half hours for each hour worked in excess of forty hours actually worked in any workweek.
- An employee may accrue a maximum of 80 hours of comp time. An employee who has accrued 80 hours of comp time will be paid overtime compensation for additional overtime hours of work.
- An employee may, at the Town's discretion, be paid in cash in lieu of comp time off.
- An employee receiving payment for accrued comp time will be paid at the regular rate of pay earned by the employee at the time the employee receives such payment.

- Upon termination from employment, an employee will be paid for unused comp time at a rate not less than the average regular rate of pay received by the employee during the last three years of employment or the employee's final regular rate of pay, whichever is higher.

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

### **Section 30: EMPLOYMENT HARASSMENT AND DISCRIMINATION**

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

Examples of harassment include the following: insulting comments or references based on a person's race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, crime victim or veteran status, disability, sexual orientation, ancestry, HIV status, place of birth; aggressive bullying behaviors; inappropriate physical contact or gestures, physical assaults or contact that substantially interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment; retaliation against an employee for complaining about the behaviors described above or for participating in an investigation of a complaint of harassment.

Petty slights, annoyances, and isolated incidents (unless serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

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

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

retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop.

Any employee who wishes to report harassment should file a complaint with:

David J. Atherton, Town Manager  
or  
Jacolyn Savelle, Assistant to the Town Manager

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

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

Civil Rights Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609-1001  
Tel: (802) 828-3657 (voice)  
(888) 745-9195 (Toll Free VT)  
(802) 828-3665 (TTY)  
Fax: (802) 828-2154  
Email: [ago.civilrights@vermont.gov](mailto:ago.civilrights@vermont.gov)  
Online: <http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/>

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

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

## **Section 31: SEXUAL HARASSMENT**

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

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

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

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

- either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of an individual's body;
- touching or grabbing any part of an individual's body after that party has indicated, or it is known, that such physical contact was unwelcome;
- continuing to ask an individual to socialize on or off-duty when that person has indicated he/she is not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g., ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- derogatory or provoking remarks about or relating to an employee's sex;
- harassing acts or behavior directed against a person on the basis of his or her sex;
- off-duty conduct which falls within the above definition and affects the work environment.

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

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

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

Any employee who wishes to report sexual harassment should file a complaint with:

David J. Atherton, Town Manager  
or  
Jacolyn Savelle, Assistant to the Town Manager

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

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

Civil Rights Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609-1001  
Tel: (802) 828-3657 (voice)  
(888) 745-9195 (Toll Free VT)  
(802) 828-3665 (TTY)  
Fax: (802) 828-2154  
Email: [ago.civilrights@vermont.gov](mailto:ago.civilrights@vermont.gov)  
Online: <http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/>

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

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

## **Section 32: EMPLOYEE DISCIPLINE**

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

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

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

The Town also retains the right to unilaterally eliminate positions or reduce the work hours of a position or positions due to economic conditions, shortage of work, organizational efficiency, changes in departmental functions, and/or reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons.

The Town will normally adhere to the following progressive disciplinary process, but reserves the right to bypass any or all steps of progressive discipline when it determines, in its sole discretion, that deviation from the process is warranted: (1) verbal warning; (2) written warning; (3) suspension (with or without pay); and (4) termination.

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

- Engaging in any illegal activity.
- Refusing to do assigned work or failing to carry out the reasonable assignments of a Department Supervisor or the Town Manager.

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

### **Section 33: EMPLOYEE TERMINATION PROCESS**

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

The Town also retains the right to unilaterally eliminate a position and thus terminate employment or reduce the work hours for some or all employees due to economic conditions, shortage of work, organizational efficiency, changes in departmental functions, and/or reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons. In such 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.



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

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

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

If a request for a post-termination hearing is made, the Selectboard will provide the employee with a notice informing the employee of the date, time, and place of the post-termination hearing before the Selectboard. The notice will inform the employee of his or her right to be represented by counsel, to present and cross-examine witnesses and to offer supporting documents and evidence.

At the post-termination hearing, the employee will be afforded the opportunity to address the basis for termination by hearing and examining the evidence presented against the employee, cross-examining witnesses and presenting evidence on the employee's behalf. The Selectboard will make such determinations as may be necessary in the event of evidentiary objections or disputes. When the hearing is adjourned, the Selectboard, under the authority granted by 1 V.S.A. § 312(e), will consider the evidence presented in the hearing in deliberative session.

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

### **Section 34: 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 25 day of March, 2019.

**SIGNATURES of SELECTBOARD:**

*Dee Ann Hopkins*  
*Timothy A. Lewis*  
*[Signature]*  
*[Signature]*

**Addendum A: Personnel Acknowledgement**

I, \_\_\_\_\_, acknowledge that:

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

\_\_\_\_\_  
Employee’s Signature

\_\_\_\_\_  
Date

**Guidance: Use this document as a template for an agreement between the municipality and any elected officer who agrees to be bound by the personnel policy.**

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

This is a contract between the Selectboard of the [insert name of municipality] and [insert name and title of independently elected officer], collectively referred to as "parties."

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

[list benefits]

[Insert name] agrees to be bound by the provisions of the [insert name of municipality] Personnel Policy, except the provisions on Probationary Period, Performance Evaluations, Employee Discipline, and Employee Termination.

[Insert name] agrees as follows:

- [she / he ] has received a copy of the Town’s Personnel Policy and understands that it is [her / his] responsibility to familiarize [herself / himself] with its contents;
- [she / he ] has been given an opportunity to ask questions about said policy and has been provided with satisfactory information in response to those questions;
- [she / he ] acknowledges 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;
- [she / he ] acknowledges that [she / he ] understands the Town’s personnel policy and agree that [she / he] will comply with all of its provisions.

The parties agree that this shall not constitute a contract for employment

[If applicable, insert the following: "In addition to the above, [name] agrees that [her / his] statutory assistant, [name], who holds the position of [insert title], will be subject to the Town's Personnel Policy except the provisions on Performance Evaluations, Discipline, and Termination, which do not apply to him/her. In return, said statutory assistant will receive benefits from the Town as follows: [list benefits]]

Entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

**BY: Independently-Elected Official:**

**Selectboard:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# ADDENDUM C

## MVP Health Insurance-

The Town currently pays 85% of the Gold Plan, but you can choose any plan available through MVP, any additional cost is paid by the employee.

### Employee bi-weekly deduction on Gold Plan

Single	\$ 49.99
2 Person	\$ 99.98
Family	\$ 140.47

## Health Reimbursement Account-

The Town deposits money towards copays, deductibles and other out of pocket expenses from the health insurance. This is managed through MVP for the calendar year with your health plan.

Single	\$ 1,200
2 Person	\$ 2,000
Family	\$ 2,500

## Health Insurance Buyout-

If you have insurance coverage from another source, you can opt out of the insurance and the Town will reimburse you based on the plan you qualify for.

### Employee bi-weekly fringe, 20% of MVP Gold 1 plan. (only paid on first 2 pay periods of the month)

Single	\$ 66.65
2 Person	\$ 133.31
Family	\$ 187.30

## Dental plan – Northeast Delta Dental.

Is paid 100% by the Town.

## Vision plan – Vison Service Plan.

Is paid 100% by the Employee.

### Monthly deduction – 2<sup>nd</sup> pay period of the month

Single	\$ 8.60
2 Person	\$ 12.48
Family	\$ 22.37