

Town of St. Albans

PERSONNEL POLICIES



Adopted August 21st, 2023

INDEX

	<u>Page</u>
Section 1 Title; Authority	4
Section 2 Persons Covered	4
Section 3 At-Will Employment	4
Section 4 Equal Employment Opportunity	4
Section 5 Trail Period Upon Promotion	5
Section 6 Conduct of Employees	5
Section 7 Hours of Service	5
Section 8 Nepotism	5
Section 9 Alcohol and Drug Use	5
Section 10 Tobacco Use	6
Section 11 Safety	7
Section 12 Reporting an Injury/Workers' Compensation	7
Section 13 Workplace Threats and Violence	7
Section 14 Performance Evaluations	8
Section 15 Personnel Records	8
Section 16 Use of Town Equipment	8
Section 17 Gratuities and Gifts	8
Section 18 Use of Town Computer System	8
Section 19 Eligibility for Benefits	9
Section 20 Holiday Leave	10
Section 21 Vacation Leave	10
Section 22 Sick Leave	11

Section 23	Bereavement Leave	12
Section 24	Parental and Family Leave	12
Section 25	Short Term Family Leave	14
Section 26	Leave of Absence without Pay	15
Section 27	Military Leave	15
Section 28	Jury and Witness Leave	15
Section 29	Crime Victim Leave	15
Section 30	Employment Classifications, Overtime, Compensatory Time Off and On Call Time	16
Section 31	Pay and Workweek	16
Section 32	Mileage Reimbursement	17
Section 33	Non-Discrimination and Harassment Policy	17
Section 34	Employee Discipline	19
Section 35	Suspension and Termination Appeal Procedure	20
Section 36	Grievances	20
	Selectboard Adoption of Policy	21
	Addendum A Personnel Acknowledgement	22

Personnel Policies Town of St. Albans, Vermont

Section 1: Title and Authority

These policies shall be known as the Town of St. Albans personnel policies. They have been adopted by the Town of St. Albans Selectboard pursuant to 24 V.S.A. §§ 1121 and 1122.

This policy will be administered by the Town Manager/Selectboard. The Selectboard may amend any of the provisions of these policies for any reason and at any time, with or without notice.

Section 2: Persons Covered

This policy applies to full-time and regular part-time employees of the Town of St. Albans, as well as part-time elected officers and their statutory assistants, members of Town boards and commissions, volunteers, and seasonal employees. For purposes of this policy:

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

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

A part time employee working 18 to 24 hours a week on a regular and continuing basis is entitled to paid sick time under Vermont State law.

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

Section 3: At-Will Employment

These policies does not constitute a contract of employment. Employment with the Town of St. Albans is **at will** and not for any definite period or succession of periods of time. The Town or the employee may terminate employment at any time, with or without cause and with or without notice.

Section 4: Equal Employment Opportunity

The policy of the Town of St. Albans is to provide equal opportunity to all employees and applicants without regard to race, color, religion, sex, sexual orientation, age, gender identity, ancestry, national origin, citizenship, place of birth, pregnancy or pregnancy-related condition, disability, military or veteran status, HIV status, genetic information, health coverage status, crime victim status, or any other category under local, state or federal law.

The Town complies with the requirements of applicable Federal and State laws in providing equal employment opportunities including, but not limited to, recruitment, selection, training, promotion, compensation, benefits, termination, and other terms and conditions of employment.

As required by State and Federal laws, the Town will provide a reasonable accommodation for a qualified individual with a disability, and for an employee with a pregnancy-related condition, unless such accommodation creates an undue hardship for the Town.

Employees' questions or concerns should be referred to the Town Manager or Chief Finance Officer.

Section 5: Trial Period upon Promotion

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

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

Section 6: Conduct of Employees

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

Prohibited Conduct:

No employee may use their position 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 any political candidate. Employees are prohibited from using town facilities, equipment or resources for political purposes.

Section 7: Hours of Service

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

Regular work hours for the road crew may change at the discretion of the Director of Public Works to accommodate projects and weather events. They generally will work between 6am and 2pm, Monday through Friday.

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

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

Section 8: 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 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, spouse, domestic partner, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent in law, and sibling in law.

Section 9: 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. Marijuana is prohibited as an "illegal drug" under this policy regardless of its status under State law.

It is the policy of the Town to prohibit the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances and illegal drugs by Town employees at the

workplace and/or during working hours. Prohibited behavior includes manufacturing, distributing, selling, dispensing, possessing, using, or being under the influence of alcohol or illegal drugs during work hours, on work premises, while engaged in work activities away from work premises, or during work-related events.

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.

The following actions are prohibited in the workplace or on Town property:

- Possessing 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/her/their job).
- Distributing, 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 substance.
- Possessing or using alcohol in the workplace, using or being under the influence of alcohol during working hours.

The Town may 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/her/their job, the employee's supervisor and/or the [Town Manager will determine whether or not the employee should continue to perform his/her/their functions until concerns regarding safety can be addressed. Medical certification may be required.

An employee who appears, in the reasonable judgment of the Town, to be under the influence of any controlled substance, in the discretion of his/her/their supervisor or the Town Manager, during work hours will be asked to leave the premises immediately and will be paid only for the time actually worked. If an employee is sent home, he/she/they will not be permitted to operate a motor vehicle, and other arrangements will be made.

Employees may be disciplined, up to and including termination, for violations of this policy. Employees are not entitled to a drug or alcohol test to prove or disprove a violation. Discipline may result if the Town has a reasonable basis to believe a violation has occurred.

The Town of St. Albans has an approved Drug and Alcohol Testing Policy for Commercial Motor Vehicle operators. Please review this document for details.

Section 10: Tobacco Use

The policy of the Town of St. Albans with regard to smoking in the work place shall be consistent with VSA Title 18, Chapter 37, and Sections 1741 - 1742. The purpose of this policy is to comply with the Smoking in Public Places Law and to provide for a safe and healthy environment for employees, visitors and customers. Section 1742 of the law reads in part, "The possession of lighted tobacco products in any form is prohibited in publicly owned buildings and offices." Thus,

no smoking or vaping is allowed in any Town owned building, or other enclosed space including municipal vehicles.

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

Section 11: Safety

The Town is committed to high safety standards to help avoid any workplace injuries, and is committed to complying with all applicable federal and state OSHA requirements and policies. To accomplish these goals, all employees are expected to adhere to all safety standards associated with their job.

Employees are asked to observe safety procedures, protocols and directives from managers at all times. Managers may provide new or different safety procedures from time to time and employees are expected to adjust to the new standards in a timely fashion. If you become aware of unsafe conditions, please let a supervisor or the Town Manager know.

Employees who raise safety issues, lodge a good faith internal complaint regarding the Town's safety practices, or file such a complaint with OSHA or the VOSHA will be not be subject to any retaliation for such reporting. All forms of unlawful retaliation are prohibited, including any form of discipline, reprisal, intimidation, or other form of retaliation. If an employee believes that he/she/they has been subjected to retaliation, the employee should promptly contact the Town Manager.

Section 12: Reporting an Injury/Workers' Compensation

The Town provides workers' compensation coverage to employees in accordance with Vermont law. If you get injured while on Town property, or feel that you are developing an injury, please see your supervisor or the Town Manager immediately to complete a First Report of Injury Form. Our goal is to keep you healthy.

In case of an emergency, the employee should go to the nearest hospital emergency room for treatment and then notify the Town.

Section 13: Workplace Threats and Violence

Any type of workplace threats or violence – including but not limited to threatening behavior or language, physical contact, electronic communications, acts of intimidation, possession of firearms, explosives, or any other dangerous weapons – on or outside the Town's property, by or against employees, is strictly prohibited.

As a Town employee, you are responsible for notifying your supervisor or the Town Manager immediately if you witness or learn about any such threatening behavior or violent acts on Town property. You must report such behavior regardless of the identity of the person engaging in the behavior and regardless of the identity of the person who is the victim of the behavior.

All complaints of workplace threats or violence will be promptly investigated. During the investigation, the Town will take appropriate action, as may be necessary under the circumstances, to ensure the safety of employees. What action is appropriate will depend on the circumstances and may include but is not limited to removing the accused individual from the premises as quickly as safety permits, having the individual remain off Town property until the investigation is completed, or having the individual reassigned until the investigation is completed. The investigation will include interviews with all individuals involved in the incident. Should the investigation substantiate that violations of this policy have occurred, the Town will take appropriate action, including but not limited to reassignment of duties, suspension or termination of employment, termination of any business relationship, and/or referral to law enforcement.

During any investigation, or if no violation of Town policy is found, the Town will keep the matter as confidential as practicable under the circumstances.

Remember, workplace violence is strictly prohibited. Your cooperation in reporting threats and violence is essential to maintaining a safe workplace.

Section 14: Performance Evaluations

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

Section 15: Personnel Records

Personnel records will be maintained for each employee of the Town. Any employee, or the employee's representative designated in writing, may inspect or copy his/her/their personnel file at a mutually agreeable time during regular office hours. The Town may have its representative present at the time its files are examined or copied. Any infractions or formal reprimands will remain in an employee's file indefinitely.

Section 16: Use of Town Equipment

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

Section 17: 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 conflict or impropriety in connection with any actions or inactions associated with their official duties on behalf of the Town.

Section 18: Use of Town Computer System

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

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

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

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

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

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

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

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

Section 19: Eligibility for Benefits

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

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

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

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

Domestic Partnership

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

- Each party is the domestic partner of the other;
- each party is at least eighteen (18) years of age or older and competent to enter into a contract in the state in which he/she/they resides;
- both parties currently share a common legal residence and have shared said residence for at least six (6) months prior to application for domestic partner coverage;
- neither party is married or a party to a Civil Union in the state in which they legally reside;
- both parties are in a relationship of mutual support, caring, and commitment and intend to remain in such a relationship in the indefinite future;
- the parties are jointly responsible for basic living expenses (basic living expenses are defined as the cost of basic food, shelter, and any other expenses of the common

household; the partners need not contribute equally or jointly to the payment of these expenses as long as they agree that both are responsible for them); and

- neither party filed a Termination of Domestic Partnership within the preceding nine months.

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

Section 20: Holiday Leave

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

- New Year's Day (January 1)
- Martin Luther King Jr.'s Birthday (3rd Monday in January)
- Presidents Day (3rd Monday in February)
- Memorial Day (last Monday in May)
- Juneteenth (June 19th)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Veterans' Day (November 11)
- Thanksgiving Day (4th Thursday in November)
- Day after Thanksgiving (4th Friday in November)
- Christmas Day (December 25)
- ½ day off on Christmas Eve and ½ day off on New Year's Eve
- 1 Personal Day (selected by employee) – accrued at hire and must be used by end of calendar year.

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

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

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

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

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

Section 21: Vacation Leave

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

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

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

Employees are encouraged to take their accrued vacation per calendar year, and required to take at least 2 weeks of vacation each fiscal year. If an employee does not use all of their vacation leave in a year, the employee may carry unused vacation leave forward to the next year up to a maximum of twenty (20) days, which is equal to one hundred sixty (160) hours. An employee may only accumulate a maximum of thirty (30) working days of vacation time, which is equal to two hundred

forty (240) hours. Employees that have unused vacation leave exceeding this maximum amount may be compensated for this excess unused leave at a rate equal to the employee's regular rate of pay which shall require Manager approval. The Manager and any elected officials must seek Selectboard approval prior to any payments.

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

Section 22: Sick Leave

Regular full-time employees will receive one (1) day of sick leave for every month of completed service. Sick leave will accrue at the appropriate rates when an employee is absent on vacation leave, sick leave, or when receiving workers compensation. Any employee who is absent from work due to illness for more than three (3) consecutive work days may be required to provide a doctor's certification in order to receive sick leave pay.

Regular part-time employees who work an average of at least 18 hours per week during the year, who are 18 or older, and who work more than 20 weeks during the year will receive one (1) hour of sick leave for every 52 hours worked up to 24 hours/year per Vermont State Law.

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

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

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

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

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

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

Section 23: Bereavement Leave

In the event of death in the immediate family (spouse, parent, stepparent, parent-in-law, grandparent, child, stepchild, grandchild or sibling) of a regular full-time employee, up to three (3) days bereavement will be granted with pay to the employee. This leave will not be charged against

the employee's accumulated sick leave or vacation time. Pay for bereavement leave will be at the employee's regular rate of pay.

Section 24: Parental and Family Leave

Introduction

The Town provides family and medical leave for eligible employees as required under the Federal Family and Medical Leave Act and the Vermont Parental and Family Leave Act (collectively referred to as FMLA below). Employees are only covered by the federal FMLA if they work at a location with 50 or more Town employees within 75 miles. The information below provides notice of FMLA rights, but leave will typically fall under Vermont law.

Eligibility

An employee may be eligible for family and medical leave if:

- The employee has been employed with the Town for at least twelve (12) months (these do not have to be consecutive months); and
- The employee has worked at least 1250 hours, or an average of at least 30 hours per week, for the Town (not including any unpaid leave or other unpaid time off) during the 12-months immediately preceding the leave.

Employees who do not meet these two criteria are not entitled to family and medical leave.

Reasons for Leave

Family and medical leave may be taken for any of the following purposes:

- For the birth of a child (including prenatal care for the mother) and to care for the newborn child;
- For the placement of a child 16 years of age or younger with the employee for adoption or foster care (including court or counseling proceedings necessary for the adoption);
- To care for an immediate family member (child, stepchild or ward who lives with the employee, foster child, parent, spouse, or parent of the employee's spouse) with a serious health condition; or
- Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.

The federal FMLA also permits employee leave for the following reasons:

- Because an eligible employee has a spouse, son, daughter or next-of-kin who is injured or recovering from an injury while on active duty; or
- To allow an eligible employee who has a spouse, son, daughter or parent in the National Guard or Reserves or the Regular Armed Forces to take FMLA leave due to a qualifying *exigency* resulting from the covered family member's active military duty (or call to active duty status) in support of a contingency operation who is deployed to a foreign country.

For more information about the availability of military-related leave, please consult the Town Manager.

Amount of Leave

An eligible employee is entitled to take:

- Up to twelve (12) weeks of unpaid leave before or following the birth or adoption of a child; or

- Up to twelve (12) weeks of unpaid leave during any twelve (12) month period for the serious health condition of the employee or an immediate family member.

The twelve (12) month period begins with the first day of the employee's first family and medical leave.

Leave for the birth or care of a newborn or placement for adoption or foster care of a child must conclude within twelve (12) months of the birth or placement.

Intermittent Leave or a Reduced Work Schedule

If eligible to do so, an employee may take FMLA leave in consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work week or work day, resulting in a reduced work schedule. In all cases, the leave may not exceed a total of 12 work weeks.

If medically necessary, the Town may provide employees with a reduced schedule or intermittent leave. In the case of a reduced schedule, the Town and the employee should discuss the type of schedule that would meet both the employee's and the Town's needs. The Town will make the final determination regarding any reduced schedule.

If an employee requests an intermittent leave, the employee may be required to transfer to an alternative position (with equivalent pay and benefits) in order to better accommodate repeated periods of absence.

Notice

An employee who requests to use family and medical leave must apply in writing to the Town Manager with at least thirty (30) days advance notice of the need to take leave, if the need for leave is foreseeable. If an employee fails to give appropriate notice of a foreseeable leave, the leave may be delayed until the appropriate notice time is met.

If the need for leave is not foreseeable that far in advance the employee must give reasonable written notice as soon as possible – usually within one (1) or two (2) days of learning of the need for leave.

If the leave is for a planned medical treatment or for intermittent leave, the employee must make a reasonable effort to schedule the leave so that it does not unduly disrupt the operations of the employee's department.

Notice must be in writing and should include the reason for the leave, the date it is expected to begin, and its estimated duration. Once the Town Manager receives and reviews the request, the employee will be given a written response within five (5) business days outlining the details of the leave, when/how to return to work, and notification of specific expectations and obligations related to use of FMLA, such as whether medical certification is required and the arrangements for employee payments of healthcare premiums during the leave, if applicable.

Use of Paid and Unpaid Leave

An employee may apply any accrued paid time off during FMLA leave; accrued paid time off may not be used to extend the leave beyond twelve (12) weeks in any 12-month period. If an employee is eligible for short-term disability, he/she/they may not use short-term disability pay or worker's compensation pay to extend the leave beyond twelve (12) weeks in any 12-month period, except to the extent required by law. Vermont PFLA and federal FMLA (if applicable) leave run concurrently.

While the employee is out on leave, all employee benefits shall continue under the same condition as when the employee was working, up until the end of the twelve (12) week FMLA leave period, unless the employee would have been laid off or terminated had he/she/they

continued to work or unless other conditions allowed by law apply. Coverage may cease if an employee fails to pay his/her/their portion of the cost of any of those benefits.

If an employee does not return to work at the Town at the end of their leave, except because of an employee's own serious illness, he/she/they may be required to repay the value of any compensation or benefits paid during the leave except for the period when an employee has used accrued paid time off.

Certification

For any leave for a serious health condition that is expected to last three (3) days or more, The Town may require an employee to provide medical certification issued by a health care provider. Once the Town requests medical certification, it must be provided no more than fifteen (15) calendar days after the request or the beginning of the leave, whichever is later. The medical certification should include the date the condition began, its probable duration, an explanation of the condition, and documentation of the need for leave from work.

The Town may require an employee to provide an updated medical certification, particularly if a question arises about the need for continued leave. The Town may also require a "fitness for duty" certification from any employee, which certification must be provided prior to that employee's return to work.

Return to Work

Except in certain limited circumstances, employees returning from family and medical leave will return to the same job or one that is equivalent in pay, benefits, and other terms and conditions. If an employee is not eligible for reinstatement, notice will be provided upon request of the leave.

If an employee had already received or given notice that his/her/their employment would end or if during the leave the employee would have been laid off or terminated had he/she/they continued to work, he/she/they will not be reinstated.

The Town will reasonably accommodate any employee with a disability, released to return to work, in accordance with applicable laws.

If an employee fails to provide appropriate notice or medical certification as required above or does not return to work at the end of family/medical leave, the leave may be denied or employment terminated.

No Retaliation

The Town will not interfere with, restrain, or deny the exercise of any rights under FMLA. Employees who request family/medical leave or complain about FMLA or VPFLA violations may not be discharged or be subjected to retaliation or discrimination because of that action.

Section 25: Short Term Family Leave

In accordance with the Vermont Short Term Family Leave Law, eligible employees (those who have been employed by the Town for one year for an average of at least 30 hours per week) 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, step-child, 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 may require that leave be taken in a minimum of two-hour segments. At the option of the employee, accrued paid 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 26: Leave of Absence without Pay

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

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

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

Section 28: Jury and Witness Leave

The Town will compensate employees for their service as jurors or witnesses by paying them the difference between their regular rate of pay and their compensation for jury or witness duty. A copy of the jury pay check must be submitted to the Town. The Town will pay the difference only when the employees' regular rate of pay exceeds their compensation as a juror or witness. In accordance with 24 V.S.A. § 499, employees will otherwise be considered in the service of the Town for purposes of determining seniority, benefits, credit towards vacations, sick leave, and other rights, privileges, and benefits of employment.

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

Section 29: Crime Victim Leave

Employees are entitled to crime victim leave in accordance with this policy. An employee is eligible for crime victim leave if the employee has been employed by the Town for at least six months, for an average of at least 20 hours per week.

An eligible employee may take unpaid leave for the purpose of attending a deposition or court proceeding related to:

- A criminal proceeding, when the employee is an alleged victim and the employee has a right or obligation to appear at the proceeding;
- A relief from abuse hearing when the employee is seeking the order;
- A hearing concerning an order against stalking or sexual assault when the employee is seeking the order; or
- A relief from abuse, neglect, or exploitation hearing when the employee is seeking the order.

During the leave, the employee may use any accrued vacation or sick leave. Use of accrued paid leave does not extend the leave provided. The Town will continue any applicable benefits for the duration of the leave at the level and under the conditions coverage would have been provided if the employee continued in employment continuously. The Town may require that the employee contribute to the costs of benefits during the leave at the existing rate of employee contribution.

Section 30: Employment Classifications, Overtime, Compensatory Time Off and On Call Time

Pursuant to the federal Fair Labor Standards Act ("FLSA"), each job position is classified as exempt or non-exempt based on the job description.

Exempt employees are expected to work the hours necessary to fulfill their weekly job responsibilities. This may require working more than forty (40) hours in a workweek. Exempt employees are not entitled to overtime pay. They receive their weekly salary for any week in which they perform work, except the first and last week of work, which may be pro-rated based on days worked, and in other circumstances as provided by the FLSA.

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

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

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

Compensatory time taken will not count as hours worked when calculating overtime.

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

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

Section 31: Pay and Workweek

Employees are paid weekly. The workweek runs from Saturday 12:01 a.m. to Friday 12:00 midnight. Pay days are on Friday, with payment made for the workweek ending the previous Sunday, except for Monday holiday weeks or if a holiday falls on a Friday, in which case pay days are on Thursday.

Deductions are made from all employees' paychecks as required by law, including, but not limited to, Social Security and Medicare, Federal and State Income Tax and any other court-ordered withholding. In addition, voluntary deductions will be made if requested and documented by the employee in writing. The Town complies with the requirements of the Fair Labor Standards Act and will not make improper deductions from salaries.

If any employee has a question about his/her/their paycheck, the employee should report the concern to their supervisor or the Town Manager immediately so that compliance with the law can be assured. The Town will investigate the problem within two (2) weeks and will promptly make any appropriate corrections.

Section 32: Mileage reimbursement

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

Section 33: Non-Discrimination and Harassment Policy

The law prohibits employment discrimination based on race, color, religion, sex, sexual orientation, age, gender identity, ancestry, national origin, citizenship, place of birth, pregnancy or pregnancy-related condition, disability, military or veteran status, HIV status, genetic information, health coverage status, crime victim status, or any other characteristic protected by law with respect to all employment practices.

It is unlawful to retaliate against employees or applicants who have alleged employment discrimination. Retaliation against employees bringing complaints or questions will not be tolerated and will result in disciplinary action.

Harassment because of a person's sex, gender, race, sexual orientation, or the other characteristics described above, is a form of discrimination and can include name-calling, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual or discriminatory 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, racially offensive, or otherwise discriminatory 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 or otherwise discriminatory 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 language that is derogatory 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 unlawful 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 or other protected characteristic;
- harassing acts or behavior directed against a person on the basis of sex or other protected characteristic;
- off-duty conduct which falls within the above definition and affects the work environment.

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

Any individual who believes that she/he/they has been the target of sexual or other prohibited harassment, or who believes she/he/they 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. If the employee does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to:

Town Manager Sean Adkins
P.O. Box 37, St. Albans Bay, VT. 05481
802-524-7589 / s.adkins@stalbanstown.com

Once the Town receives a complaint of sexual or other unlawful harassment, or otherwise has reason to believe that unlawful harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The Town may be required by law to take action if it learns of potential harassment, even if the aggrieved employee does not wish to formally file a complaint. Every supervisor is required to promptly respond to any complaint or suspected acts of unlawful harassment and promptly report them to the Town Manager.

The Town will try to keep any investigation of a complaint as confidential as possible, except as may be reasonably necessary to successfully complete the investigation. It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliation action which affects the working environment of any person involved in this investigation. It is unlawful to retaliate against an employee for filing a complaint of harassment or for cooperating in an investigation conducted pursuant to this policy.

If sexual or other prohibited harassment is supported by the investigation, the Town will take appropriate disciplinary action. Both the complaining person and the accused will be informed of the results of the investigation, and the Town will take steps to make the offending behavior stop and to prevent retaliation. Any employee, supervisor, or agent who the Town determines has illegally harassed another employee will be subject to sanctions appropriate to the circumstances, ranging from a verbal warning, up to and including dismissal. If the allegation is not supported by the investigation, both parties will be informed of that fact.

Complaints of unlawful 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), (802) 828-3665 (TDD)

Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203 Tel: (800) 669-4000 (voice), (800) 669-6820 (TTY).

These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is probable cause or reasonable grounds to believe sexual or other prohibited harassment occurred, they may take a case to court. Although employees are encouraged to file their complaint of harassment through the Town's complaint procedure, they are not required to do so before filing a charge with these agencies.

Section 34: Employee Discipline

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

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

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

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

- For the first violation or any violation following at least six (6) months of no disciplinary actions, if the violation is not serious enough for dismissal in the opinion of the Town Manager, the Town Manager may issue a verbal warning to the offending employee. Written record of a verbal warning shall be entered in the employee's personnel folder.
- A violation of any rule, inaction or prohibited action within six (6) months of a verbal or where more severe initial action is warranted, may result in a written warning to the offending employee. The employee shall be provided with a copy of the written warning.

Employees who engage in conduct that does not meet the Town's high expectations for professionalism, productivity, efficiency and performance may receive discipline, up to and including termination. The list below provides some examples of behavior that could warrant a range of disciplinary sanctions, but there are many situations not listed here that may result in discipline. Appropriate levels of discipline shall be determined by the Town in its sole discretion. This list is not exhaustive.

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

Section 35: Suspension and Termination Appeal Procedure

The Town retains the right to unilaterally eliminate a position and thus terminate employment or reduce the work hours for some or all employees due to economic conditions, shortage of work, organizational efficiency, changes in departmental functions, reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons. In such case, this termination process does not apply.

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

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

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

If a request for a post-termination hearing is made, the Selectboard will provide the employee with a notice informing the employee of the date, time, and place of the post-termination hearing before the Selectboard. The notice will inform the employee of his/her/their 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/her/their 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/their 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 36: Grievances Policy

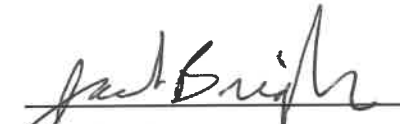
- It is the intent of the Town of St. Albans to address grievances informally and supervisors as well as employees are encouraged to make every effort to resolve problems as they arise. However, it is recognized that there may be grievances which will be resolved only after a formal appeal and review.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

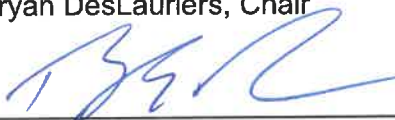
Procedure

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

Adopted by the Town of St. Albans Selectboard at their regular meeting on August 21st, 2023.


Bryan DesLauriers, Chair


Jack Brigham, Vice Chair


Brendan Deso

Jonathan Giroux


Jeff Sanders

Addendum A: Personnel Acknowledgement

I, _____, acknowledge that:

- A. I received a copy of the Town of St. Albans' personnel policy on _____;
- B. I have been given an opportunity to ask questions about said policy and I have been provided with satisfactory information in response to my questions;
- C. I understand that the language used in this personnel policy is not intended to create, nor should it be construed to create, a contract of employment between myself and the Town, and my employment is at-will; and
- 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.

Employee's Signature

Date