

## TOWN OF RUTLAND, VERMONT PERSONNEL POLICY

### **1. Title and Authority**

This policy shall be known as the Town of Rutland Personnel Policy. It has been adopted by the Town of Rutland 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 Rutland is at will and not for any definite period or succession of periods of time. The Town or the employee may terminate employment at any time, with or without notice. The Selectboard reserves the right to amend any of the provisions of this personnel policy for any reason and at any time, with or without notice.

This Personnel Policy will be administered by the Selectboard or its authorized representative.

All Town employees covered by this policy shall sign acknowledging they have received a written copy of this policy. A copy of the signed acknowledgement shall be placed in the employee's file.

### **2. Persons Covered**

Nothing in this manual is intended to in any way limit the defenses available to persons charged with violation of these policies.

This Personnel Policy applies to full-time and part-time employees of the Town of Rutland, including 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, except for disciplinary action regarding elected officials.

For purposes of this policy, a full-time employee is an employee who works at least 30 hours per week on a regular and continuing basis. A part-time employee is an employee who works fewer than 30 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.

### **3. Equal Employment Opportunity**

The policy of the Town of Rutland is to provide equal opportunity to all employees and applicants without regard to race, color, religion, sex, sexual orientation, age, national origin, marital status, disability, veteran's status, or any other category under local, state, or federal law.

### **4. Probationary Period**

All new employees will be required to complete a minimum 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. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination. This section is not intended to imply non-probationary employees have any greater standing than employees at will.

## **5. Conduct of Employees**

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

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

## **6. Hours of Service**

Full Time employees shall work 40 hours per week.

Regular work hours for the road crew shall be as determined by the Road Commissioner and the Selectboard.

When circumstances and conditions warrant, department heads may adjust work hours and days. Exempt, non-exempt, and elected officials are required to work the necessary hours to complete their duties.

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

All employees are expected to be in attendance during regular work hours. Employees who will be absent from work are expected to notify their supervisor. Employees who are calling in sick are expected to notify their supervisor as soon as possible.

## **7. Gratuities and Gifts**

Employees shall not directly or indirectly ask, demand, exact, solicit, accept, or receive a gift, gratuity, act or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of the Town, or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of the town.

## **8. Conflict of Interest**

All persons employed by the Town shall abide by the Town of Rutland Conflict of Interest Policy.

## **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 official, or demand or solicit from any individual direct or indirect participation in any political party, political organization, or support of any political candidate. Employees are prohibited from using Town facilities, equipment or resources for political purposes and from pursuing political activities while working.

This personnel policy is not to be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending political party or organization meeting or events, or from expressing their view on political matters, so long as these views are clearly articulated as being those of the individual and not of the Town, and

these activities do not interfere with the individual's ability to effectively perform his or her duties and take place or are expressed during non-working hours. Nor is this personnel policy to be construed from prohibiting, restraining or in any manner limiting an individual's right to vote with complete freedom in any election.

#### **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.

#### **11. Alcohol and Drug Use**

In the event of accident and/or injury, all persons receiving income from the Town of Rutland shall submit to drug testing, if requested.

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

#### **12. Tobacco Use**

In recognition of the hazards that tobacco and vape use 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 and vape use, in any form in all publicly owned buildings, offices and enclosed areas, and in all Town vehicles and on publicly owned property.

#### **13. Performance Evaluations**

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

All town employees shall have an evaluation performed by their respective department head annually prior to the beginning of the fiscal year. Department Heads shall be evaluated by the Selectboard Committee Chair responsible for each department. The Town Administrative Assistant shall be evaluated by the Selectboard Chairperson. Additional evaluations may be completed as needed. Evaluations shall be completed using the Town of Rutland Employee Evaluation Form. Employees shall have the right to appeal any evaluation to the full Selectboard.

#### **14. Personnel Records**

Personnel records will be maintained for each employee of the Town and shall be stored in a secure file in the town vault. 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.

#### **15. Use of Town Equipment**

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

#### **16. 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. It is the responsibility of all employees to make appropriate decisions when accessing any program or website in order to protect the information and security of the Town Computer System.

Employees should have no expectation of privacy regarding anything created, sent, or received on the Town computer system. The Town may monitor 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 Board or their designee. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town computer system.

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

Employees with passwords to access the Town's system are required to provide the password to be kept on file at the discretion of the Selectboard, except for passwords used to access town financial information by the Treasurer and Assistant Treasurer.

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

Communications that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing, or threatening:

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

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, cellular phones, tablets, and the internal and external e-mail systems accessed via the Town's computer equipment.

### **17. Password Management**

Employees will create strong passwords for all accounts accessed using the Town computer system. Passwords should contain no fewer than 8 characters and shall contain a combination of upper- and lower-case letters, numbers, and symbols. Passwords should not be reused across multiple accounts. If available, a multi-factor authentication security option shall be used to increase security to any account or website login.

### **18. Security Training**

Employees are encouraged participate in all appropriate internet security training made available to them by the town. Security training and deadlines for completion shall be established by the Selectboard or their designee.

### **19. Eligibility for Benefits**

The Town offers Health and Dental Insurance programs, and a Municipal Retirement Plan for the benefit of its eligible full and part time employees.

Part-time employees who are regularly scheduled to work at least 30 hours a week are eligible to receive the above benefits on a prorated basis, subject to the eligibility requirements of the insurance carrier. The proration reflects the number of work hours as a percentage of 40 hours per week.

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

### **20. Holiday / Birthday Leave**

Full time employees will receive the following paid holiday leave:

- New Year's Day (January 1)
- Martin Luther King Jr.'s Birthday (3rd Monday in January)
- Presidents Day (3rd Monday in February)
- Town Meeting Day (1st Tuesday in March)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Indigenous People's Day (2nd Monday in October)
- Veterans' Day (November 11)
- Thanksgiving Day (4th Thursday in November)

- Day after Thanksgiving (In Lieu of Bennington Battle Day)
- Day before or after Christmas Day
- Christmas Day (December 25)
- Employees Birthday OR Juneteenth

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

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

A non-exempt employee who is required to work on a holiday will be compensated at the rate of one and one-half times the employee's regular rate of pay.

If a non-exempt employee is not required to work on a holiday, hours paid for the holiday will not be counted as hours worked when determining overtime compensation.

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

## **21. Vacation Leave**

Vacation time for elected employees shall be calculated from March through February. For all other employees, it shall be calculated from July 1<sup>st</sup> through June 30<sup>th</sup>. Vacation time must be earned time. Employees who do not complete a full year upon resignation or termination shall receive vacation compensation prorated on months of service. If vacation time has previously been taken in a year of resignation or termination, and the full year has not been earned as previously stated, the employee shall reimburse the Town for the pro-rated monthly time not worked.

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

Date of Hire through 1 <sup>st</sup> year	1 week
2 through 5 years	2 weeks
5 through 10 years	3 weeks
10 through 15 years	4 weeks
15+ years	5 weeks

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

Employees are strongly encouraged to take an annual vacation. If an employee does not use all the employee's vacation leave in a year, the employee will lose unpaid vacation leave.

## **22. Sick Leave**

Full time employees will receive ten (10) paid sick leave days per year. Part time employees will earn sick leave according to state statute. An employee may use sick leave for an illness or injury that prevents the employee from performing the employee's job duties. An employee may also use sick leave to attend the following appointments that cannot be held outside normal working hours:

- A medical appointment
- An appointment eligible for short-term family leave under the provisions of the Vermont Parental and Family Leave Act (21 V.S.A. § 472a).
- A funeral not eligible under Section 10.

- A meeting with the employee's personal attorney.
- An appointment for the closing, purchase, sale, or refinancing of a primary residence.
- Any other appointments authorized in advance by the employee's supervisor.
- The 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.

Full-time employees will receive sick leave pay at the employee's regular rate of pay. If an employee does not use all of the employee's sick leave in a year, the employee may carry a maximum of twenty (20) sick leave days forward to the next year, with a maximum of thirty (30) sick leave days.

Upon separation from employment, an employee will be compensated for unused sick leave at 50% of the then current rate.

Employees may transfer accumulated sick days to other employees within a department due to extraordinary or extenuating circumstances.

### **23. Bereavement Leave**

Employees will receive up to three (3) paid bereavement leave days per death. Employees may use bereavement leave for the death of an immediate family member. Pay for bereavement leave will be at the employee's regular rate of pay. Upon separation from employment, an employee will not be compensated for unused bereavement leave.

### **24. Parental and Family Leave**

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

The Town reserves the right to designate any qualifying leave of absence granted under this policy as leave under the PFLA. For the purposes of determining the twelve-month period in which an employee may be entitled to PFLA and/or FMLA leave, the Town will use a rolling twelve-month period measured backward from the date an employee uses such leave.

### **25. Short Term Family Leave**

In accordance with the Vermont Short Term Family Leave Law, eligible employees may be entitled to take unpaid leave not to exceed four hours in any thirty-day period and not to exceed twenty-four hours in any twelve-month period for the following purposes:

- To participate in preschool or school activities directly related to the academic

- educational advancement of the employee's child, stepchild, foster child, or ward.
- To attend or accompany the employee's child or other family member to routine medical or dental appointments.
- To accompany the employee's parent, spouse, or parent-in-law to other appointments for professional services related to their care and well-being; or
- To respond to a medical emergency of the employee's family member.

The Town 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.

## **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 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.

In accordance with the Crime Victim Leave, Act 184 unpaid leave will be provided to employees who are considered crime victims, and who have been continuously employed for a period of six months for an average of at least 20 hours per week. In accordance with this law, eligible employees who are "crime victims" may be entitled to take unpaid leave for the 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.

Accrued sick leave, vacation leave, or any other accrued paid leave may be used at the employee's option.

## **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.

## **28. Jury Leave**

The Town will compensate full-time employees for their service as jurors or witnesses. In accordance with 24 V.S.A. § 499, employees will otherwise be considered in the service of the



Town for purposes of determining seniority, benefits, credit towards vacations, sick leave, and other rights, privileges, and benefits of employment.

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

### **29. Overtime**

In accordance with the Fair Labor Standards Act, the Town compensates all nonexempt employees at the rate of one and one-half hours for each hour actually worked in excess of forty hours in any workweek.

### **30. Employment Discrimination**

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

Employees are encouraged to bring any complaints alleging unlawful discrimination to the attention of the employee's Supervisor or their designee who will arrange a meeting to discuss the matter. The meeting will take place as soon as reasonably possible, but in no case later than seven calendar days from receipt of notification. If the Select Board Chair or their designee is unable to resolve the matter during this meeting, the aggrieved party may submit to the Select Board Chair or their designee a written, signed complaint within seven additional calendar days. The Select Board Chair or their designee will then have an additional fifteen calendar days in which to conduct an investigation and to issue a report with recommendations to the Select Board. The Select Board shall, within ten calendar days, notify the aggrieved party of its decision.

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 acknowledgment 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 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.

Any employee who wishes to report sexual harassment should contact:

Selectboard Chair  
 Rutland Town Office  
 181 Business Route 4, Center Rutland VT 05736

Or

Rutland Town Police Chief  
 181 Business Route 4  
 Center Rutland, VT 05736

Once the Town receives a complaint of sexual harassment, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. If sexual harassment is found to have occurred, the Town will take appropriate action, ranging from a verbal warning up to and including dismissal.

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

Vermont Attorney General's Office, Civil Rights Unit  
109 State Street  
Montpelier, VT 05609-1011  
Email: [ago.civilrights@vermont.gov](mailto:ago.civilrights@vermont.gov)  
Tel: (888) 745-9195 (Toll Free VT) or  
Tel: (802) 828-3657 (voice/TODD)

Equal Employment Opportunity Commission  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
<https://www.eeoc.gov/employees/charge.cfm>  
Tel:1-800-669-4000 (voice) or 1-800-669- 6820 (TDD).

Complaints must be filed within 300 days of the adverse action.

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.

### **31. Employee Discipline**

The Town of Rutland 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.

It is understood that the town's discipline policy does not apply to elected officials; however, referrals may be made to local and/or state enforcement agencies.

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, whether verbal or in writing, into consideration when disciplining or terminating an employee.

Violations of different rules may be treated as repeated violations of the same rules for purposes of progressive discipline.

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

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

Probationary employees are not subject to the Town's progressive discipline process.

No complaint against an employee may be considered, that is not first reduced to writing, with a copy given to the employee. This does not apply to a member of the Select Board who witnesses the infraction. This exception is intended to preserve the Select Board's obligations to manage these personnel policies.

No person covered by this personnel policy shall speak in a derogatory fashion concerning any other person covered by these policies. Any complaint between persons covered by this policy shall first be made to the person to whom the complaint and/or concern is directed. If no satisfactory resolution is obtained, then the complaint shall be made to the appropriate supervisor. Under no circumstances shall the performance of any person covered by these policies, be discussed with anyone other than that person, and/or his supervisor and/or as required by the Select Board.

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

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

- Refusing to do assigned work or failing to carry out the reasonable assignments of a supervisor or Select Board.
- Being inattentive to duty, including sleeping on the job.
- Falsifying a timecard or other record or giving false information to any 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 Town property 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.

### **32. Hostile Work Environment**

Under no circumstances will conduct be tolerated that creates in any way a hostile work environment for a person covered by these policies.

### **33. Employee Termination Process**

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

An employee being considered for termination will be provided with a written notice. The notice will contain a brief statement of the reason(s) 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 reason(s) for termination. If the employee declines to attend the pre-termination meeting, the employee may submit a written response to the pre-termination notice no later than the schedule date of the meeting.

Within seven 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 reason(s) therefore and will also inform the employee of the opportunity to request a post-termination hearing before the Select Board by giving written notice of such request to the supervisor within seven days. 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 Select Board will provide the employee with a notice informing the employee of the date, time, and place of the post termination hearing before the Select Board. The notice will inform the employee of his or her right to be represented by counsel, to present and cross-examine witnesses and to offer supporting documents and evidence. The notice will also inform the employee of his or her right to have the hearing conducted in executive session in accordance with 1 V.S.A Section 313.

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




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


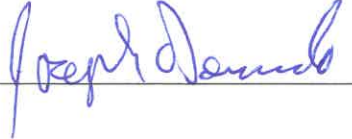
### 34. Severability

If any provision of this personnel policy or the application hereof to any person or 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 16<sup>th</sup> day of August 2022.

SIGNATURES of SELECTBOARD:

### Definitions

**Exempt Employee** – An exempt employee is not eligible to receive overtime pay and is excluded from minimum wage requirements.

**Non-exempt Employee** - A non-exempt employee refers to a worker who is entitled to overtime pay of at least 1.5 times their regular pay rate, in accordance with the U.S. Fair Labor Standards Act. As opposed to exempt employees, non-exempt employees can be paid an hourly wage and must be paid at least the federal minimum wage.

**Immediate Family Member** - Immediate family members are defined as an employee's spouse, child, stepchild, parent, stepparent, sister, brother, grandparent, grandchild, niece, nephew, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law

**Crime Victim** - 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
- 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.

**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 or agreement for employment between myself and the Town;
- D. I understand 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.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

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

This is an agreement between the Town of the Rutland and \_\_\_\_\_  
(hereafter "Town Official) collectively referred to as "parties."

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

- 1) Compensation
- 2) Mileage Reimbursement
- 3) Phone Reimbursement

Town Official agrees to be bound by the provisions of the Town of Rutland Personnel Policy, except the provisions on probationary period, performance evaluations, employee discipline, and employee termination.

Town Official:

- has received a copy of the Town's Personnel Policy and understands that it is [insert name's] responsibility to familiarize themselves with its contents;
- has been given an opportunity to ask questions about said policy and has been provided with satisfactory information in response to those questions;
- acknowledges that as per section 1 of the Town's Personnel Policy, the Selectboard reserves the right to amend any of the provisions of the Personnel Policy for any reason, at any time, with or without notice;
- acknowledges that they understand the Town's Personnel Policy and agrees to comply with all of its provisions, except those listed above.

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

If any term of this agreement, the provisions of the Personnel Policy to which it incorporates by reference, or the application hereof of either to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the agreement's terms, which can be given effect without the invalid term(s) or application(s). For this purpose, this agreement is severable.

In addition to the above, Town Official agrees that all personnel appointed or hired by them shall be subject to the Town's Personnel Policy except the provisions governing performance evaluations, discipline, or termination which do not apply to Town Official.

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

**BY: Independently Elected Official:**

**Selectboard:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_